

# Constitution of West Lindsey District Council

## Appendices





# Appendices

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## **ROLE DESCRIPTION**

### **CHAIRMAN**

#### **Ways of Working**

The role of Chairman will involve the following:

- carrying out all duties in a way which is, and is perceived as being, politically impartial, including abstaining from voting in Council meetings in most circumstances;
- carrying out all duties in a way which does not compromise the integrity or position of the office of Chairman and maintains its historical and ceremonial traditions;
- standing and speaking for the shared interests of the local community;
- engaging with all sections of the local community;
- chairing meetings of the Council in a way which safeguards the ability of elected members to hold office holders to account (ie as the guardian of local democracy);
- ensuring that the principles of equality and fairness are integral to all actions of the chairmanship;
- taking a full part in training and development programmes to ensure that this role is undertaken as effectively as possible;
- making appropriate use of Information and Communications Technology as a means of effective communication;
- being accessible to all sections of the community.

#### **Duties**

These include the following:

- To uphold and promote the purposes of the Constitution, and to interpret the application of the Constitution to Council meetings when necessary;
- To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;

- To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not in positions of responsibility are able to hold office holders to account;
- To promote public involvement in the Council's activities;
- To attend such civic and ceremonial functions as the Council and the Chairman determines is appropriate;
- To act as the representative of the area (ie ambassadorial role) both inside and outside the district and to promote it locally, nationally and internationally;
- To participate in, and help initiate, activities that enhance the economic, social, cultural and environmental well-being of the district and its residents;
- To promote, liaise and link with private and voluntary sector organisations in the district;
- To act as an advocate of a local society;
- To foster democracy in West Lindsey and especially in our schools

### **Values**

- To be committed to and demonstrate the following values in public office:
  - ◆ Openness and transparency
  - ◆ Honesty and integrity
  - ◆ Tolerance and respect
  - ◆ Equality and fairness
  - ◆ Appreciation of cultural difference
  - ◆ Sustainability

### **Personal Qualities**

The following qualities are necessary to undertake this role successfully:

- Ability to chair meetings effectively to ensure that business is conducted appropriately and democratic accountability maintained;
- Ability to act in a way which is, and is perceived as, politically impartial;
- Ability to make formal speeches to a wide range of people in a manner which is appropriate to the circumstances;
- Ability to maintain the dignity of the office whilst remaining in touch with and accessible to the community;
- Ability to engage constructively with those who hold different views;

- Ability to engage and communicate effectively with all sections of the community;
- Ability to convey a positive impression of the Council, the district and the chairmanship in dealing with the media.

## **ROLE DESCRIPTION**

### **VICE-CHAIRMAN**

#### **Ways of Working**

The role of Vice-Chairman will involve the following:

- To support and assist the Chairman in carrying out the responsibilities set out in the Chairman's role description;
- To use the year as Vice-Chairman to become familiar with all aspects of the Chairman's role.

#### **Duties**

- To deputise for the Chairman in his/her absence and undertake the duties set out in the Chairman's role description.

#### **Values**

- To be committed to and demonstrate the following values in public office:
  - ◆ Openness and transparency
  - ◆ Honesty and integrity
  - ◆ Tolerance and respect
  - ◆ Equality and fairness
  - ◆ Appreciation of cultural difference
  - ◆ Sustainability

#### **Personal Qualities**

- To identify any development needs arising from the personal qualities in the Chairman's role description;
- To participate in any development opportunities that address the needs identified.

## **ROLE DESCRIPTION**

### **LEADER OF THE COUNCIL**

#### **Political leadership**

- To undertake all the duties expected of the Leader of the Council;
- To provide political leadership of the Council;
- To set out a vision for West Lindsey and the strategic plans that will enable the Council to play its part to achieving it;
- To provide political leadership in the co-ordination of policies, strategies and high quality service delivery across the Council;
- To chair the Policy and Resources Committee unless they decide otherwise;
- To be the principal political spokesperson for the Council;
- To support and develop other political office holders.

#### **Corporate leadership**

- To give political direction to the Chief Executive, Directors and other officers;
- To provide as part of the Council's service and financial planning process, political leadership to the development and implementation of the Council's Corporate Plan/Community Strategy and Budget;
- To work with officers to formulate policy proposals for consideration by the policy committees;
- To work with and support the Chief Executive, Directors and other officers in the implementation of policy;
- To have an overview of the performance, efficiency, effectiveness, risk and equalities agenda across the Council;
- To liaise with the Chairman of the Challenge and Improvement Committee and receive and respond to scrutiny reports;
- To be the principal spokesperson to the local, regional and national media.



### **Partnership and community leadership**

- To act as a community leader including providing leadership to partners and stakeholders in meeting the needs of West Lindsey residents;
- To be an advocate for the local community and a spokesperson for residents;
- To lead consultations with stakeholders;
- To lead the promotion of Council priorities amongst stakeholders and partners;
- To build cross district links that progress Council objectives and priorities;
- To represent the Council at, and contribute to, regional, national and international bodies/forums, to promote the interests of West Lindsey residents and local governance.

### **Reporting and accountability**

- To report as appropriate to full Council, Policy and Resources Committee, appropriate scrutiny, regulatory bodies and stakeholders;
- To appear before the Challenge and Improvement Committee as required.

### **Governance, ethical standards and relationships**

- To promote and support good governance of the Council;
- To promote and support open and transparent government;
- To support, and adhere to respectful, appropriate and effective relationships with officers;
- To promote and support development opportunities for members of the Council;
- To adhere to the Members' Code of Conduct, Protocol on Operational Conventions, and the highest standard of behaviour in public office;
- To ensure that the Local Code of Governance operates effectively.

### **Values**

- To be committed to and demonstrate the following values in public office:
  - ◆ Openness and transparency
  - ◆ Honesty and integrity
  - ◆ Tolerance and respect

- ◆ Equality and fairness
- ◆ Appreciation of cultural difference
- ◆ Sustainability

## **ROLE DESCRIPTION**

### **DEPUTY LEADER OF THE COUNCIL**

#### **Political leadership**

- To assist the Leader of the Council in the formal processes and matters of leadership of the authority (set out in the role description of the Leader of the Council);
- To deputise for the Leader in his/her absence and undertake the duties set out in the role description for the Leader of the Council.
- To be vice-chairman of the Policy and Resources Committee unless they decide otherwise

#### **Corporate leadership**

- To work with the Leader of the Council on the budget and policy development;
- To take responsibility for specific areas of the work of the Policy and Resources Committee.

#### **Partnership and community leadership**

- To support and assist the Leader in exercising those responsibilities set out in the role description for the Leader of the Council.

#### **Reporting and accountability**

- To report as appropriate to full Council, Policy and Resources Committee, appropriate scrutiny, regulatory bodies and stakeholders;
- To appear before the Challenge and Improvement Committee as required.

#### **Governance, ethical standards and relationships**

- To support and assist the Leader in exercising those responsibilities set out in the role description for the Leader of the Council.
- To co-ordinate communication between Members and Officers.

## Values

- To be committed to and demonstrate the following values in public office:
  - ◆ Openness and transparency
  - ◆ Honesty and integrity
  - ◆ Tolerance and respect
  - ◆ Equality and fairness
  - ◆ Appreciation of cultural difference
  - ◆ Sustainability

## **ROLE DESCRIPTION**

### **LEADER OF THE OPPOSITION**

#### **Political leadership**

- To be a political figurehead for the opposition group; to be the principal political spokesperson for the Council's opposition;
- To provide leadership in the constructive challenge of the Council's policies;
- To constructively challenge the vision for the Council and community where appropriate;
- To provide strong, clear leadership in the co-ordination of alternative policies, strategies and service delivery;
- To manage the work of Councillors within the opposition group, and the overall co-ordination of opposition spokespersons and the business of the group;
- To shadow and scrutinise the Leader of the Council and the policy committees in their duties;
- To participate in the development of corporate strategies and policies.

#### **Representing the Council's opposition**

- To represent the opposition group to a high standard; providing a strong, competent and eloquent figure to represent the opposition within the Authority;
- To represent the Council on external bodies and in doing so act as an ambassador for the Council;
- To advise the Leader of the Council of the opposition group's position on issues relating to external relationships;
- To represent the opposition group on relevant formal and informal working groups;
- To maintain effective liaison with the Chairman of the Challenge and Improvement Committee.

#### **Governance, ethical standards and relationships**

- To promote and support good governance of the Council;

- To promote and support open and transparent government;
- To promote, support, and adhere to respectful, appropriate and effective relationships with officers;
- To promote and support development opportunities for members of the Council;
- To adhere to the Members' Code of Conduct, Protocol on Operational Conventions and the highest standards of behaviour in public office;
- To support the effective operation of the Local Code of Governance.

### **Reporting and accountability**

- To report to the opposition group as appropriate;
- To report to full Council as appropriate.

### **Values**

- To be committed to and demonstrate the following values in public office:
  - ◆ Openness and transparency
  - ◆ Honesty and integrity
  - ◆ Tolerance and respect
  - ◆ Equality and fairness
  - ◆ Appreciation of cultural difference
  - ◆ Sustainability

## **ROLE DESCRIPTION**

### **DEPUTY LEADER OF THE OPPOSITION**

#### **Political leadership**

- To assist the Leader of the Opposition in the constructive challenge to the Council's policies and its vision for the Council and the community; (set out in the role description of the Leader of the Opposition);
- To deputise for the Leader in his/her absence and undertake the duties set out in the role description for the Leader of the Opposition.

#### **Representing the Council's opposition**

- To assist the Leader of the Opposition in representing the position of the Council's opposition group.

#### **Reporting and accountability**

- To report to the opposition group as appropriate;
- To report to full Council in the absence of the Leader of the Opposition.

#### **Governance, ethical standards and relationships**

- To support and assist the Leader in exercising those responsibilities set out in the role description for the Leader of the Opposition.

#### **Values**

- To be committed to and demonstrate the following values in public office:
  - ◆ Openness and transparency
  - ◆ Honesty and integrity
  - ◆ Tolerance and respect
  - ◆ Equality and fairness
  - ◆ Appreciation of cultural difference
  - ◆ Sustainability

## **ROLE DESCRIPTION**

### **CHAIRMAN OF CHALLENGE AND IMPROVEMENT COMMITTEE**

#### **Leadership and direction**

- To provide confident and effective management of the committee;
- To promote the role of challenge and improvement within and outside the Council, liaising effectively both internally within the Council and externally with the Council's partners;
- To develop a balanced and manageable work programme for the committee including pre decision scrutiny, policy development and review, investigative scrutiny, and strategic performance monitoring;
- To ensure the programme takes account of relevant factors such as: the work programmes of the policy committees and other committees, strategic priorities and risks, and relevant community issues;
- To demonstrate an objective and evidence based approach to overview and scrutiny;
- To evaluate the impact and added value of challenge and improvement activity and identify areas for improvement.

#### **Managing the work programme**

- To ensure that the agreed work programme is delivered;
- To report on progress against the work programme to Council, and others as appropriate;
- To liaise and establish constructive relationships with officers, other members and community representatives to resource and deliver the work programme;
- To oversee the work of scrutiny panels and task groups.



### **Holding the Policy Committees to account**

- To evaluate the validity of policy committee decisions and challenge inappropriate decisions through agreed processes.

### **Reporting and accountability**

- To report as appropriate to full Council, other committees, the public, external regulatory bodies and stakeholders.

### **Effective meeting management**

- To set agendas containing clear objectives and outcomes for meetings;
- To manage the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, procedural rules and other constitutional requirements are adhered to;
- To meet regularly in advance with key officers to ensure that the necessary work for the meeting and ongoing issues are in hand;
- To ensure that all meeting participants have an opportunity to make an appropriate contribution.

### **Community leadership**

- To act as a focus for liaison between the Council, community and external bodies in relation to the overview and scrutiny function;
- To build understanding and ownership of the challenge and improvement function within the community;
- To identify relevant community based issues for challenge and improvement;
- To fully involve external stakeholders, for example, service users, expert witnesses and partners in overview and scrutiny activities.

### **Involvement and development of committee members**

- To encourage high performance from all committee members in both committee and task and finish groups;
- To assess individual and collective performance within the committee and facilitate appropriate development.

## Values

- To be committed to and demonstrate the following values in public office:
  - ◆ Openness and transparency
  - ◆ Honesty and integrity
  - ◆ Tolerance and respect
  - ◆ Equality and fairness
  - ◆ Appreciation of cultural difference
  - ◆ Sustainability

## **ROLE DESCRIPTION**

### **LEAD MEMBER OF A CHALLENGE AND IMPROVEMENT PANEL [or C & I Task Group]**

#### **Management and Co-ordination of Challenge and Improvement**

- To ensure that the panel responds to issues referred to it by the Challenge and Improvement Committee;
- To contribute to the management, co-ordination and development of challenge and improvement in West Lindsey;
- To report to the Challenge and Improvement Committee on the work and progress of the Panel, and keep them informed of important and contentious issues;
- To attend meetings of the Challenge and Improvement Committee when required (if not a member already);
- To present findings of scrutiny panel work at the Challenge and Improvement Committee, policy committees and full council meetings.

#### **Manage the Work of the Overview and Scrutiny Panel**

- To manage and guide the panel's work in scrutinising relevant issues referred to them;
- Through the improvement function contribute to the development of service policy;
- To co-ordinate and manage panel members to undertake assigned tasks and sub-group work;
- To work closely with officers supporting the panel;
- To ensure that the panel carries out reviews in a manner consistent with the terms of reference;
- To engage appropriate partner agencies in the work of challenge and improvement and promote a constructive approach to improvement work;
- To be responsible for personal development and undergo appropriate development and continuous improvement for any role undertaken.

## **ROLE DESCRIPTION**

### **CHAIRMAN OF A REGULATORY COMMITTEE**

[i.e. Planning, Licensing and Regulatory etc]

#### **Leadership and direction**

- To provide confident and effective management of meetings to facilitate inclusiveness, participation and clear decision making;
- To ensure that applicants and other interested parties are satisfied as to the transparency of the regulatory process;
- To demonstrate integrity and impartiality in decision making which accord with legal, constitutional and policy requirements;
- To delegate actions to sub-committees as appropriate.

#### **Role of the regulatory committee and quasi-judicial decision making**

- To act as an ambassador for the regulatory committee, facilitating and promoting understanding of the role;
- To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly;
- To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings and in individual cases/applications before formal committee meetings.

#### **Reporting and accountability**

- To report as appropriate to full Council, relevant regulatory committee, regulatory bodies and stakeholders

#### **Governance, ethical standards and relationships**

- To develop the standing and integrity of the committee and its decision making;
- To promote and support the good, open and transparent governance of the Council;

- To understand, support and adhere to the respectful, appropriate and effective relationships with other members, officers and external parties operating within the regulatory committee's area of responsibility;
- To take part in training and development programmes to ensure that this role is undertaken as effectively as possible;
- To adhere to the Members' Code of Conduct, Protocol on Operational Governance, and the highest standards of behaviour in public office.

### **Values**

- To be committed to and demonstrate the following values in public office:
  - ◆ Openness and transparency
  - ◆ Honesty and integrity
  - ◆ Tolerance and respect
  - ◆ Equality and fairness
  - ◆ Appreciation of cultural difference
  - ◆ Sustainability

## **ROLE DESCRIPTION**

### **CHAIRMAN OF GOVERNANCE AND AUDIT COMMITTEE**

#### **Leadership and direction**

- To provide confident and effective management of meetings to facilitate inclusiveness, participation and clear decision making;
- To ensure interested parties are satisfied as to the transparency of the audit and governance arrangements;
- To demonstrate integrity and impartiality in decision making which accord with legal, constitutional and policy requirements;

#### **Role of the Governance and Audit committee**

- To act as an ambassador for the Governance and Audit committee, facilitating and promoting understanding of the role;
- To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly;
- To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings.
- To monitor the operation of the Council's constitution keeping its terms under review, including all procedure rules;
- To keep under review the adequacy of the Council's corporate governance arrangements;
- To keep under review the council's audit arrangements and the assurance framework;
- To ensure that the committee is fully apprised of all relevant legislation and good practice relating to the council's governance arrangements.

#### **Reporting and accountability**

- To report as appropriate to full Council, regulatory bodies and stakeholders.

## **Governance, audit and relationships**

- To develop the standing and integrity of the committee and its decision making;
- To promote and support the good, open and transparent governance of the Council;
- To understand, support and adhere to the respectful, appropriate and effective relationships with other members, officers and external parties operating across the whole Council;
- To take part in training and development programmes to ensure that this role is undertaken as effectively as possible;
- To adhere to and promote the Members' Code of Conduct, Protocol on Operational Governance, and the highest standards of behaviour in public office.

## **Values**

- To be committed to and demonstrate the following values in public office:
  - ◆ Openness and transparency
  - ◆ Honesty and integrity
  - ◆ Tolerance and respect
  - ◆ Equality and fairness
  - ◆ Appreciation of cultural difference
  - ◆ Sustainability

## **ROLE DESCRIPTION**

### **COMMUNITY WARD COUNCILLOR**

#### **Representing and supporting communities**

- To achieve a balance between representing ward interests and those of the wider district;
- To be a channel of communication between the Council and their communities in response to changes in council strategies, policies, services and procedures;
- To represent individual constituents and local organisations, undertaking casework on their behalf and serving all fairly and equally;
- To liaise with leading Members, other Council Members, council officers and partner organisations to ensure that the needs of the local communities are identified, understood and supported;
- To promote tolerance and cohesion in local communities.

#### **Making decisions and overseeing Council performance**

- To participate in full Council meetings, reaching and making informed and balanced decisions taking into account the best interests of the district, and overseeing performance;
- To participate in informed and balanced decision making on committees and panels to which they might be appointed;
- To adhere to the principles of democracy and collective responsibility in decision making;
- To promote and ensure efficiency and effectiveness in the provision of Council and other public services.

#### **Representing the Council (subject to appointment)**

- To represent the Council as appropriate on local and regional outside bodies and provide feedback each year to the Annual;



- To represent the Council on local partnership bodies, promoting common interest and co-operation for mutual gain;
- To represent and be an advocate for the Council on national bodies and at national events.

### **Reporting and accountability**

- To full Council;
- To the electorate of their ward;
- To community groups; eg residents' associations, parish councils etc.

### **Internal governance, ethical standards and relationships**

- To promote and support good governance of the Council and its affairs at all times;
- To promote and support open and transparent government;
- To provide community leadership and promote active citizenship;
- To support, and adhere to respectful, appropriate and effective relationships with employees of the Council;
- To adhere to the Members' Code of Conduct, the Protocol on Operational Conventions and the highest standards of behaviour in public office.

### **Personal and role development**

- To participate in opportunities for development provided for members by the Council.

### **Values**

- To be committed to and demonstrate the following values in public office:
  - ◆ Openness and transparency
  - ◆ Honesty and integrity
  - ◆ Tolerance and respect
  - ◆ Equality and fairness
  - ◆ Appreciation of cultural difference
  - ◆ Sustainability

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## MONITORING OFFICER PROTOCOL

### 1. INTRODUCTION TO STATUTORY RESPONSIBILITIES

The Monitoring Officer is a statutory appointment pursuant to Section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged at West Lindsey Council.

The role of the Monitoring Officer rests with the Strategic Lead for Democratic and Business Support.

The Monitoring Officer has a broad role in ensuring the lawfulness and fairness of corporate decision making, ensuring compliance with Codes and Protocols, promoting good governance and high ethical standards.

A summary list of the Monitoring Officer's responsibilities appears in the attached Appendix. The Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent on Members and Officers:

- a. Complying with the law (including any relevant Codes of Conduct);
- b. Complying with any general guidance, codes or protocols issued from time to time, by the Standards Committee and the Monitoring Officer;
- c. Making lawful and proportionate decisions;
- d. Complying with the Council's Constitution; and
- e. Generally not taking action that would bring the Council, their offices or professions into disrepute.

### 2. WORKING ARRANGEMENTS

Having excellent working relations with Members and Officers will assist in the discharge of statutory responsibilities by the Monitoring Officer. Equally, a speedy flow of relevant information and access to debate (particularly at the **early stages** of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and Officers must, therefore, work with the Monitoring Officer (and his/her staff) to discharge the Council's statutory and discretionary responsibilities.

The following arrangements and understandings between the Monitoring Officer, Members and the Corporate Leadership Team (or 'CLT') are designed to ensure effective discharge of the Council's business and functions. The Monitoring Officer will:

#### 2.1 RESOURCES

- 2.1.1 Report to the Council as necessary on the staff, accommodation and resources he/she requires to discharge his or her statutory functions;
- 2.1.2 Have sufficient resources to enable him or her to address any matters concerning

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his/her Monitoring Officer functions;

2.1.3 Have control of a budget sufficient to enable him or her to seek Counsel's opinion on any matter concerning his/her functions;

2.1.4 Appoint a deputy and keep him or her briefed on any relevant issues that s/he may be required to deal with in the absence of the Monitoring Officer.

## 2.2 ACCESS TO INFORMATION AND MEETINGS

2.2.1 Be alerted by Members and Officers to any issue(s) that may become of concern to the Council, including in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;

2.2.2 Have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the authority (including meetings at which 'officer delegated' decisions are taken) at which a binding decision may be made (including a failure to take a decision where one should have been taken);

2.2.3 Have the right to attend (including the right to be heard) any meeting of the Council (including meetings at which 'officer delegated' decisions are taken) before any binding decision is taken (including a failure to take a decision where one should have been taken);

2.2.4 Be a member of the Corporate Leadership Team and have advance notice of those meetings, agenda and reports and the right to attend and speak;

2.2.5 In carrying out any investigation(s) (whether under Regulations or otherwise), have unqualified and unrestricted access to any information held by the Council and to any Officer or Member who can assist in the discharge of her functions.

## 2.3 RELATIONSHIPS

2.3.1 Ensure the other Statutory Officers (Head of Paid Service and the Section 151 Officer) are kept up to date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;

2.3.2 Meet regularly with the Head of Paid Service and the Section 151 Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;

2.3.3 Have a close working relationship with the Leader, Deputy Leader and the Chairs of Committees with a view to ensuring the effective and efficient discharge of Council business;

2.3.4 Develop effective working liaison and relationship with the District Auditor and the Local Government Ombudsman (including having the authority, on behalf of the Council, to complain to the same, refer any breaches or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);

- 2.3.5 In consultation, as necessary, with the Leader and the Standards Sub-Committee defer the making of a formal report under Section 5 of the Local Government and Housing Act 1989 where another investigative body is involved;
- 2.3.6 Make arrangements to ensure effective communication between his or her office and clerks to Parish Councils on Monitoring Officer and Standards Sub-Committee issues.

## 2.4 STANDARDS MATTERS

- 2.4.1 Give informal advice and undertake relevant enquiries into allegations of misconduct and, if appropriate, make a written report to Standards Committee (unless the Chair of Standards Sub-Committee agrees a report is not necessary) if in the opinion of the Monitoring Officer, there is a serious breach of the Members' Code of Conduct;
- 2.4.2 Subject to the approval of Standards Sub-Committee, be responsible for preparing any training programme for Members on ethical standards and Code of Conduct issues;
- 2.4.3 Provide information in response to a contact from a member of the public about an elected member provided that it would not compromise the Monitoring Officer should a formal complaint be made subsequently by the member of the public.

## 2.5 CONSTITUTION

The Monitoring Officer will be consulted on reports to the Council concerning changes to the Constitution.

## 3. MEMBER AND OFFICER RESPONSIBILITIES

To ensure the effective and efficient discharge of the arrangements set out in paragraph 2 above, Members and Officers will report any breaches of statutory duty procedures and other vires or constitutional concerns to the Monitoring Officer as soon as practicable.

## 4. MISCELLANEOUS

The Monitoring Officer will:

- 4.1 Establish and maintain the Register of Members' Interests and the Register of Gifts and Hospitality;
- 4.2 Receive copies of certificates under the Local Authorities (Contracts) Regulations 1997.

## 5. SANCTIONS FOR BREACH OF PROTOCOL

Complaints of a breach of this Protocol by an Officer will be referred to the relevant Director and/or Chief Executive for appropriate action to be considered, including disciplinary investigation if appropriate.

**SUMMARY OF STATUTORY DUTIES  
OF MONITORING OFFICER FUNCTION**

|    | <b>Description</b>  | <b>Source</b>   |
|----|---|---|
| 1  | Report on contraventions or likely contraventions of any enactment or rule of law   | Section 5 Local Government and Housing Act 1989                                 |
| 2  | Report on any maladministration or injustice where the Ombudsman has carried out an investigation                               | Section 5 Local Government and Housing Act 1989                                 |
| 3  | Appointment of Deputy Monitoring Officer  | Section 5 Local Government and Housing Act 1989                                 |
| 4  | Report on resources   | Section 5 Local Government and Housing Act 1989                                 |
| 5  | Receive copies of whistleblowing and allegations of misconduct  | Members' and Co-opted Members' Code of Conduct of West Lindsey District Council |
| 6  | Investigate misconduct in compliance with Regulations and directions of Ethical Standards Officers                              | Local adopted standards arrangements made under the Localism Act 2011           |
| 7  | Establish and maintain registers of Members' interests and gifts and hospitality  | Members' & Co-opted Members' Code of Conduct of West Lindsey District Council   |
| 8  | Advice to Members on interpretation of Code   | Members' & Co-opted Members' Code of Conduct, and appropriate regulations       |
| 9  | Key role in promoting and maintaining high standards of conduct through support to the Standards Committee                      | s27 Localism Act 2011   |
| 10 |   |   |
| 11 | Ethical framework functions in relation to Parish Councils  | Localism Act 2011   |
| 12 | Compensation for maladministration  | Section 92 LGA 2000   |
| 13 | Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members | Legislation, legal advice and DCLG (and predecessors) guidance                  |

## HEAD OF PAID SERVICE PROTOCOL

### 1. INTRODUCTION TO STATUTORY RESPONSIBILITIES

The Head of Paid Service is a statutory appointment pursuant to Section 4 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged at West Lindsey District Council.

The role of Head of Paid Service rests with the Chief Executive, who undertakes to discharge these statutory responsibilities in a positive way and in a manner that enhances the overall reputation of the Council.

A summary list of the Head of Paid Service's statutory responsibilities appears in the attached Appendix. The Head of Paid Service's ability to discharge these duties and responsibilities will depend, to a large extent on Members and Officers:

- Addressing the staffing needs of the Council;
- Meeting the staffing needs of the Council;
- The appointment and proper management of staff;
- Complying with the Council's Constitution.

### 2. WORKING ARRANGEMENTS

Having excellent working relations with Members and Officers will assist in the discharge of statutory responsibilities by the Head of Paid Service. Equally, a speedy flow of relevant information and access to debate (particularly at the **early stages** of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and Officers must, therefore, work with the Head of Paid Service (and his/her staff) to discharge the Council's statutory and discretionary responsibilities.

The following arrangements and understandings between the Head of Paid Service, Members and the Corporate Leadership Team (or 'CLT') are designed to ensure effective discharge of the Council's business and functions. The Head of Paid Service will:

#### 2.2 RESOURCES

- 2.1.1 Report to the Council as necessary on the staff, accommodation and resources he / she requires to discharge his or her statutory functions;
- 2.1.2 Have sufficient resources to enable him or her to address any matters concerning his or her Head of Paid Service functions;

## 2.2 ACCESS TO INFORMATION AND MEETINGS

- 2.2.1 Be alerted by Members and Officers to any issue(s) that may become of concern to the Council, including in particular the manner in which the discharge by the Council of its different functions is co-ordinated: the number and grades of staff required for the discharge of its functions; the organisation of the Council's staff and the appointment and proper management of the Council's staff;
- 2.2.2 Will be the lead officer for the Corporate Leadership Team;
- 2.2.3 Have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Council (including meetings at which 'officer delegated' decisions are taken) at which a binding decision may be made (including a failure to take a decision where one should have been taken);
- 2.2.4 Have the right to attend (including the right to be heard at) any meeting of the Council (including meetings at which 'officer delegated' decisions are taken) before any binding decision is taken (including a failure to take a decision where one should have been taken);
- 2.2.5 In carrying out any investigation(s) and/or exercising any duties have unqualified and unrestricted access to any information held by the Council and to any Officer or Member who can assist in the discharge of the functions.

## 2.3 RELATIONSHIPS

- 2.3.1 Ensure the other Statutory Officers (Monitoring Officer and the Section 151 Officer) are kept up to date with relevant information regarding the manner in which the Council discharges its various functions, the corporate approach of the Council, the staffing needs of the Council, the organisation of the staff and the appointment and proper management of the staff;
- 2.3.2 Meet regularly with the Monitoring Officer and the Section 151 Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern;
- 2.3.3 Develop effective working liaison and relationship with all Members;
- 2.3.4 Have a special relationship of respect and trust with the Leader, Deputy Leader and the Chairs of Committees with a view to ensuring the effective and efficient discharge of Council business;
- 2.3.5 Develop effective working liaison and relationship with the External Auditor (including having authority, on behalf of the Council, to complain to the same, refer any breaches or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);
- 2.3.6 In consultation, as necessary, with the Leader, Chairman of the Council and the External Auditor, defer the making of a formal report under Section 4 of the Local Government and Housing Act 1989 where another investigative body is involved;

### 3. MEMBER AND OFFICER RESPONSIBILITIES

To ensure the effective and efficient discharge of the arrangements set out in paragraph 2 above, Members and Officers will report any breaches of statutory duty or procedures and other vires or constitutional concerns to the Head of Paid Service as soon as practicable.

### 4. MISCELLANEOUS

The Head of Paid Service will:

- 4.1 Be available for Members and Officers to consult on any issues of the corporate approach of the Council, staffing needs, appointment and management of staff;
- 4.2 Ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Council and the proper discharge of the Head of Paid Service role.

### 5. SANCTIONS FOR BREACH OF PROTOCOL

Complaints of a breach of this Protocol by an Officer will be referred to the relevant Director and/or Chief Executive for appropriate action to be considered, including disciplinary investigation if appropriate.

#### SUMMARY OF STATUTORY DUTIES OF HEAD OF PAID SERVICE FUNCTION

|    | Description  | Source   |
|----|--|--|
| 1. | Lead Officer for the Council's Management Team   |  |
| 2. | Report to the Council where it is appropriate to do so on the following matters: <ul style="list-style-type: none"> <li>• The manner in which the discharge by the authority of their different functions is co-ordinated;</li> <li>• The number and grades of staff required by the authority for the discharge of their functions;</li> <li>• The organisation of the authority's staff; and</li> <li>• The appointment and proper management of the authority's staff.</li> </ul> | Section 4 Local Government and Housing Act 1989    |
| 3. | Duty, along with the Monitoring Officer, to be consulted by the Section 151 Officer on particular reports.   | Section 114 (3A) Local Government Finance Act 1988 |



## CHIEF FINANCE OFFICER (SECTION 151 OFFICER) PROTOCOL

### 1. INTRODUCTION TO STATUTORY RESPONSIBILITIES

The Chief Finance Officer is a statutory appointment pursuant to Section 151 of the Local Government Act 1972. This Protocol provides some general information on how those statutory requirements will be discharged at West Lindsey District Council.

At West Lindsey District Council the role of Chief Finance Officer (Section 151 Officer) rests with the Director of Resources, who undertakes to discharge these statutory responsibilities in a positive way and in a manner that enhances the overall reputation of the Council. In doing so, s/he will also safeguard, so far as is possible, Members and Officers, whilst acting in their official capacities, from financial difficulties.

A summary list of the Chief Finance Officer's statutory responsibilities appears in the attached Appendix. The Chief Finance Officer's ability to discharge these duties and responsibilities will depend, to a large extent on Members and Officers:

- Complying with the Council's financial procedures;
- Making lawful payments;
- Not taking action that would result in unlawful payments or unlawful action.

### 2. WORKING ARRANGEMENTS

Having excellent working relations with Members and Officers will assist in the discharge of statutory responsibilities by the Chief Finance Officer. Equally, a speedy flow of relevant information and access to debate (particularly at the **early stages** of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and Officers must, therefore, work with the Chief Finance officer (and his/her staff) to discharge the Council's statutory and discretionary responsibilities.

The following arrangements and understandings between the Chief Finance Officer, Members and the Corporate Leadership Team (or 'CMT') are designed to ensure effective discharge of the Council's business and functions. The Chief Finance Officer will:

## 2.1 RESOURCES

- 2.1.1 Report to the Council as necessary on the staff, accommodation and resources s/he requires to discharge his or her statutory functions;
- 2.1.2 Have sufficient resources to enable him or her to address any matters concerning his or her Chief Finance Officer functions;
- 2.1.3 Nominate a suitably qualified deputy and keep him or her briefed on any relevant issues and s/he may be required to deal with in the absence of the Chief Finance Officer.
- 2.1.4 In the unusual event that the Chief Finance Officer is precluded from offering advice and the deputy is unable to advise, appoint an appropriate external adviser.

## 2.2 ACCESS TO INFORMATION AND MEETINGS

- 2.2.1 Be alerted by Members and Officers to any issue(s) that may become of concern to the Council, including in particular issues around financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or a deficit;
- 2.2.2 Have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Council (including meetings at which 'officer delegated' decisions are taken) at which a binding decision may be made (including a failure to take a decision where one should have been taken);
- 2.2.3 Have the right to attend (including the right to be heard) any meeting of the Council (including meetings at which 'officer delegated' decisions are taken) before any binding decision is taken (including a failure to take a decision where one should have been taken);
- 2.2.4 Be a member of the Corporate Leadership Team and have advance notice of those meetings, agenda and reports and the right to attend and speak;
- 2.2.5 In carrying out any investigation(s) and/or exercising his or her fiduciary duties have unqualified and unrestricted access to any information held by the Council and to any Officer or Member who can assist in the discharge of his or her functions.

## 2.3 RELATIONSHIPS

- 2.3.1 Ensure the other Statutory Officers (Head of Paid Service and Monitoring

Officer) are kept up to date with relevant information regarding financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;

- 2.3.2 Meet regularly with the Head of Paid Service and the Monitoring Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;
- 2.3.3 Have a special relationship of respect and trust with the Leader, Deputy Leader and the Chairs of Committees with a view to ensuring the effective and efficient discharge of Council business;
- 2.3.4 Develop effective working liaison and relationship with the External Auditor, and as necessary, the Local Government Ombudsman, (including having authority, on behalf of the Council, to complain to the same, refer any breaches or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);
- 2.3.5 After consulting with the Head of Paid Service and Monitoring Officer, the Chief Finance Officer must make a formal report to the Council under S114 of the Local Government and Finance Act 1988 where a decision has been, or is about to be, made which will result in unlawful expenditure, unlawful loss or deficiency or an unlawful entry in the Council's accounts. The Chief Finance Officer must also make a formal report to Council if it appears that the Council's expenditure is likely to exceed its resources in any financial year.
- 2.3.6 In consultation, as necessary, with the Leader, Chairman of the Council and the External Auditor, defer the making of a formal report under Section 114, 114A, 115 and 116 of the Local Government and Finance Act 1988 where another investigative body is involved;

### **3. MEMBER AND OFFICER RESPONSIBILITIES**

To ensure the effective and efficient discharge of the arrangements set out in paragraph 2 above, Members and Officers will report any breaches of statutory duty or procedures and other vires or constitutional concerns to the Chief Finance Officer, as soon as practicable.

### **4. MISCELLANEOUS**

The Chief Finance Officer will:

- 4.1 Be available for Members and Officers to consult on any issues of the Council's financial powers, possible unlawful payments, or general advice on the financial arrangements;
- 4.2 Be expected to make enquiries into allegations of financial irregularity or misappropriation of Council funds or resources. This may be undertaken jointly with the Monitoring Officer where there is an overlap of responsibilities;
- 4.3 Be the responsible officer for the provision of internal audit services to the Council. S/he will report to Members on a regular basis on the services provided and audit findings;
- 4.4 Ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Council and the proper discharge of the Chief Finance Officer role;
- 4.5 The Chief Finance Officer or the deputy will record details of advice given.

## **5. SANCTIONS FOR BREACH OF PROTOCOL**

Complaints of a breach of this Protocol by an Officer will be referred to the Chief Executive for appropriate action to be considered, including disciplinary investigation if appropriate.

### SUMMARY OF STATUTORY DUTIES OF CHIEF FINANCE OFFICER FUNCTION

| Description |   | Source   |
|-------------|---|--|
| 1.          | Responsible Officer for the proper administration of the financial affairs of the Authority.  | Section 151 Local Government Act 1972 Section 114 Local Government Finance Act 1988. |
| 2.          | Appoint a Deputy  |  |
| 3.          | Report on resources needed to perform duties.   | Section 114 (7) Local Government Finance Act 1988.                                   |
| 4.          | Reports under specified circumstances, namely<br>(a) decisions which involve or would involve the authority incurring expenditure which is unlawful;<br>(b) action taken or about to be taken which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the authority; | Section 114 (2) Local Government Finance Act 1988                                    |
| 5.          | Report if it appears that expenditure of the authority (including that it proposes to incur) in a financial year is likely to exceed the resources available.   | Section 114 (3) Local Government Finance Act 1988                                    |
| 6.          | Duty to consult with Head of Paid Service & Monitoring Officer in respect of 4 (a) – (c) above  | Section 114 (3A) Local Government Finance Act 1988                                   |
| 7.          | Conduct the role and responsibilities in line with statutory and professional requirements as may be laid down from time to time (including but not restricted to CIPFA Codes of Practice and the Institute's Statement on the "Role of Finance Director in Local Government".  | Relevant Codes of Practice<br><br>Accounts & Audit Regulations 1996                  |

## **West Lindsey District Council Petition Scheme**

### **1. Petitions**

- 1.1 The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt.

This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

- 1.2 Petitions can be sent to:

Democratic Services Team  
West Lindsey District Council  
Guildhall  
Marshall's Yard  
Gainsborough  
Lincolnshire  
DN21 2NA

- 1.3 Petitions can also be presented to a meeting of the Council. These meetings take place on an approximately six weekly basis, dates and times can be found at [www.west-lindsey.gov.uk](http://www.west-lindsey.gov.uk).

- 1.4 If you would like to present your petition to the Council, or would like your Councillor or someone else to present it on your behalf, please contact Democratic Services on 01427 676676, at least 10 working days before the meeting and they will talk you through the process. If your petition has received 300 signatures or more it will also be scheduled for a Council debate and if this is the case, we will let you know whether this will happen at the same meeting or a later meeting of the Council.

### **2. What are the guidelines for submitting a petition?**

- 2.1 Petitions submitted to the Council must include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take; and

- The name and address and signature of any person supporting the petition.
- 2.2 Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition.
- 2.3 Petitions, which are considered to be vexatious, abusive or otherwise inappropriate, will not be accepted. In the period immediately before an election or referendum, we may need to deal with your petition differently – if this is the case, we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

### **3. What will the Council do when it receives my petition?**

- 3.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.
- 3.2 If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgement will confirm this and tell you when and where the meeting will take place.
- 3.3 If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures is available from the Democratic Services Team on 01427 676594/5.
- 3.4 We will not take action on any petition, which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

### **4. Next Steps / Action to be taken**

- 4.1 Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:
- Taking the action requested in the petition

- Considering the petition at a Council meeting
  - Holding an inquiry into the matter
  - Undertaking research into the matter
  - Holding a public meeting
  - Holding a consultation
  - Holding a meeting with petitioners
  - Referring the petition for consideration by the Council's Scrutiny Committee
  - Calling a referendum
  - Writing to the petition organiser setting out our views about the request in the petition
- 4.2 If your petition is about something over which the Council has no direct control (for example local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible here ([www.west-lindsey.gov.uk](http://www.west-lindsey.gov.uk)).
- 4.3 If your petition is about something that a different Council is responsible for, we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event, we will always notify you of the action we have taken.
- 4.4 Petitions with less than 100 signatures do not meet the relevant criteria, but will be passed to the relevant service area.

## **5. Full Council debates**

- 5.1 If a petition contains more than 300 signatures, it will be debated by the full Council.
- 5.2 This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the



matter, for example by a relevant Committee. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

## **6. Consideration by the Leader, Deputy Leader and Chief Executive**

- 6.1 A meeting with the Leader, Deputy Leader and Chief Executive will take place if a petition contains 100 signatures or more.
- 6.2 A senior officer will attend to present a short report setting out the Council's position. Up to three representatives of the petitioners are invited to attend with one nominated as spokesperson.

## **7. What can I do if I feel my petition has not been dealt with properly?**

- 7.1 If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Challenge and Improvement Committee review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.
- 7.2 The Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council and arranging for the matter to be considered at a meeting of the full Council.
- 7.3 Once the appeal has been considered, the petition organiser will be informed of the results within five working days. The results of the review will also be published on our website.

## **8. Information and Advice**

For further information or advice, please contact the Democratic Services Team on 01427 676595.

**Criteria and Processes for new methodology**

|                  |  |
|------------------|--|
| <b>Work Area</b> | <b>1. Performance Management – PROCESS A</b>   |
| <b>Timing</b>    | 1.2 After two consecutive periods of missed targets  |
| <b>Purpose</b>   | To scrutinise the reasons for off track performance and the adequacy of rectifications (Service Performance Review)  |
| <b>Criteria</b>  | <ol style="list-style-type: none"> <li>1. The performance must have been off track for at least two consecutive reporting periods,</li> <li>2. The actions of the appropriate committee have been implemented and given time to adjust performance</li> <li>3. Four members on the Challenge and Improvement Committee wish to request a Service Performance Review with a view to identifying the reasons for off track performance and the rectifications proposed</li> <li>4. No More than four Service Performance Reviews may be called with in a municipal year.</li> <li>5. An item considered using this process is excluded from re-discussion within six months of first consideration.</li> </ol>   |
| <b>Process</b>   | <p>The procedure is as follows –</p> <p>If four members on the Challenge and Improvement Committee wish to request a Service Performance Review with a view to identifying the reasons for off track performance and the rectifications proposed</p> <ol style="list-style-type: none"> <li>a) Any request must be in writing, be signed by the four members and set out the reasons for the review. The notice should be sent to the relevant officer for the Challenge and Improvement Committee at least 21 days prior to the next meeting of the Challenge and Improvement Committee.</li> <li>b) The Challenge and Improvement Committee at its next meeting will consider the request and decide if a review group is required. If a review group is required then terms of reference should also be considered.</li> <li>c) On receiving the review findings, the Challenge and Improvement Committee will report back to the relevant policy committee with regards to the review findings and the committee's recommendations.</li> <li>d) The Chairman of the relevant committee for which the review has been requested shall be invited to the Challenge and Improvement Committee meeting when the review scope is considered. The Chairman of the Challenge and Improvement Committee (or his/her representative) shall attend the policy committee meeting when the Service Performance Review Report is considered.</li> <li>e) Where a policy committee does not wish to accept the recommendation(s) of the Challenge and Improvement Committee from a Service Performance Review, the decision shall be referred to Council.</li> </ol> |

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|------------------|---|
| <b>Work Area</b> | <b>2. Policy or Performance Reviews – PROCESS B</b> |
|------------------|---|

|                 |   |
|-----------------|---|
| <b>Timing</b>   | 2.3 Part way through project delivery (Gateway Review) and there are concerns the relevant committee is not taking appropriate action.<br><b>Please Note: Project delivery would not stop during the review.</b>  |
| <b>Purpose</b>  | To review delivery to ensure that a project is delivering the desired objectives  |
| <b>Criteria</b> | <ol style="list-style-type: none"> <li>1. Four members on the Challenge and Improvement Committee wish to request a Gateway Review with a view to confirming that delivery is achieving the desired objectives and outcomes:</li> <li>2. Only one Gateway Review per project may be called by the Challenge and Improvement Committee although additional reviews may be undertaken if requested by the relevant policy committee.</li> <li>3. No More than four Gateway Reviews may be called with in a municipal year.</li> <li>4. An item considered using this process is excluded from re-discussion within six months of first consideration.</li> </ol>  |
| <b>Process</b>  | <p>The procedure is as follows –</p> <p>If four members on the Challenge and Improvement Committee wish to request a Gateway Review with a view to confirming that delivery is achieving the desired objectives and outcomes:</p> <ol style="list-style-type: none"> <li>a) Any request must be in writing, be signed by the four members and set out the reasons for the review. The notice should be sent to the relevant officer for the Challenge and Improvement Committee at least 21 days prior to the next meeting of the Challenge and Improvement Committee.</li> <li>b) The Challenge and Improvement Committee at its next meeting will consider the request and decide if a review group is required. If a review group is required then terms of reference should also be considered.</li> <li>c) On receiving the review findings, the Challenge and Improvement Committee will report back to the relevant policy committee with regards to the review findings and the committee’s recommendations.</li> <li>d) The Chairman of the relevant committee for which the review has been requested shall be invited to the Challenge and Improvement Committee meeting when the review scope is considered. The Chairman of the Challenge and Improvement Committee (or his/her representative) shall attend the policy committee meeting when the Gateway Review Report is considered.</li> <li>e) Where a policy committee does not wish to accept the recommendation(s) of the Challenge and Improvement Committee from a Gateway Review, the decision shall be referred to Council.</li> </ol> |

|                  |  |
|------------------|--|
| <b>Work Area</b> | <b>2. Policy or Performance Reviews – PROCESS C</b>  |
| <b>Timing</b>    | 2.4 After delivery (Benefits Realisation Review)   |
| <b>Purpose</b>   | To review a project post-delivery to identify the benefits delivered against the original business case.   |
| <b>Criteria</b>  | <ol style="list-style-type: none"> <li>1. Four members on the Challenge and Improvement Committee wish to request a Benefits Realisation Review with a view to confirming that delivery has achieved the desired objectives and outcomes</li> <li>2. Only one Benefits Realisation Review per project may be called by the Challenge and Improvement Committee.</li> <li>3. No More than four Benefits Realisation Reviews may be called with in a municipal year.</li> <li>4. An item considered using this process is excluded from re-discussion within six months of first consideration.</li> </ol>   |
| <b>Process</b>   | <p>The procedure is as follows –</p> <p>If four members on the Challenge and Improvement Committee wish to request a Benefits Realisation Review with a view to confirming that delivery has achieved the desired objectives and outcomes:</p> <ol style="list-style-type: none"> <li>a) Any request must be in writing, be signed by the four members and set out the reasons for the review. The notice should be sent to the relevant officer for the Challenge and Improvement Committee at least 21 days prior to the next meeting of the Challenge and Improvement Committee.</li> <li>b) The Challenge and Improvement Committee at its next meeting will consider the request and decide if a review group is required. If a review group is required then terms of reference should also be considered.</li> <li>c) On receiving the review findings, the Challenge and Improvement Committee will report back to the relevant policy committee with regards to the review findings and the committee’s recommendations.</li> <li>d) The Chairman of the relevant committee for which the review has been requested shall be invited to the Challenge and Improvement Committee meeting when the review scope is considered. The Chairman of the Challenge and Improvement Committee (or his/her representative) shall attend the policy committee meeting when the Benefits Realisation Review Report is considered.</li> <li>e) Where a policy committee does not wish to accept the recommendation(s) of the Challenge and Improvement Committee from a Benefits Realisation Review, the decision shall be referred to Council.</li> </ol> |

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|------------------|--|
| <b>Work Area</b> | <b>2. Policy or Performance Reviews – PROCESS D</b>  |
| <b>Timing</b>    | One cycle before a Policy Committee decision is taken  |
| <b>Purpose</b>   | To consider a report identified from the Forward Plan which the Committee feels is likely to benefit from pre-scrutiny of the proposed decisions prior to those decisions being made. These could be items that are politically sensitive for example or of high public interest   |
| <b>Criteria</b>  | <ol style="list-style-type: none"> <li>1. By Proposer, seconder and majority vote an item can be selected from the Forward Plan</li> <li>2. No More than four Reviews using this process can be undertaken with in a municipal year.</li> <li>3. The Committee cannot dictate the timeline for this decision or prevent the decision being submitted to the relevant Policy Committee within the timeframes agreed by Policy Committees</li> <li>4. A Decision given pre-scrutiny under this process can then not be called in using the traditional call process.</li> <li>5. An item considered using this process is excluded from re-discussion within six months of first consideration.</li> </ol>   |
| <b>Process</b>   | <p>The procedure is as follows –</p> <p>The Committee at each meeting will receive the Forward Plan outlining all of the business for the Authority .</p> <p>By proposing, seconding and then by majority vote the Committee can select to see an item before it is submitted to the relevant Policy Committee</p> <p>The C and I Committee will receive the exact report which is due to be submitted to the Policy Committee , 1 cycle prior.</p> <p>The C and I Committee will make recommendations to/ raise concerns with the Policy Committee on areas where it feels further work or evidence is required to support the proposed decision.</p> <p>Following such a recommendation, the responsible report author will work with the Chairman and lead Members of the C and I Committee to revise the report where considered appropriate to address the recommendations made / concerns raised.</p> <p>The revised report together with the Minute from the C and I Committee and the original report will be submitted to the Policy Committee within the original specified timeframe, agreed by the Policy Committee.</p> |

**Traditional Call in Process**

| <b>Work Area</b> | <b>2. Policy or Performance Reviews</b>  |
|------------------|--|
| <b>Timing</b>    | 2.2 After a policy decision is made (within five days of minutes publication) - Call In  |
| <b>Purpose</b>   | To inform the relevant policy committee that, in the view of the Challenge and Improvement Committee, the evidence suggests that the policy committee(s) did not take the decision in accordance with the principles set out in Article 12.  |
| <b>Source</b>    | Function 7. To exercise the powers of call in and scrutiny in relation to policy committee decisions made but not implemented, as set out in section 21(3) of the Local Government Act 2000 and challenge such decisions in accordance with the procedure set out in the Overview and Scrutiny Procedure Rules in Part V of this Constitution;   |
| <b>Criteria</b>  | <ol style="list-style-type: none"> <li>1. Four members on the Challenge and Improvement Committee wish to call in a decision with a view to requesting that the relevant policy committee reconsiders the decision,</li> <li>2. This must be done within five working days of publication of the decision, provided the issue in question has not been recorded as urgent.</li> <li>3. Where a matter is to be referred to another committee, call-in only applies after the matter has been considered by that other committee.</li> <li>4. Call-in does not apply to recommendations to Council nor to Council decisions themselves.</li> <li>5. The call-in procedure shall not apply where the decision being taken by the policy committee is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest.</li> <li>6. Urgency in this context goes further than the urgency provisions contained in the Local Government (Access to Information) Act 1985 relating to late reports. A report may well have been submitted to the relevant committee in good time but the implementation of the decision is nevertheless considered urgent.</li> </ol>   |
| <b>Process</b>   | <p>Within five working days of the publication of the minutes:</p> <ol style="list-style-type: none"> <li>1. Identify four members on the Challenge and Improvement Committee who support the proposal to call-in the decision</li> <li>2. Draft the request to call in a decision in writing setting out: <ol style="list-style-type: none"> <li>a. the resolution to be considered,</li> <li>b. the reason(s) why the decision should be reconsidered</li> </ol> </li> <li>3. Get all four members to sign</li> <li>4. Send the notice to the Chief Executive no later than 5pm on the fifth working day following publication of the decision.</li> <li>5. The Call-in will be considered at the next meeting of the Challenge and Improvement Committee (unless the agenda for that meeting has already been published).</li> <li>6. After considering the decision the Challenge and Improvement Committee may: <ol style="list-style-type: none"> <li>(i) refer back to the relevant policy committee for further consideration, setting out in writing its recommendations; or</li> <li>(ii) not refer back to the relevant policy committee and the decision shall take effect on the date of the overview and scrutiny meeting.</li> </ol> </li> <li>7. The Chairman of the committee whose decision has been called in shall be invited to the Challenge and Improvement Committee meeting when the item is considered. The Chairman of the Challenge and Improvement Committee (or his/her representative) shall attend the policy committee meeting when the called-in item goes back for consideration.</li> <li>8. Where a policy committee does not wish to accept the</li> </ol> |

|  |   |
|--|---|
|  | <p>recommendation(s) of<br/>the Challenge and Improvement Committee on a called-in decision, the<br/>decision shall be referred to Council.</p> |
|--|---|

## “TRADITIONAL CALL-IN” - FOLLOWING A POLICY DECISION

### Context

Members would use this route when they are of the view the evidence suggests that a Policy Committee (ie Prosperous Communities or Policy and Resources) did not take a decision in accordance with the principles set out in Article 12 of the Constitution .

### **Article 12 states:**

All decisions of the Council, its committees and those with delegated powers will be made in accordance with the following principles:

- (a) proportionality - the action proposed must be proportionate to the desired outcome;
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for Human Rights;
- (d) in accordance with the law;
- (e) a presumption in favour of openness;
- (f) contribute to the well-being of the area; and
- (g) clarity of aims and desired outcomes.

### Example Decision

The Prosperous Communities Committee decide to build a swimming pool but the business case is incomplete .

### Process

The decision would appear in the published minutes of the Prosperous Communities Committee.

When the minutes of the Policy Committee are published they will be sent to all Members of the Council advising that they are subject to call-in. The call-in period will be specified, and this will always be five full clear working days.

Where a Member feels the “said” decision has not been made in accordance with any aspects of Article 12 (set out above) they can: -

1. Firstly identify **three other members** on the Challenge and Improvement Committee who support the proposal to call-in the decision.
2. Secondly Draft the request to call in the decision in writing (e-mail will suffice) This request **must include:**
  - a. the resolution to be considered, (ie quote the decision directly from the minutes);
  - b. the reason(s) why the decision should be reconsidered – this is where members should state which part (s) of Article 12 have not been adhered to.



3. Get **all four members** to sign the request.
4. Send the notice to the Chief Executive (copied to Committee Admin) no later than 5pm (4.30 pm if a Friday) on the fifth working day following publication of the decision / the minutes (ie by the last date stated on the top of the minutes)

### **What happens Next**

The Chief Executive / Lead Officer will determine whether the Call-in is valid.

If the Call-in is deemed **not valid** the Four Members concerned will be advised of the reasons why and this would be the end of the matter

If the Call-in is deemed **valid** then: -

The Call-in will be considered **at the next meeting** of the Challenge and Improvement Committee, (unless the agenda for that meeting has already been published). In this instance the item would fall to the next meeting.

The Chairman of the relevant Policy Committee whose decision has been called in shall be invited to attend the meeting .

At this meeting the Challenge and Improvement Committee can decide to either: -

- (a) refer the decision back to the relevant policy committee for further consideration, setting out in writing its recommendations; or
- (b) not refer back to the relevant policy committee and the decision (that was subject to the call-in) shall take effect on the date of the overview and scrutiny meeting, ie be cleared for implementation. This would be the end of the process.

If the course of action agreed is (a) above then: -

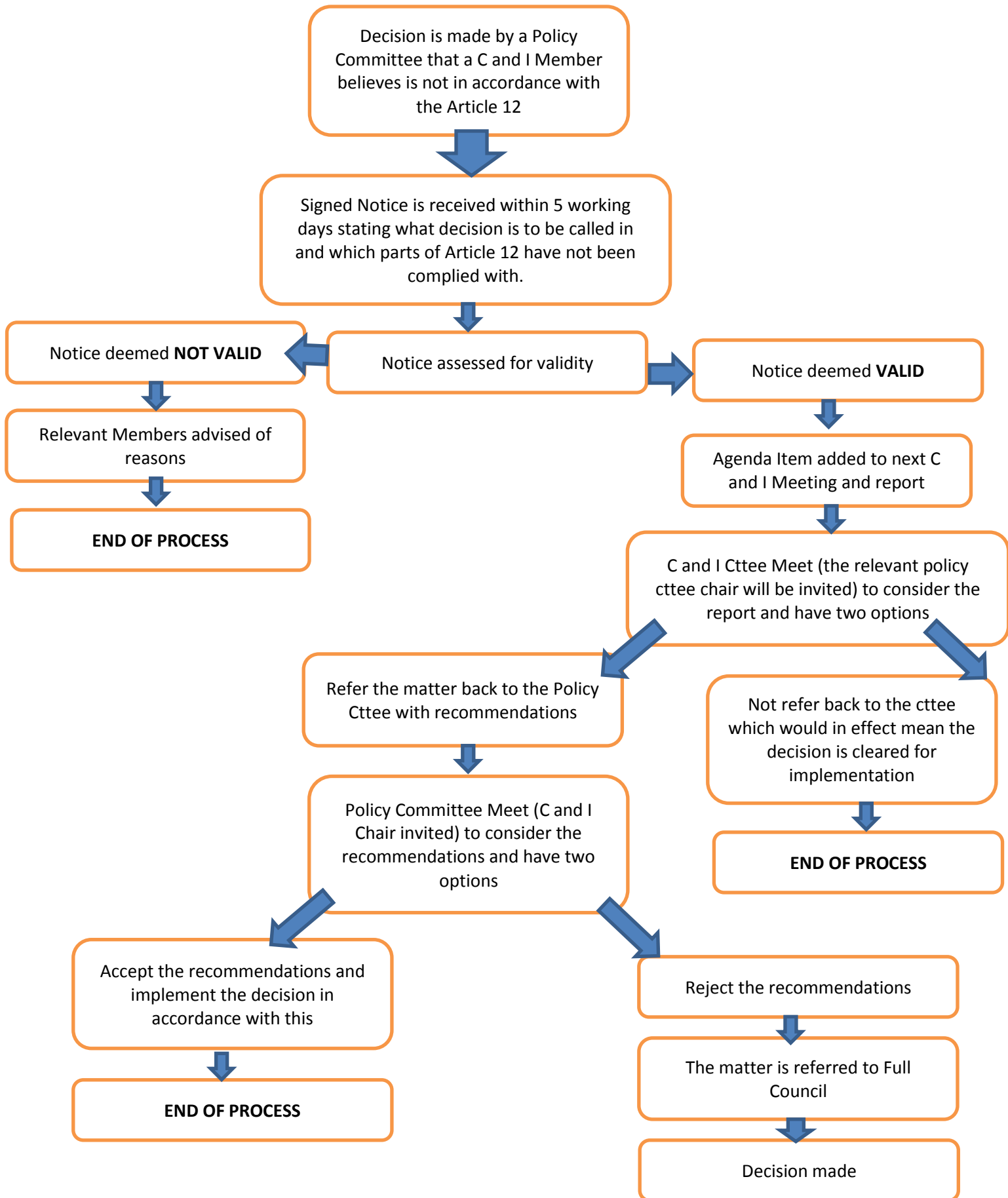
- 1) The matter goes back to the relevant Policy Committee at the next meeting.
- 2) They can either :-
  - (a) accept the recommendations from C and I and proceed in accordance with these; - this would be the end of the matter or
  - (b) reject the recommendations from C and I

The Chairman of the Challenge improvement Committee would be invited to the Policy Committee meeting.

If the course of action agreed is (b) above then the decision would be referred to Full Council for a decision.

The flow chart below tries to demonstrate the process.

**“TRADITIONAL CALL-IN” - FOLLOWING A POLICY DECISION**



## WORKING EXAMPLE OF PROCESS C

### “BENEFITS REALISATION CALL-IN” – FOLLOWING COMPLETION OF A PROJECT

#### Context

Members would use this route when they are of the view that there is evidence to suggest that a completed project may not have delivered the benefits identified in the original business case

#### Example

Members receive a Progress and Delivery Projects report, in which it states that a housing project has been completed during the period, however it's been delivered over budget and 6 months later than expected.

#### Process

Members will periodically receive a Progress and Delivery Projects Report for scrutiny purposes, there will be a section within it which identifies Projects recently completed.

Where a Member feels the project may not have delivered the benefits identified in the original business case, whether these be financial, social, economic etc they can: -

1. Firstly identify **three other members** on the Challenge and Improvement Committee who support the proposal to “call-in” the project.
2. Secondly Draft the request to call in the project in writing (e-mail will suffice). This request **must include**:
  - a. the Title of the Project to be reviewed.
  - b. the reason(s) why the Project should be reviewed.
3. Get **all four members** to sign the request.
4. Send the notice to Lead Officer for the Challenge and Improvement Committee (copied to Committee Admin) **at least 21 days prior to the next meeting of the Challenge and Improvement Committee** (this is in order that it becomes an agenda item at the next meeting. Notice not received within this timescale will mean the item of business falls to the next available meeting).

#### What happens Next

The Lead Officer will determine whether the Call-in is valid.

If the Call-in is deemed **not valid** the Four Members concerned will be advised of the reasons why and this would be the end of the matter

If the Call-in is deemed **valid** then: -

The Call-in will be considered **at the next meeting** of the Challenge and Improvement Committee.

The Chairman of the relevant Policy Committee whose Project has been called in shall be invited to attend the meeting.

At this meeting the Challenge and Improvement Committee can decide to either: -

- (a) Not accept the call-in, and give reasons. This would be the end of the process; or
- (b) Accept the call-in, Determine whether a review group should be established and agree the terms of reference / scope for the review.

If the course of action agreed is (b) above then: -

- 1) The established review group will undertake the necessary work, supported by Officers and create a findings report which will be referred back to the Challenge and Improvement Committee in the first stance.
- 2) The review group's report will be considered by the Challenge and Improvement Committee and any subsequent arising recommendations will submitted to the relevant Policy Committee for consideration.
- 3) On considering the recommendations report from the Challenge and Improvement Committee, the relevant Policy Committee concerned can either: -
  - (a) accept the recommendations from C and I and proceed in accordance with these; - this would be the end of the matter or
  - (b) reject the recommendations from C and I

The Chairman of the Challenge improvement Committee would be invited to the Policy Committee meeting.

If the course of action agreed is (b) above then the decision would be referred to Full Council for a decision.

The flow chart below tries to demonstrate the process.

**NOTE: ONLY ONE BENEFITS REALISATION REVIEW PER PROJECT MAY BE CALLED BY THE C AND I CTTEE, AND NO MORE THAN FOUR IN TOTAL IN ANY ONE MUNICIPAL YEAR**

Members receive at their meeting a Progress and Delivery Projects Report, Setting out recently completed projects but they feel there is evidence to so suggest the original benefits cited have not been achieved.

Notice signed by 4 Members of the Challenge and Improvement Committee is received stating what Project is to be called-in and the reasons for this. **If the notice is received not later than 21 days before the C and I Cttee next meets this matter will form agenda item on the next meeting.**

Notice deemed **NOT VALID**

Notice assessed for validity

Notice deemed **VALID**

Relevant Members advised of reasons

Agenda Item added to next C and I Meeting and report

**END OF PROCESS**

C and I Cttee Meet (the relevant policy cttee chair will be invited) to consider the request and have two options

Review Group undertakes agreed work and creates a findings report

Except the call, establish a Review Group and agree terms of reference / scope for the review

Not except the call-in and give reasons

**END OF PROCESS**

Findings report considered by the Challenge and Improvement Committee and any subsequent arising recommendations are submitted to the relevant Policy Committee

Policy Committee Meet (C and I Chair invited) to consider the recommendations and have two options

If there are no arising recommendations this would be the **END OF THE PROCESS**

Accept the recommendations and implement accordingly

Reject the recommendations

**END OF PROCESS**

The matter is referred to Full Council

Decision made

## WORKING EXAMPLE OF PROCESS B

### “GATEWAY REVIEW CALL-IN” – WHILST A PROJECT IS ONGOING\*

**\*IMPORTANT: - THE CALLING-IN OF A PROJECT USING THIS PROCESS WILL NOT STOP PROJECT DELIVERY WHILST THE REVIEW IS ON-GOING.\***

#### **Context**

Members would use this route when they are of the view that there is evidence to suggest that an **ongoing** project may not be delivering the benefits identified in the original business case

#### **Example**

Members receive a Progress and Delivery Projects report, in which it states that an ongoing housing project is running over budget and 6 months behind target. The matter has been reported to the relevant Policy Committee but from the Minutes there is little or no evidence that the Policy Committee is taking appropriate action.

#### **Process**

Members will periodically receive a Progress and Delivery Projects Report for scrutiny purposes, there will be a section within it which identifies any Projects which “are cause for concern”, this could be delivering timescales, financial costs, partner funding issues etc.

Such reports should also be accompanied by the arising Minute from the relevant Policy to assist C and I in ascertaining what corrective/ rectifying action, if any, has been put in place

Where a Member feels a project may not be delivering the benefits identified in the original business case, whether these be financial, social, economic etc, and they are not satisfied with the corrective/ rectifying action they can: -

1. Firstly identify **three other members** on the Challenge and Improvement Committee who support the proposal to “call-in” the project.
2. Secondly Draft the request to call in the project in writing (e-mail will suffice) This request **must include:**
  - a. the Title of the Project to be reviewed.
  - b. the reason(s) why the Project should be reviewed
3. Get **all four members** to sign the request.
4. Send the notice to Lead Officer for the Challenge and Improvement Committee (copied to Committee Admin) **at least 21 days prior to the next meeting of the Challenge and Improvement Committee** (this is in order that it becomes an agenda item at the next meeting. Notice not received within this timescale will mean the item of business falls to the next available meeting).

#### **What happens Next**

The Lead Officer will determine whether the Call-in is valid.

If the Call-in is deemed **not valid** the Four Members concerned will be advised of the reasons why and this would be the end of the matter

If the Call-in is deemed **valid** then: -

The Call-in will be considered **at the next meeting** of the Challenge and Improvement Committee.

The Chairman of the relevant Policy Committee whose Project has been called in shall be invited to attend the meeting.

At this meeting the Challenge and Improvement Committee can decide to either: -

- (a) Not accept the call-in, and give reasons. This would be the end of the process; or
- (b) Accept the call-in, Determine whether a review group should be established and agree the terms of reference / scope for the review.

If the course of action agreed is (b) above then: -

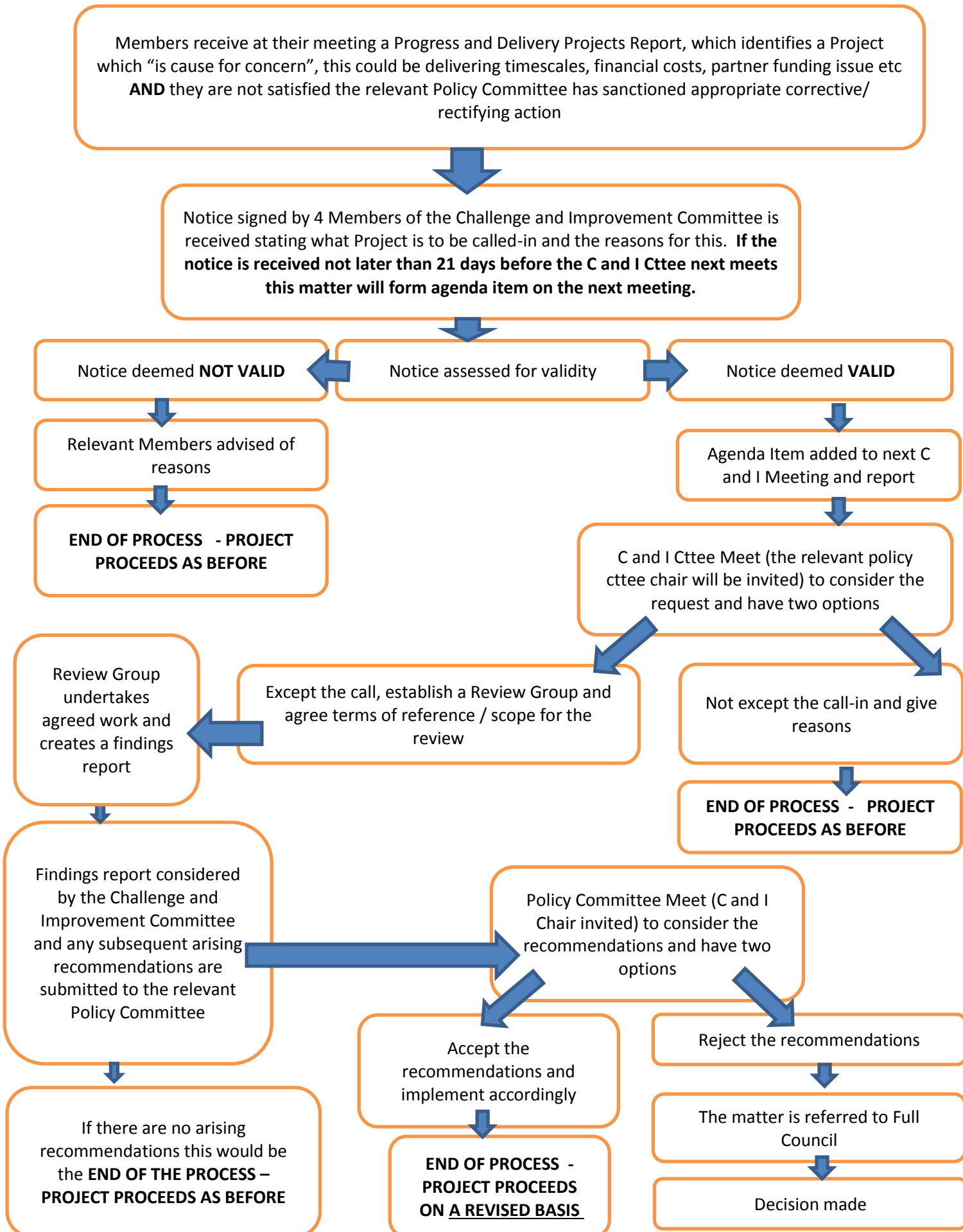
- 1) The established review group will undertake the necessary work, supported by Officers and create a findings report which will be referred back to the Challenge and Improvement Committee in the first stance.
- 2) The review group's report will be considered by the Challenge and Improvement Committee and any subsequent arising recommendations will submitted to the relevant Policy Committee for consideration.
- 3) On considering the recommendations report from the Challenge and Improvement Committee, the relevant Policy Committee concerned can either: -
  - (a) accept the recommendations from C and I and proceed in accordance with these; - this would be the end of the matter or
  - (b) reject the recommendations from C and I

The Chairman of the Challenge improvement Committee would be invited to the Policy Committee meeting.

If the course of action agreed is (b) above then the decision would be referred to Full Council for a decision.

The flow chart below tries to demonstrate the process.

**NOTE: ONLY ONE GATEWAY REVIEW PER PROJECT MAY BE CALLED BY THE C AND I CTTEE, AND NO MORE THAN FOUR IN TOTAL IN ANY ONE MUNICIPAL YEAR**





## WORKING EXAMPLE OF PROCESS A

### “PERFORMANCE MANAGEMENT CALL-IN”

#### Context

Members would use this route when Performance has been off track for at least two consecutive reporting periods; **AND** When the actions of the appropriate policy committee have been implemented and given time to adjust performance

#### Example

Members receive a Progress and Delivery Service Delivery report, in which it states that Land Charges performance is off track for the second consecutive period despite corrective action having been requested.

#### Process

Members will periodically receive a Progress and Delivery Service Delivery Report for scrutiny purposes, this will identify any areas where a service is delivering below the expected target . The report will also identify any areas of performance which have been off track for two or more consecutive reporting periods together with details of corrective measures which have been put in place.

Such reports should also be accompanied by the arising Minute from the relevant Policy Committee to assist C and I in ascertaining what corrective/ rectifying action, if any, has been put in place

Where a Member feels a service delivery is not at the level expected, for two or more consecutive periods and the actions of the appropriate policy committee have been implemented and given time to adjust performance but no service improvement has been seen they can: -

1. Firstly identify **three other members** on the Challenge and Improvement Committee who support the proposal to “call-in” the project.
2. Secondly Draft the request to call in the service performance in writing (e-mail will suffice) This request **must include:**
  - a. the Service Area / Measure to be reviewed.
  - b. the reason(s) why the Service Area / Measure should be reviewed
3. Get **all four members** to sign the request.
4. Send the notice to Lead Officer for the Challenge and Improvement Committee (copied to Committee Admin) **at least 21 days prior to the next meeting of the Challenge and Improvement Committee** (this is in order that it becomes an agenda item at the next meeting. Notice not received within this timescale will mean the item of business falls to the next available meeting).

### **What happens Next**

The Lead Officer will determine whether the Call-in is valid.

If the Call-in is deemed **not valid** the Four Members concerned will be advised of the reasons why and this would be the end of the matter

If the Call-in is deemed **valid** then: -

The Call-in will be considered **at the next meeting** of the Challenge and Improvement Committee.

The Chairman of the relevant Policy Committee whose Project has been called in shall be invited to attend the meeting, Along with the relevant Service Manager / Director.

At this meeting the Challenge and Improvement Committee can decide to either: -

- (a) Not accept the call-in, and give reasons. This would be the end of the process; or
- (b) Accept the call-in, Determine whether a review group should be established and agree the terms of reference / scope for the review.

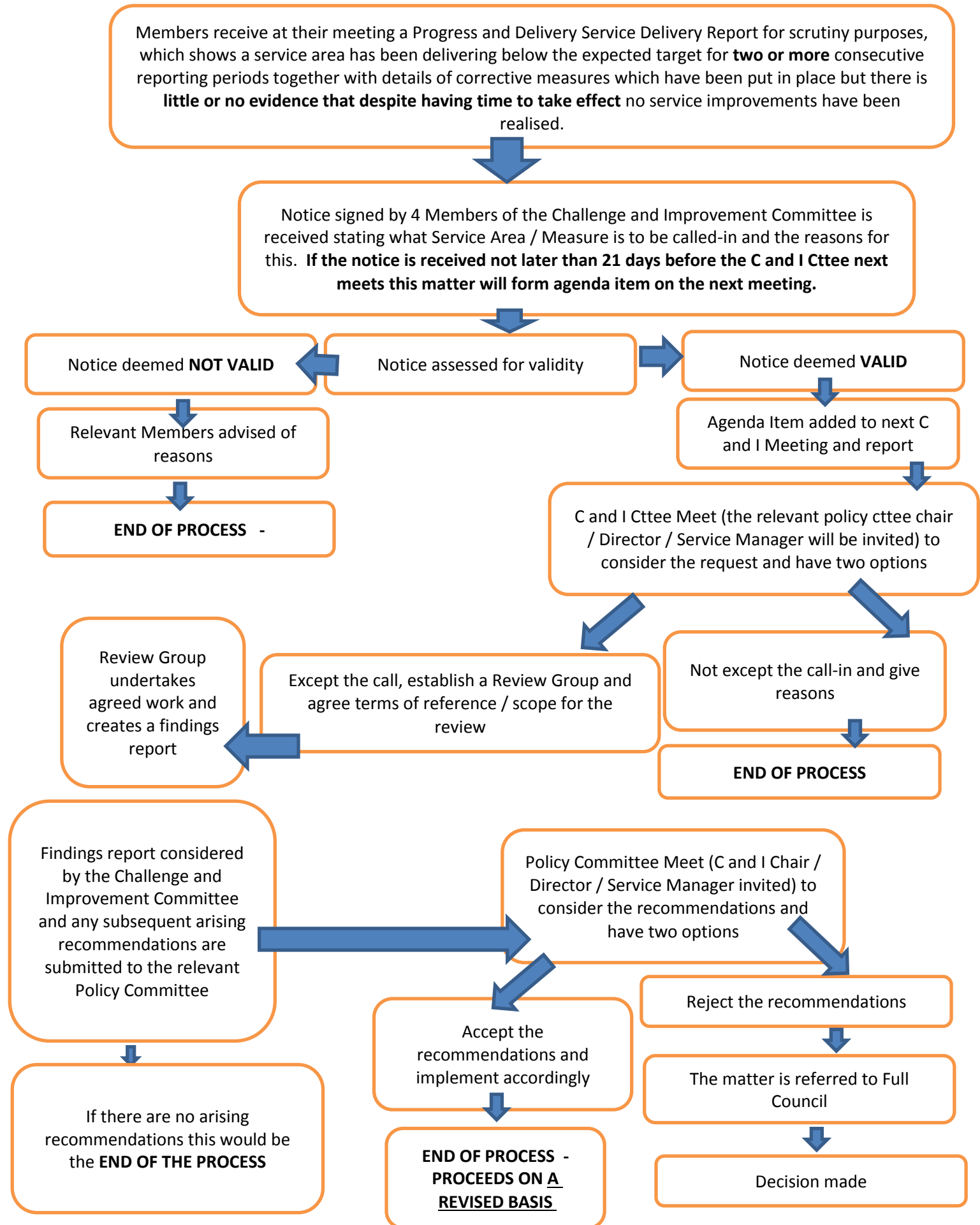
If the course of action agreed is (b) above then: -

- 1) The established review group will undertake the necessary work, supported by Officers and create a findings report which will be referred back to the Challenge and Improvement Committee in the first stance.
- 2) The review group's report will be considered by the Challenge and Improvement Committee and any subsequent arising recommendations will submitted to the relevant Policy Committee for consideration.
- 3) On considering the recommendations report from the Challenge and Improvement Committee, the relevant Policy Committee concerned can either: -
  - (a) accept the recommendations from C and I and proceed in accordance with these; - this would be the end of the matter or
  - (b) reject the recommendations from C and I

The Chairman of the Challenge improvement Committee would be invited to the Policy Committee meeting, Along with the Relevant Service Manager and Director.

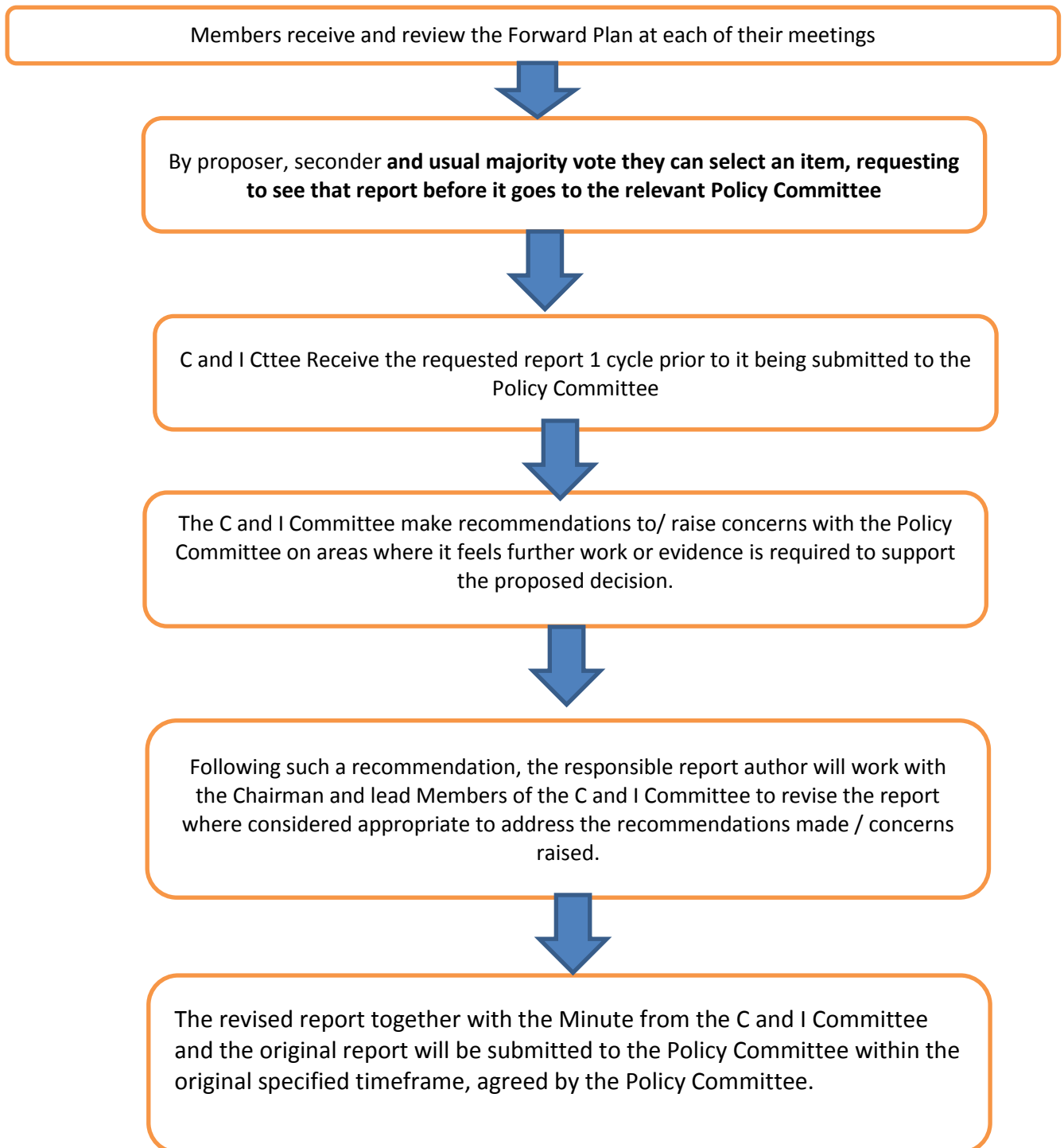
If the course of action agreed is (b) above then the decision would be referred to Full Council for a decision.

The flow chart below tries to demonstrate the process.



## WORKING EXAMPLE OF PROCESS D

### “FORWARD PLAN SELECTION – PRE DECISION SCRUTINY ”



#### NOTES:

- No More than four Reviews using this process can be undertaken with in a municipal year.
- A Decision given pre-scrutiny under this process can then not be called in using the traditional call process.
- An item considered using this process is excluded from re-discussion within six months of first consideration.