

Dear Councillor,

Council

YOU ARE HEREBY SUMMONED to attend the Meeting of the **Council** to be held in the **Council Chamber**, on **Thursday, 18 May 2017** at **18:00** to transact the business set out on the attached agenda.

Yours faithfully,



Chief Executive

To:- **Conservative Group**

Councillor Murray (Chairman), Councillor Stanton (Vice-Chairman) and Councillors Atkin, Billings, Mrs Brown, Mrs Coe, Coe, Mrs Coyle, Ford, Grant, Mrs Hall, Harrison, Hewlett, MacPherson, Muller, Mrs Patten, Mrs Plenderleith, Roberts, Smith, Swann, Watson, Wheeler and Mrs Wyatt

Labour Group

Councillors Bambrick, Chahal, Dunn, Dr Pearson, Rhind, Richards, Shepherd, Southerd, Mrs Stuart, Taylor, Tilley, and Wilkins

AGENDA

Open to Public and Press

- 1 Apologies.
- 2 To confirm the Open Minutes of the Meeting of the Council held on 6th April 2017 (Minute Nos.CL/145-CL/161).
Council 6th April 2017 Open Minutes **5 - 9**
- 3 To receive any declarations of interest arising from any items on the Agenda
- 4 To appoint the Leader of the Council for the ensuing year.
- 5 To appoint the Deputy Leader of the Council for the ensuing year.
- 6 To receive any announcements from the Chairman, Leader and Head of Paid Service.
- 7 To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 8 To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 9 To consider any Notices of Motion in order of which they have been received.
- 10 CORPORATE ACTION PLAN 2017-18 **10 - 23**
- 11 FINANCIAL REGULATIONS, FINANCIAL PROCEDURE AND CONTRACT PROCEDURE RULES **24 - 145**
- 12 CONFLICTS OF INTEREST POLICY **146 - 149**
- 13 To receive and consider the Open Minutes of the following Committees:-

Planning Committee 11th April 2017 Open Minutes	150 - 154
Housing and Community Services Committee 20th April 2017 Open Minutes	155 - 159
Environmental and Development Services Committee 26th April 2017 Open Minutes	160 - 163
Finance and Management Committee 27th April 2017 Open Minutes	164 - 166
Melbourne Area Forum Minutes 24th January 2017	167 - 171
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Repton Area Forum Minutes 31st January 2017	176 - 180
Newhall Area Forum Minutes 1st February 2017	181 - 185
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14 POLITICAL PROPORTIONALITY	194 - 196
15 To appoint Members to serve on Committees and Sub-Committees for the ensuing year (including Chairmen and Vice-Chairmen), in accordance with the allocation of seats to Groups and to appoint Members to Working Panels Composition of Committees, Sub-Committees and Working Panels 2017-18	197 - 200
16 To appoint the Substitute Panels	

	Substitute Panels 2017-18	201 - 202
17	To appoint or submit nominations for representatives to serve on Outside Bodies	
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18	To appoint Member Champions	
	Member Champions 2017-18	206 - 206
19	To appoint the Chairmen of the following Area Forums:- (to be circulated)	
20	OVERVIEW AND SCRUTINY ANNUAL REPORT 2016-17	207 - 216
21	CYCLE OF MEETINGS 2017-18	217 - 219

Exclusion of the Public and Press:

- 22** The Chairman may therefore move:-
That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.
- 23** To confirm the Exempt Minutes of the Meeting of the Council held on 6th April 2017 (Minute Nos.CL/162-CL/165).
Council 6th April 2017 Exempt Minutes
- 24** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 25** To receive and consider the Exempt Minutes of the following Committees:-
Housing and Community Services Committee 20th April 2017

Exempt Minutes

Environmental and Development Services Committee 26th April

2017 Exempt Minutes

Finance and Management Committee 27th April 2017 Exempt

Minutes

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Civic Offices, Civic Way, Swadlincote
on Thursday 6th April 2017
at 6.00pm

PRESENT:-

Conservative Group

Councillor Murray (Chairman), Councillor Stanton (Vice Chairman), Councillors Atkin, Billings, Mrs Coe, Coe, Mrs Coyle, Ford, Grant, Mrs Hall, Harrison, Hewlett, MacPherson, Muller, Mrs Patten, Mrs Plenderleith, Roberts, Smith, Swann, Watson, Wheeler and Mrs Wyatt

Labour Group

Councillors Bambrick, Chahal, Dunn, Dr Pearson, Rhind, Richards, Shepherd, Southerd, Mrs Stuart, Taylor, Tilley and Wilkins

CL/145 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillor Mrs Brown (Conservative Group).

CL/146 **MINUTES OF ANNUAL COUNCIL**

The Open Minutes of the Council held on 1st March 2017 (Minute Nos. CL/124-CL/141) were approved as a true record.

Councillor Shepherd thanked the Chief Executive for the inclusion of detailed information relating to planning appeal costs in the Minutes.

CL/147 **DECLARATIONS OF INTEREST**

Councillors Ford and Taylor declared a personal interest in relation to Item 18 Environmental Education Project Funding by virtue of being Rolls-Royce employees.

CL/148 **ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman of the Council outlined a summary of events attended since the last meeting, including the Swadlincote pancake races, the opening of a new fitness centre, the latest Men United charity bike ride, choir practice and the South Derbyshire Day in Derby.

The Chairman welcomed Councillor Rhind back to the Chamber after his recent period of ill health. Councillor Rhind thanked all those who had sent messages of goodwill and the NHS for their care and professionalism.

CL/149 **ANNOUNCEMENTS FROM THE LEADER**

The Leader made reference to the recent announcement relating to the Woodville Regeneration Route, providing an update on its funding and the likely timing of its planning application process, thanking Officers, District and County Members for their achievements. The Leader also noted another successful Jobs Fair at the Greenbank Leisure Centre earlier in the day, acknowledging the work of the Economic Development Team.

CL/150 **ANNOUNCEMENTS FROM HEAD OF PAID SERVICE**

The Chief Executive also commended the Woodville Regeneration Route announcement, noting that South Derbyshire had been granted £6.4m of the £10.6m made available to the County on this occasion.

With regard to the County Council Elections on the 4th May 2017 and the Woodville By-Election on the 11th May 2017, the Chief Executive outlined the election / count process for both and reminded Members of their obligations during this pre-election period of purdah.

CL/151 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council were informed that no questions had been received.

CL/152 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

Council were informed that no questions had been received.

CL/153 **SEALED DOCUMENTS**

24.02.17 11654 Transfer – 3 Poplar Avenue, Midway
24.02.17 11666 Transfer – 7 Dundee Road, Midway

RESOLVED:

That the Sealed Documents listed, for which there is no specific authority, be duly authorised.

Councillor Billings joined the Meeting at 6.15pm.

CL/154 **PAY POLICY STATEMENT 2017/18**

The Director of Finance and Corporate Services presented the report to Council.

RESOLVED:-

Members approved the publication of the Pay Policy Statement for the financial year 2017/18.

CL/155 **PLANNING APPLICATION FEES: THE GOVERNMENT'S OFFER**

The Director of Finance and Corporate Services presented the report to Council.

Councillor Southerd acknowledged that a fee increase was inevitable after none for five years, but expressed some reservation as to whether the increase was ring-fenced for planning services and the potential for outside bodies to benefit. Councillor Richards also queried the further guidance referred to, in terms of whether it could materially alter what was currently being considered. Councillor MacPherson queried the planning application costs structure and Councillor Dr Pearson expressed concern relating to some detail and the potential for current planning powers to be eroded.

The Chief Executive and Director of Finance and Corporate Services addressed the points raised, stating that if further guidance was received it would likely only provide additional clarification regarding the type of expenditure.

RESOLVED:-

1.1 Members accepted the Government's offer to increase fees for planning applications by 20% from July 2017 and to commit to investing the additional income in Planning Services.

1.2 Members granted approval to the Section 151 Officer, under Section 230 of the Local Government Act 1972, to commit and submit information of the 2017/18 budget that demonstrates the additional fee income being spent on planning services.

CL/156 **CYCLE OF MEETINGS 2017/18**

Councillor Dunn acknowledged the rescheduling of some dates in order to accommodate those Members with County Council commitments.

RESOLVED:-

Members approved the cycle of Meetings for 2017/18.

CL/157 **OPEN MINUTES**

Council received and considered the open minutes of its Committees.

RESOLVED:-

That the open minutes of the following Committees were approved as a true record:-

Planning

28.02.17 PL/178-PL/194

Environmental and Development Services 02.03.17 EDS/75-EDS/88

Councillor Atkin stated that whilst the Minutes detailed him as being present at this Meeting as a Substitute for Councillor Mrs Patten, he did not in fact attend the Meeting. Councillor Mrs Patten had attended the Meeting as a Committee Member.

<i>Finance and Management</i>	<i>16.03.17</i>	<i>FM/131-FM/141</i>
<i>Planning</i>	<i>21.03.17</i>	<i>PL/195-PL/211</i>
<i>Overview and Scrutiny</i>	<i>22.03.17</i>	<i>OS/61-OS/69</i>
<i>Licensing and Appeals Sub-Committee</i>	<i>23.03.17</i>	<i>LAS/38-LAS/40</i>

CL/158 **THE COMPOSITION OF COMMITTEES, SUB-COMMITTEES & WORKING PANELS FOR THE REMAINDER OF THE MUNICIPAL YEAR**

Council was informed that no changes had been made to the composition of the committees, sub-committees and working panels since its last meeting.

CL/159 **COMPOSITION OF SUBSTITUTE PANELS**

Council was informed that no changes had been made to the composition of the substitute panels since its last meeting.

CL/160 **REPRESENTATION ON OUTSIDE BODIES**

The Leader nominated Councillor Mrs Coe to replace Councillor Mrs Plenderleith as the Council's nominee to the Burton Hospitals NHS Foundation Trust Board of Governors.

CL/161 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

That in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined under the paragraphs of Part 1 of Schedule 12A of the Act as indicated in the reports of Committees.

EXEMPT MINUTES OF THE COUNCIL

The Exempt Minutes of the Council Meeting held on 1st March 2017 (Minute Nos. CL/142-CL/144) were approved as a true record.

EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NUMBER 11

Council was informed that no questions had been received.

ENVIRONMENTAL EDUCATION PROJECT FUNDING

RESOLVED:-

Members approved the recommendations detailed in the Report.

EXEMPT MINUTES

Council received and considered the Exempt Minutes of its committees.

RESOLVED:-

That the Exempt Minutes of the following Committees be approved as a true record:-

<i>Environmental and Development Services</i>	<i>02.03.17</i>	<i>EDS/89-EDS/91</i>
<i>Finance and Management</i>	<i>16.03.17</i>	<i>FM/142-FM/149</i>
<i>Planning</i>	<i>21.03.17</i>	<i>PL/212-PL/213</i>
<i>Licensing and Appeals Sub-Committee</i>	<i>23.03.17</i>	<i>LAS/41-LAS/43</i>

The meeting terminated at 6.35pm.

COUNCILLOR P MURRAY

CHAIRMAN OF THE DISTRICT COUNCIL

REPORT TO:	ANNUAL COUNCIL	AGENDA ITEM: 10
DATE OF MEETING:	18th MAY 2017	CATEGORY: DELEGATED
REPORT FROM:	CORPORATE MANAGEMENT TEAM	OPEN
MEMBERS' CONTACT POINT:	KEVIN STACKHOUSE (EXT. 5811)	DOC:
SUBJECT:	CORPORATE ACTION PLAN 2017/18	
WARD (S) AFFECTED:	ALL	TERMS OF REFERENCE: G

1.0 Recommendations

1.1 That the updated Corporate Action Plan for 2017/18, attached at **Appendix A**, is approved.

2.0 Purpose of Report

2.1 The Corporate Plan sets out the way in which we intend to further develop and improve our services between 2016 and 2021. Quarterly reports are taken to policy committees to monitor performance. It is important to review and update the Plan to take into account the progress made to date and ensure continuous improvement. This refreshed action plan sets out the priorities for 2017/18 along with the measures and projects to support delivery.

3.0 Detail

3.1 The Council adopted the Corporate Plan in April 2016. As a key component of our Performance Management Framework, it contains four core themes:

- People
- Place
- Progress
- Outcomes

3.2 Our Corporate Plan provides clear strategic direction in the delivery of 'making South Derbyshire a better place to live, work and visit'. It describes how we will work with partners to improve the quality of life of residents, community groups and businesses.

3.3 The associated action plan, which is updated annually, maintains the Corporate Plan's relevance and ensures that any issues impacting on the District and the Council are responded to in a timely and appropriate manner.

3.4 During January 2017, Officers and Elected Members took part in interactive workshops to refresh the Corporate Action Plan. Designed to be challenging and thought provoking, they focussed on the four core themes and further enhancing service delivery. Each workshop included a review of:

- past year performance
- the changing landscape of the District and the Council
- financial position and budgets
- associated strategies and national policy

- 3.5 Following this feedback, 41 measures and projects were proposed for 2017/18 (compared to 56 last year). These were further amended after being sent to Elected Members for comment and feedback in April 2017.
- 3.6 The Corporate Action Plan for 2017/18 is made up of 24 measures and 17 projects. The aim is to provide clear direction and purpose while driving forward overall performance, the services we offer and the way we deliver them. One proxy measure has been included and is designed to illustrate information relevant to the Corporate Plan themes. However, we have no direct overall control on this and cannot set targets.
- 3.7 It is proposed to introduce the following projects/measures to the Corporate Action Plan:

Outcomes

O1.1 Identify £850,000 of savings/income by March 31, 2018, through cutting costs, strong procurement, income generation and business improvement

O2.1 An unqualified Value for Money opinion in the Annual Audit Letter

O4.1 95% of all employees to complete mandatory training

O4.2 95% of all employees to have an annual performance appraisal

O5.2 Develop a Social Media Strategy to provide easy and innovative options for residents to engage with the Council

O5.3 The average time to answer a telephone call is 20 seconds or less with a call abandonment rate of less than 5%

O5.4 Deliver the Equalities and Safeguarding Action Plan to demonstrate principles are embedded in service delivery

O6.1 Three year review of ICT Strategy and adoption of action plan to 2020

People

PE2.5 Meet Housing Benefit Subsidy Local Authority error target threshold set by the DWP

PE3.1 Number of empty home intervention plans for dwellings empty for more than two years

Place

PL1.1 Increased supply of affordable homes

Progress

PR1.1 Produce an investor prospectus to showcase developments and investor opportunities

PR2.3 Vacant premises in Swadlincote, Hilton and Melbourne (proxy)

PR3.2 Secure sustainable management option for Rosliston Forestry Centre

PR3.3 Further develop and promote South Derbyshire's evening and night time economy

PR5.3 Guidance offered to businesses or people thinking of starting a business (through the South Derbyshire Business Advice Service).

- 3.8 To ensure it continues to evolve, the Corporate Action Plan will be regularly reviewed and may be updated during the financial year. Any amendments will be reported to Elected Members as part of the quarterly performance reporting cycle.
- 3.9 It should be noted that the Corporate Plan and action plan do not cover everything the Council does, but focus on issues important to residents, on national priorities set by Government and on the opportunities/challenges resulting from the changing social, economic and environmental aspects of South Derbyshire.
- 3.10 The Corporate Action Plan ties in with the Sustainable Community Strategy and its themes of health and wellbeing, safer communities and sustainable development. Its associated action plan is also updated on an annual basis.
- 3.11 The plans form an important part of planning for the future and lead performance management. As well as enabling effective monitoring, it links strategic priorities and objectives directly to the activities of service areas.
- 3.11 Service Plans for each directorate will be reported during the June committee cycle.

4.0 Financial implications

4.1 As part of the development of the refreshed Corporate Action Plan, consideration has been given to the Council's current financial position and commitment to delivering services in 2017/18.

5.0 Corporate implications

5.1 The Corporate Plan forms the backbone of our Performance Management Framework. It is the delivery mechanism that links our vision with the needs of communities and good governance.

6.0 Community Implications

6.1 The Corporate Plan has an impact on all aspects of community life, because it is built upon the needs and expectations of residents. The Council is proud of its role as a community leader and will continue to deliver high quality services. It is important to recognise the diverse range and needs of all communities and continue to work with key groups, stakeholders and businesses to make South Derbyshire a better place to live, work and visit.

7.0 Appendices

Appendix A – Corporate Action Plan

Outcomes

Key aim	Key actions to achieve the aim	Strategic measures/projects	Targets and outcomes	Directorate Responsible
O1. Maintain financial health	Generate ongoing revenue budget savings in the General Fund.	O1.1 Identify £850,000 of savings/income by March 31, 2018, through cutting costs, strong procurement, income generation and business improvement	£850,000 Annual target, as per the Medium Term Financial Plan.	Finance and Corporate Services
O2. Maintain proper Corporate Governance	Compile and publish an Annual Governance Statement in accordance with statutory requirements.	O2.1 An unqualified Value for Money opinion in the Annual Audit Letter.	Annual target	Chief Executive's
O3. Enhance environmental standards	Demonstrate high environmental standards.	O3.1 Maintain ISO14001 certification in Environmental Management.	<p>Q1 Hold annual senior environmental management review</p> <p>Q2 Ensure continual compliance with ISO 14001 standard. Close out all identified non conformances</p> <p>Q3 Prepare for and deliver external ISO14001 certification</p> <p>Q4 Ensure continual compliance with ISO 14001 standard. Reflect process outcomes into corporate and service plan action setting.</p> <p>Q1-Q4: Energy consumption in public buildings to be reported.</p>	Housing and Environmental Services

<p>O4. Maintain a skilled workforce.</p>	<p>Ensure ongoing training and development for individuals and groups of employees where applicable.</p>	<p>An annual personal development review and ensure training needs are met for each employee.</p>	<p>O4.1 95% of all employees to complete mandatory training</p> <p>O4.2 95% of all employees to have an annual performance appraisal</p>	<p>All directorates NB: target cannot be set at 100% due to long term sickness absence/new starters.</p>
<p>O5. Maintain customer focus.</p>	<p>Ensure services remain accessible to residents and visitors.</p>	<p>O5.1 Develop the new website and provide functionality for greater transactional processing online.</p>	<p>Q1 Website go live</p> <p>Q2 Gauge satisfaction and identify any emerging patterns and trends. Set targets for the year ahead.</p>	<p>Chief Executive's</p>
	<p>Ensure services remain accessible to residents and visitors.</p>	<p>O5.2 Develop a Social Media Strategy to provide easy and innovative options for residents to engage with the Council</p>	<p>Q1 Liaise with most similar group authorities to establish approach</p> <p>Q2 Undertake detailed research and analysis. Build evidence base.</p> <p>Q3 Create strategy and consult with stakeholders.</p> <p>Q4 Report to committee and adopt strategy.</p>	<p>Chief Executive's</p>
	<p>Ensure services remain accessible to residents and visitors.</p>	<p>Expand services in the Customer Contact Centre and maintain facilities for face to face enquiries where required.</p>	<p>O5.3 The average time to answer a telephone call is 20 seconds or less with a call abandonment rate of less than 5%</p> <p>(Q1-Q4 number of visitors to Civic Offices to be recorded)</p>	<p>Finance and Corporate Services</p>

	Ensure services remain accessible to residents and visitors.	O5.4 Deliver the Equalities and Safeguarding Action Plan to demonstrate principles are embedded in service delivery.	<p>Q1 Present Equalities and Safeguarding annual report to Elected Members and agree action plan.</p> <p>Q2 Achieve accreditation to Safe Place scheme.</p> <p>Q3 Achieve Dementia Friendly Community status.</p> <p>Q4 Undertake a Workforce Profile and consider any issues to be addressed.</p>	Chief Executive's
O6. Be aware of and plan for financial, legal and environmental risks.	Continue to strengthen the ICT platform and ensure that ICT is able to support change and minimise business risks.	O6.1 Three year review of ICT Strategy and adoption of action plan to 2020.	<p>Q1 External review of requirements undertaken</p> <p>Q2 Update F&M Committee on current position</p> <p>Q3 Strategy adopted.</p> <p>Q4. N/a</p>	Finance and Corporate Services

People

Key aim	Key actions to achieve the aim	Strategic measures/projects	Targets and outcomes	Directorate Responsible
PE1. Enable people to live independently.	Provide an efficient and well-targeted adaptation service (including Disabled Facilities Grants) and make better use of previously adapted dwellings.	PE1.1 % of adapted properties allocated on a needs basis.	>90%	Housing and Environmental Services
		PE1.2 % of residents satisfied with the quality of their new home.	>88%	
PE2. Protect and help support the most vulnerable, including those affected by financial challenges.	Maintain regular contact with tenants, with a focus on those identified as vulnerable.	PE2.1 Total number of Tenancy Audits completed.	Quarterly target 250	Housing and Environmental Services
		PE2.2 Number of successful introductory tenancies	97%	
	Process Benefit claims efficiently.	PE2.3 Average time for processing new Benefit claims.	<18 days	Finance and Corporate Services
		PE2.4 Average time for processing notifications of changes in circumstances.	<8 days	
Provide a service for homeless applicants which is nationally recognised as delivering 'best practice'.	PE2.5 Meet Housing Benefit Subsidy Local Authority error target threshold set by the DWP		<0.48%	Housing and Environmental Services
		PE2.6 To attain NPSS Bronze Standard for Homelessness by March 31, 2018.	Q1 Review outstanding data/gaps from NPSS peer assessment. Q2 Select local challenges to focus on. Q3 Prepare submission to NPSS. Q4 Submit file to NPSS for review. Attain NPSS bronze standard.	

<p>PE3. Use existing tools and powers to take appropriate enforcement action</p>	<p>Bring empty homes back into use.</p>	<p>PE3.1 Number of empty home intervention plans for dwellings known to be empty for more than two years.</p>	<p>Q1 1 Q2 3 Q3 3 Q4 3</p> <p>10 per year</p>	<p>Housing and Environmental Services</p>
<p>PE4. Increase levels of participation in sport, health, environmental and physical activities</p>	<p>Delivery of sport, health, physical activity and play scheme participations.</p>	<p>PE4.1 Throughput at Etwall Leisure Centre, Green Bank Leisure Centre and Rosliston Forestry Centre</p>	<p>Rosliston Q1 50,000 Q2 60,000 Q3 40,000 Q4 45,000 Total 195,000</p> <p>Leisure centres Quarterly target 170,404</p>	<p>Community and Planning</p>
	<p>Tackling physical inactivity</p>	<p>PE4.2 Develop and implement a Sport, Health and Physical Activity Strategy</p>	<p>Q1 Strategy to be adopted by Committee</p> <p>Q2 Deliver targeted physical activity programme</p> <p>Q3 Deliver targeted physical activity programme</p> <p>Q4 Review strategy progress</p>	<p>Community and Planning</p>
<p>PE5. Reduce the amount of waste sent to landfill.</p>	<p>Minimise waste sent to landfill.</p>	<p>PE5.1 Household waste collected per head of population (kg).</p> <p>PE5.2 % of collected waste recycled and composted.</p>	<p>Q1 <140kgs Q2 <120kgs Q3 <110kgs Q4 <110kgs</p> <p>Annual <480kgs</p> <p>Q1 >55% Q2 >53% Q3 >47% Q4 >45%</p> <p>Annual >50%</p>	<p>Housing and Environmental Services</p>
<p>PE6. Develop the workforce of South Derbyshire to support growth.</p>	<p>Increase Council engagement to raise aspirations.</p>	<p>PE6.1 Provide opportunities for young people to reach their potential.</p>	<p>Q1 Communicate Raising Aspirations programme to Elected Members and partners</p>	<p>Community and Planning</p>

			<p>Q2 Review impact of Raising Aspirations programme</p> <p>Q3 Review working relationship with schools</p> <p>Q4 Deliver renewed action plan</p>	
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Place

Key aim	Key actions to achieve the aim	Strategic measures/projects	Targets and outcomes	Directorate Responsible
PL1. Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	Increase the supply and range for all affordable housing provision	PL1.1 Increased supply of affordable homes.	150 Annual target	Housing and Environmental Services
	Deliver an adopted South Derbyshire Local Plan, parts 1 and 2, and key supplementary documents.	PL1.2 Local Plan and relevant documents adopted.	Q1 Examination in public of Local Plan Part 2. Approval to consult on Development Plan and supplementary planning documents. Q2 Consult on Development Plan and Supplementary Planning documents. Q3 Review consultation responses. Q4 Report to Council. Adopt Local Plan Part 2, Development Plan and supplementary planning documents.	Community and Planning
	Facilitate and deliver sustainable infrastructure	PL1.3 Consider the introduction of a Community Infrastructure Levy.	Awaiting information from the Government. Elected members to be kept informed of progress in Q2 and Q4.	Community and Planning
	Deliver a programme of proactive interventions to reduce environmental crime and anti-social behaviour.	PL3.1 Downward trend in fly-tipping incidents.	Q1 <180 Q2 <360 Q3 <540 Q4 <720	Housing and Environmental Services

<p>PL3. Help maintain low crime and anti-social behaviour levels in the District.</p>	<p>Review, publish and deliver the Safer South Derbyshire Community Safety Partnership Plan.</p>	<p>PL3.2 Plan published. Actions within the plan delivered.</p>	<p>Q1 Work with schools to develop delivery plan for community safety input in schools in 2017/18.</p> <p>Q2 Deliver summer activities in urban core hot spot areas for young people to participate in.</p> <p>Q3 Deliver hate crime campaign around Hate Crime Awareness Week.</p> <p>Q4 Review and refresh Partnership plan for 2018/19.</p>	<p>Community and Planning</p>
<p>PL5. Support provision of cultural facilities and activities throughout the District</p>	<p>Implement and manage the leisure facility capital build programme.</p>	<p>PL5.1 Number of completed projects</p>	<p>Q1 Agree capital investment programme with Forestry Commission for Rosliston Forestry Centre</p> <p>Q2 Produce development plan for Green Bank Leisure Centre</p> <p>Q3 Produce Development Plan for Etwall Leisure Centre</p> <p>Q4 Update play area audit and prioritise sites</p>	<p>Community and Planning</p>
<p>PL6. Deliver services that keep the District clean and healthy.</p>	<p>Reduce contamination risk rating of land in South Derbyshire.</p>	<p>PL6.1 Number of contaminated land assessments completed.</p>	<p>4 Annual target</p>	<p>Housing and Environmental Services</p>

Progress

Key aim	Key actions to achieve the aim	Strategic measures/projects	Targets and outcomes	Directorate Responsible
PR1. Work to attract further inward investment.	Showcase developments and investor opportunities in South Derbyshire.	PR1.1 Produce an investor prospectus	<p>Q1 Collate information and prepare materials for investor prospectus</p> <p>Q2 Publish vacant commercial property bulletin</p> <p>Q3 Publish investor prospectus</p> <p>Q4 Publish vacant commercial property bulletin</p>	Chief Executive's
PR2. Unlock development potential and ensure the continuing growth of vibrant town centres.	Delivery of Swadlincote Townscape project.	PR2.1 Deliver objectives of scheme.	<p>Q1 Completion of construction work to Diana Memorial Garden. Grants panel to be held.</p> <p>Q2 Opening events for Diana Memorial Garden. Stage one grant bids to be submitted.</p> <p>Q3 Annual maintenance day held.</p> <p>Q4 Tree planting at Diana Memorial Garden. All grants to be promoted.</p>	Community and Planning
	Increase attendance and participation at town centre events.	PR2.2 Events, such as a wedding fair, the Christmas Lights Switch On, Festival of Leisure and markets, delivered and/or supported.	<p>Q1 4 events, including Swadlincote Wedding Fair</p> <p>Q2 3 events, including Makers' Market</p> <p>Q3 2 events, including</p>	<p>Chief Executive's</p> <p>Community and Planning</p>

			Christmas lights Switch On Q4 1 event, including Pancake Races	
		PR2.3 Vacant premises in Swadlincote, Hilton and Melbourne (proxy)	N/a. To be reported twice a year.	Community and Planning
PR3. Work to maximise the employment, training and leisure uses of The National Forest by residents and increase the visitor spend by tourists.	Support the operation and development of the tourism sector.	PR3.1 Number of Tourist Information Centre enquiries handled.	Q1 8,000 Q2 8,000 Q3 5,000 Q4 5,000	Chief Executive's
	Review and procure new management for Rosliston Forestry Centre	PR3.2 Secure sustainable management option	Q1 Develop an options appraisal for site's future Q2 Continue procurement process Q3 Select management contractor and prepare contract Q4 Sign new management contract	Community and Planning
	Work with Swadlincote TIC to attract evening visitors to the District's leisure, food and drink and retail offer	PR3.3 Further develop and promote South Derbyshire's evening and night-time economy	Q1 N/a Q2 Consult with businesses, via Swadlincote Town Team, on potential initiatives Q3 Undertake promotional initiative in the run up to Christmas Q4 Publish promotional materials to attract visitors	Chief Executive's

PR5. Provide business support and promote innovation and access to finance, including in rural areas	Maximise the prosperity of businesses through the delivery of the Better Business Regulation Partnership action plan.	PR5.1 Food businesses which have a Food Hygiene Rating score of five.	>81%	Housing and Environmental Services
	Maximise the prosperity of businesses in South Derbyshire	PR5.2 Registered food businesses active in the District.	>810	Housing and Environmental Services
	Maximise the prosperity of businesses in South Derbyshire	PR5.3 Guidance offered to businesses or people thinking of starting a business (through the South Derbyshire Business Advice Service).	Q1 25 Q2 25 Q3 25 Q4 25	Chief Executive's

REPORT TO:	COUNCIL	AGENDA ITEM: 11
DATE OF MEETING:	18th MAY 2017	CATEGORY: RECOMMENDED
REPORT FROM:	DIRECTOR OF FINANCE & CORPORATE SERVICES	OPEN
MEMBERS' CONTACT POINT:	KEVIN STACKHOUSE (01283 595811) Kevin.stackhouse@south-derbys.gov.uk	DOC: u/ks/live files/financial strategy/report to council may 2017
SUBJECT:	FINANCIAL REGULATIONS, FINANCIAL PROCEDURE AND CONTRACT PROCEDURE RULES	REF
WARD (S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendations

1.1 That Council adopts the updated Financial Regulations, Financial and Contract Procedure rules under Section 4 of the Constitution.

2.0 Purpose of Report

2.1 To update the Financial Regulations and associated Financial Procedural Rules, together with changes to the Contract Procedure Rules under Section 4 of the Council's Constitution.

3.0 Detail

3.1 There are 3 separate documents contained in the Council's Constitution which govern how the Council manages its finances and other resources, together with governance arrangements regarding procurement, tendering and contract management.

3.2 These documents are detailed in Part 4 of the Constitution, Rules of Procedure (Sections 26, 27 and 28). These documents are reviewed on a regular basis but do not tend to change fundamentally from year to year as the principles and practices detailed in the documents are embedded and based on best practice. Unless there are any significant changes to the key principles underpinning the regulations and procedures, the documents are rolled forward from year-to-year.

3.3 However, it is considered good practice that minor changes that have accrued over a period of time are reported and the documents updated accordingly. Ideally, this should be undertaken at least every 3-years.

3.4 The updated documents are attached to the report in **Appendices 1 to 3**. There are no significant changes and the proposed changes have been highlighted in the documents. There are several grammatical alterations and

terminology changes. In addition, the following areas have been updated to reflect the following changes.

Virement

- 3.5 The Financial Procedural Rules have been updated to reflect that the only form of virement (transfer of budget provision) takes place between services and committees (**Section A2**). Any virement requires the approval of the Finance and Management Committee.
- 3.6 Virement within individual cost centres no longer takes place and original budget estimates are not changed during the financial year. The management of under and over spending is reported to the Finance and Management Committee.

Changes to External Audit

- 3.7 The documents have been updated to reflect that the Audit Commission was abolished on 31st March 2015 and their functions have been transferred to the National Audit Office. Auditor appointments are now made by the Public Sector Audit Appointments Limited.

Electronic Processing

- 3.8 The Purchasing Code of Practice (*Appendix B1 to the Financial Procedure Rules*) has been updated to reflect electronic processing of tenders, orders and invoice payments.

Other Changes

- 3.9 Other updates include references to Codes of Practice which have changed over time, the requirement to produce an Annual Governance Statement rather than a Statement of Internal Control, together with a requirement to demonstrate Value for Money rather than the production of a Best Value Performance Plan.
- 3.10 In addition, some job titles have been updated to reflect the transfer of services back from Northgate, together with delegation for authorised officers to write-off small amounts of debt and obsolete stock up to a value of £25 and £50 respectively.
- 3.11 Other than changes to reflect updated job titles, no changes are proposed to the Contract Procedure Rules.

4.0 Financial Implications

- 4.1 None.

5.0 Corporate and Community Implications

5.1 The Financial Regulations and associated Procedure Rules apply order and control to the operations of the Council. They apply to all Members and Officers. This control is a prime component of Corporate Governance and specifically concentrates on the financial aspects of the Council.

6.0 Background Papers

6.1 None.

Financial Regulations

Document Owner:	Director of Finance and Corporate Services
Date of Issue :	June May 2013 7
Version :	1.0
Date of Next Review:	March 2014 8

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FOREWORD

Part 4 of the Constitution includes the Financial Regulations and the associated Financial Procedure Rules. These are based on a good practice guide issued by the Chartered Institute of Public Finance and Accountancy, first issued in 2001.

These Regulations and Rules apply to every Member and Officer of the Authority and anyone acting on its behalf. Their aim is to provide clarity about the financial accountabilities of Committees, Sub Committees and Joint Committees, the Head of Paid Service, the Monitoring Officer, the Director of Finance and Corporate Services and other Chief Officers (as defined in Article 11 (paragraph 11.01(b) of this Constitution) and to ensure that the business of the Council is conducted efficiently.

It is a guide for Members and Officers for use before taking decisions about assets for which they are responsible. In particular that they may ensure that the use of these assets is legal, properly authorised, provides value for money and achieves best value.

In accordance with the provisions of Article 4, paragraph 4.02 (2) of ~~this~~ Constitution these Financial Regulations have been approved by Full Council and, as a consequence, Full Council is responsible for subsequent changes. For clarity any major amendments to the Financial Procedure Rules will require approval of ~~the Finance and Management Committee~~ Full Council.

FINANCIAL REGULATIONS

Each of the Financial Regulations relates to particular financial policies. There are 5 Regulations. These are:-

A	Financial Management
B	Financial Planning
C	Risk Management
D	Financial Administration
E	External Arrangements

Part 4 of the Constitution also includes other internal regulatory documents relating to finance and financial probity including the Purchasing Code of Practice, Standard Conditions of Supply and Delivery of Materials and Services, the Code of Practice on the Prudential Approach to Local Authority Commitments and Contracts Procedure Rules.

However it is important to note that these Financial Regulations and Financial Procedure Rules must be read in conjunction with the rest of the Constitution, particularly Part 3, Responsibility for Functions and the Delegation Scheme.

FINANCIAL PROCEDURE RULES

Financial Procedure Rules provide an interpretation of the Financial Regulations and include the following four sections:-

- Context
- Responsibilities of the Director of Finance and Corporate Services
- Responsibilities of Chief Officers
- Guidance

References in these Financial Procedure Rules to Chief Officers include other Officers where decisions have been delegated or devolved to them.

REVIEW AND TRAINING

The Director of Finance and Corporate Services is responsible for:-

- maintaining a continuous review of both the Financial Regulations and the Financial Procedure Rules and submitting any additions or changes necessary to the Full Council for approval;
- reporting, where appropriate, breaches of the Financial Procedure Rules to Full Council;
- issuing advice and guidance on these Financial Procedure Rules to Members, Officers and others who act on behalf of the Authority.

Chief Officers are responsible for:-

- ensuring that all staff in their departments are aware of the existence and content of these Financial Procedure Rules and the other documents in Part 4 of the Constitution.

A: Financial Management

INTRODUCTION

1. Financial management covers all financial accountabilities in relation to the running of the Council, including the Budget and Policy Framework.

FULL COUNCIL

2. Full Council is responsible for adopting the Constitution and Members' Code of Conduct and for approving the Budget and Policy Framework within which the Policy Committees operate. It is also responsible for approving and monitoring compliance with the Authority's overall framework of accountability and control and for agreeing procedures for carrying forward under- and overspending on budget headings.
3. Decisions can be delegated to a Committee, Sub-Committee, a Joint Committee or an Officer.

COMMITTEES

FINANCE AND MANAGEMENT COMMITTEE

4. The Finance and Management Committee is responsible for in-year financial monitoring of all Committees and departments to ensure they remain within budget and act in accordance with the ~~se~~ Financial Rules.
5. The Finance and Management Committee is responsible for proposing the Budget and Policy Framework to Full Council.
6. The Finance and Management Committee approves the Annual Statement of Accounts.

ALL POLICY COMMITTEES - FINANCE AND MANAGEMENT/ ENVIRONMENTAL AND DEVELOPMENT SERVICES AND HOUSING AND COMMUNITY SERVICES

These are responsible for discharging the Council's functions in accordance with the Budget and Policy Framework.

8. **JOINT COMMITTEES**

The Council can discharge certain of its responsibilities in partnership with other organisations within a Joint Committee. At present a Joint Committees has been formed for the Etwall Leisure Centre ~~Joint Management Committee~~. The terms of the Joint Committee will specify the extent, if any, to which these Financial Regulations will apply.

9. **OVERVIEW AND SCRUTINY COMMITTEE**

The Overview and Scrutiny Committee is responsible for scrutinising the decisions of Policy Committees before or after they have been implemented. It is also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the authority.

10. **STANDARDS COMMITTEE**

The Standards Committee is established by Full Council and is responsible for promoting and maintaining high standards of conduct amongst Councillors. In particular, it is responsible for advising Full Council on the adoption and revision of the Members' Code of Conduct, and for monitoring the operation of the Code.

11. **OTHER REGULATORY COMMITTEES**

The Planning Committee and the Licensing and Appeals **Sub-Committee** exercise regulatory functions under powers delegated by Full Council. They both report to Full Council.

12. **STATUTORY OFFICERS**

For general provisions outlining the management structure and the roles and responsibilities of the Chief Officers and Statutory Officers please refer to Article 11 of Part 2 of the Constitution. Specific financial responsibilities of these Officers are set out below.

13. **HEAD OF PAID SERVICE**

The Head of Paid Service is responsible for the corporate and overall strategic Management of the Authority.

14. **MONITORING OFFICER**

The Monitoring Officer is responsible for:-

- promoting and maintaining high standards of financial conduct as part of his/her general responsibilities;
- advising all Councillors and Officers about who has authority to take a particular decision;
- together with the Director of Finance and Corporate Services for advising Policy Committees or Full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the Budget. Actions that may be 'contrary to the Budget' include:
 - initiating a new policy
 - committing expenditure in future years to above the Budget level
 - incurring interdepartmental transfers above virement limits
 - causing the total expenditure financed from council tax, grants and corporately held reserves to increase, or to increase by more than a specified amount.

15. **THE DIRECTOR OF FINANCE AND CORPORATE SERVICES**

The Director of Finance and Corporate Services has statutory duties in relation to the financial administration and stewardship of the Authority. This statutory responsibility cannot be overridden. The statutory duties arise from:

- Section 151 of the Local Government Act 1972,
- The Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- The Accounts and Audit Regulations 2011.

16. The Director of Finance and Corporate Services is responsible for:

- the proper administration of the Authority's financial affairs
- setting and monitoring compliance with financial management standards
- advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
- providing financial information
- preparing the revenue budget and capital programme
- treasury management.
- selecting accounting policies and ensuring that they are applied consistently
- determining the accounting procedures and records for the Authority
- ensuring that the Annual Statement of Accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom.

17. Section 114 of the Local Government Finance Act 1988 requires the Director of Finance and Corporate Services to report to Full Council, any Committee or Joint Committee and External Auditor if the Authority, or one of its Officers:

- has made, or is about to make, a decision which involves incurring unlawful expenditure
- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Authority
- is about to make an unlawful entry in the Authority's accounts.

18. Section 114 of the Local Government Finance Act 1988 also requires:

- that the Director of Finance and Corporate Services may nominate a properly-qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally.
- the Council to provide the Director of Finance and Corporate Services with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

19. **CHIEF OFFICERS**

Chief Officers are responsible for:

- ensuring that Policy Committees are advised of the financial implications of all proposals and that the financial implications have been agreed by the Director of Finance and Corporate Services.

20. It is the responsibility of Chief Officers to consult with the Director of Finance and Corporate Services and seek approval on any matter liable to materially affect the Authority's finances, before any commitments are incurred.

21. **OTHER FINANCIAL ACCOUNTABILITIES
VIREMENT**

Any proposal to exercise virement between Services ~~shall require the prior approval of the Director of Finance and Corporate Services and any proposal to exercise virement between~~ and Policy Committees shall require the approval of the Finance and Management Committee.

22. The transfer of budget provisions will not normally be allowed between budget heads within Services. ~~all heads within Services, except the following:~~

~~(a) Employees – transfers to and from this budget head will be allowed with the prior approval of the Director of Finance and Corporate Services.~~

~~(b) Income – where income exceeds the budgeted level, the relevant manager may transfer any additional resources to other budget heads subject to the approval of the Director of Finance and Corporate Services and to that amount not exceeding £10,000.~~

~~Note: Capital charges, Central Establishment Recharges and Central Holding Account Recharges are excluded from any form of virement.~~

23. All instances of virement together with appropriate explanations must be promptly notified to the Director of Finance and Corporate Services.

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B: Financial Planning

1. INTRODUCTION

Full Council is responsible for agreeing the Authority's Budget and Policy Framework, which will be proposed by the Finance and Management Committee. In terms of financial planning, the key elements are:

- the Corporate Plan
- the Budget
- the Capital Programme.

2. POLICY FRAMEWORK

The Policy Framework comprises the following statutory plans and strategies:

- Corporate Plan
- Service Plans
- Capital Investment Strategy
- Community Strategy
- Crime and Disorder Reduction Strategy
- plans and strategies which together comprise the Development Plan
- plans and strategies which together comprise the Housing Investment Programme

3. Full Council is also responsible for considering reports from any of the Council's Committees and for giving directions where there is a major impact upon the Budget or Policy direction. Full Council is responsible for agreeing variations to the approved Budgets, plans and strategies except those which may be delegated to the relevant Policy Committee or Officer, and are changes:

- which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- necessary to ensure compliance with the law, ministerial direction or government guidance;
- in relation to the Policy Framework in respect of a policy which would normally be agreed annually by Full Council following consultation, but where the existing policy document is silent on the matter under consideration;

4. The Finance and Management Committee is responsible for approving the virement of funds between Policy Committees but otherwise the relevant Policy Committee is responsible for taking in-year decisions on resources and priorities in order to deliver the Budget and Policy Framework within the financial limits set by Full Council.

5. **PREPARATION OF THE CORPORATE PLAN**
The Head of Paid Service is responsible for proposing the Corporate Plan to the Finance and Management Committee for consideration before its submission to Full Council for approval.
6. **PREPARATION OF SERVICE PLANS**
Each Chief officer is responsible for proposing a service plan for their area of responsibility which includes actions for review and improvement on a continuous basis.
7. **BUDGET FORMAT**
The general format of the Budget will be approved by Full Council and proposed by the Finance and Management Committee on the advice of the Director of Finance and Corporate Services. The draft Budget should include allocation to different services and projects, proposed taxation levels and contingency funds.
8. **BUDGET PREPARATION**
The Director of Finance and Corporate Services is responsible for ensuring that a Revenue Budget is prepared on an annual basis, together with a medium term financial plan covering a rolling 5-year period for consideration by the Finance and Management Committee, before submission to Full Council. Full Council may amend the Budget or ask the Finance and Management Committee to reconsider it before approving it.
9. The Director of Finance and Corporate Services is responsible for issuing guidance on the general content of the Budget.
10. It is the responsibility of Chief Officers to ensure that budget estimates reflecting agreed service plans are submitted to the Finance and Management Committee and that these estimates are prepared in line with guidance issued by the Finance and Management Committee.
11. **BUDGET MONITORING AND CONTROL**
The Director of Finance and Corporate Services is responsible for providing appropriate financial information to enable Budgets to be monitored effectively. He or she must monitor and control expenditure against Budget allocations and report, on a regular basis, to Finance and Management Committee on the overall position.
12. It is the responsibility of Chief Officers to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Director of Finance and Corporate Services. They should report on variances within their own areas. They should also

take any action necessary to avoid exceeding their Budget allocation and alert the Director of Finance and Corporate Services to any problems.

13. **RESOURCE ALLOCATION**

The Director of Finance and Corporate Services is responsible for developing and maintaining a resource allocation process that ensures that resources are allocated according to corporate and service priorities as set out in Corporate and Service Plans.

14. **PREPARATION OF THE CAPITAL PROGRAMME**

The Director of Finance and Corporate Services is responsible for ensuring that a Capital Strategy and Capital Programme are prepared on an annual basis for consideration by the Finance and Management Committee before submission to Full Council.

15. **GUIDELINES**

Guidelines on Budget preparation are issued to Members and Chief Officers by the Director of Finance and Corporate Services. The guidelines will take account of:

- legal requirements
- medium-term planning prospects
- the Corporate Plan
- available resources
- spending pressures
- value for money and other relevant government guidelines
- other internal policy documents
- cross-cutting issues (where relevant).

16. **MAINTENANCE OF RESERVES**

It is the responsibility of the Director of Finance and Corporate Services to advise Finance and Management Committee and Full Council on prudent levels of reserves for the Authority.

C: Risk Management

1. INTRODUCTION

It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Authority. This should include the proactive participation of all those associated with planning and delivering services.

2. RISK MANAGEMENT

The Finance and Management Committee is responsible for approving the Authority's Risk Management Policy Statement and Strategy. The Audit Sub-Committee is responsible for reviewing the effectiveness of risk management. The Director of Finance and Corporate Services is responsible for ensuring that proper insurance exists where appropriate.

3. The Director of Finance and Corporate Services is also responsible for preparing the Authority's Risk Management Policy Statement, for promoting it throughout the Authority and for advising the senior management on proper insurance cover where appropriate.

4. INTERNAL CONTROL

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

5. The Director of Finance and Corporate Services is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

6. It is the responsibility of Chief Officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

7. AUDIT REQUIREMENTS

The Accounts and Audit Regulations 2011 require every Local Authority to maintain an adequate and effective Internal Audit.

8. The ~~Audit Commission~~Public Sector Auditing Appointments Limited is responsible for appointing External Auditors to each Local Authority. The basic duties of the External Auditor are governed by section 15 of the Local

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

9. The Authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenues and Customs, who have statutory rights of access.
10. **PREVENTING FRAUD AND CORRUPTION**
The Director of Finance and Corporate Services is responsible for the development and maintenance of an Anti-Fraud and Corruption Policy.
11. **ASSETS**
Chief Officers should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.
12. **TREASURY MANAGEMENT**
The Authority has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities.
13. Full Council is responsible for approving the Treasury Management Policy Statement setting out the matters detailed in paragraph 15 of CIPFA's Code of Practice for Treasury Management in Local Authorities. The policy statement is proposed to Full Council by the Finance and Management Committee. The Director of Finance and Corporate Services has delegated responsibility for implementing and monitoring the statement.
14. All money in the hands of the Authority is controlled by the Director of Finance and Corporate Services.
15. The Director of Finance and Corporate Services is responsible for reporting to the Finance and Management Committee a proposed Treasury Management Strategy for the coming financial year at, or before, the start of each financial year.
16. All Committee decisions on borrowing, investment or financing shall be delegated to the Director of Finance and Corporate Services, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities.
17. The Director of Finance and Corporate Services is responsible for reporting to the Finance and Management Committee, on not less than two occasions in each financial year, on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. One such report will comprise an Annual Report on treasury

management for presentation by 30 September of the succeeding financial year.

18. **STAFFING**

Full Council is responsible for determining how Officer support within the Authority will be organised.

19. The Head of Paid Service is responsible for providing overall management to staff. He or she is also responsible for ensuring that there is proper use of evaluation or other agreed system(s) for determining the remuneration of a job.

20. Chief Officers are responsible for controlling total staff numbers by:

- advising the Finance and Management Committee on the budget necessary in any given year to cover estimated staffing levels
- adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs
- the proper use of appointment procedures.

D: Financial Administration

1. INTRODUCTION

Sound systems and procedures are essential to an effective framework of accountability and control.

2. GENERAL

The Director of Finance and Corporate Services is responsible for the operation of the Authority's accounting systems, the form of accounts and the supporting financial records. Any changes made by Chief Officers to the existing financial systems or the establishment of new systems must be approved by the Director of Finance and Corporate Services. However, Chief Officers are responsible for the proper operation of financial processes in their own departments.

3. Any changes to agreed procedures by Chief Officers to meet their own specific service needs should be agreed with the Director of Finance and Corporate Services.

4. Chief Officers should ensure that their staff receive relevant financial training that has been approved by the Director of Finance and Corporate Services.

5. Chief Officers must ensure that, where appropriate, computer and other systems are registered in accordance with the Data Protection Act 1998. Chief Officers must ensure that Officers are aware of their responsibilities under the Freedom of Information Act 2000.

6. INCOME AND EXPENDITURE

It is the responsibility of Chief Officers to ensure that a proper Scheme of Delegation has been established within their area and is operating effectively. The Scheme of Delegation should identify staff authorised to act on the Chief Officer's behalf, or on behalf of the Policy Committees, in respect of payments, income collection and placing orders, together with the limits of their authority. The Finance and Management Committee is responsible for approving procedures for the writing-off of debts as part of the overall control framework of accountability and control.

7. PAYMENTS TO EMPLOYEES AND MEMBERS

The Director of Finance and Corporate Services is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to members.

8. TAXATION

The Director of Finance and Corporate Services is responsible for advising Chief Officers, in the light of guidance issued by appropriate bodies and

relevant legislation as it applies, on all taxation issues that affect the Authority.

9. The Director of Finance and Corporate Services is responsible for maintaining the Authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.
10. **TRADING ACCOUNTS**
It is the responsibility of the Director of Finance and Corporate Services to advise on the establishment and operation of trading accounts.

E: External Arrangements

INTRODUCTION

1. The Local Authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area, through the development of a Community Strategy and Local Strategic Partnership.

PARTNERSHIPS

2. The Policy Committees are responsible for approving delegations including frameworks for partnerships. They are also the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
3. The Policy Committees can delegate functions – including those relating to partnerships – to Officers. These are set out in the Scheme of Delegation – Part 3 of this Constitution. Where functions are delegated, the Policy Committees remain accountable for them to Full Council.
4. The Head of Paid Service or his/her nominated representative represents the Authority on partnership and external bodies, in accordance with the Scheme of Delegation.
5. The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct, with regard to financial administration, in partnerships that apply throughout the Authority.
6. The Director of Finance and Corporate Services must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He or she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
7. Chief Officers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

EXTERNAL FUNDING

8. The Director of Finance and Corporate Services is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Authority's accounts. He/she is also responsible for setting out clear guidance for Chief Officers on responsible bidding for external funds to ensure that Council resources are not over-committed.

WORK FOR THIRD PARTIES

9. The Finance and Management Committee is responsible for approving the contractual arrangements for any work for third parties or external bodies.

Financial Procedure Rules

Document Owner :	Director of Finance and Corporate Services
Date of Issue :	February May June 2017 3
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FINANCIAL PROCEDURE RULES

Introduction

1. These rules are made in pursuance and for the purposes of Section 151 of the Local Government Act 1972 as augmented by the Local Government Finance Act 1988, the Accounts and Audit Regulations 2011 and other relevant legislation and regulations.
2. The Director of Finance and Corporate Services shall be the Officer with responsibility for the proper administration of the financial affairs of the Council in accordance with Section 151 of the Local Government Act 1972 and other relevant legislation and regulations.
3. Chief Officers shall be responsible for the operation of the Financial Procedure Rules within their departments. They shall ensure that adequate operational controls are in place. They shall ensure that staff, in their departments, are aware of and comply with these overarching Financial Regulations and these Financial Procedure Rules.
4. The Director of Finance and Corporate Services shall issue a standard set of Financial Procedure Rules to assist Chief Officers in carrying out their responsibilities. It is open to Chief Officers to propose alternative procedures. The Director of Finance and Corporate Services is authorised to agree amendments, provided basic controls are met. Any departure from standard Financial Procedure Rules must be clearly documented and approved.
5. The Director of Finance and Corporate Services may, from time to time, issue accounting instructions to make further provision for the proper administration of the financial affairs of the Council. Accounting instructions shall form part of these rules.
6. Financial Procedure Rules may make provision for:
 - (a) the form and content of any document dealing with financial matters;
 - (b) the disclosure of information to the Director of Finance and Corporate Services;
 - (c) accountancy and financial procedures to be used in relation to particular financial activities and
 - (d) a requirement to consult the Director of Finance and Corporate Services on specified issues (being issues relating to the financial affairs of the Council).
7. References in these Rules to Chief Officers shall be a reference to the following Officers of the Council and any other Officer authorised to discharge a particular function:
 - Chief Executive
 - Director of Housing and Environmental Services
 - Director of Planning and Community Services

References in these Rules to the Director of Finance and Corporate Services shall be deemed to include a reference to any other Officer of the Council authorised or nominated by the Director of Finance and Corporate Services (in writing, to undertake any of the functions of the Director of Finance and Corporate Services).

Background

1. The Financial Regulations and Financial Procedure Rules set out **below** have been determined by best practice as recommended by the Chartered Institute of Public Finance and Accountancy (CIPFA).
2. They reflect the modified committee structure adopted by Full Council in July 2001 as part of the new political management arrangements.
3. The **five regulations A to E** set out the overarching financial responsibilities of the Council.
4. The approach adopts the basis that each of these is a general regulation. Within this structure the more specific detailed/technical regulations, which we traditionally recognise, are to be known as Financial Procedure Rules.

Structure

Financial Procedure Rules provide an interpretation of the Financial Regulations and include the following four sections:-

- Context
- Responsibilities of the Director of Finance and Corporate Services
- Responsibilities of Chief Officers
- Guidance

Context

This is the bold narrative that explains how the Financial Procedure Rule(s) relates to the Financial Regulation and details why it is important to have the rule.

Responsibilities of the Director of Finance and Corporate Services

These are the actual Financial Procedure Rules that are the responsibility of the Director of Finance and Corporate Services. They are numbered within Regulation and within sections, for example A 1.1, B 2.1 etc.

Responsibilities of Chief Officers

These are the actual Financial Procedure Rules that are the responsibility of Chief Officers. They are numbered within Regulation and within sections, for example A 1.6, B 2.7 etc.

Guidance

The use of the Financial Regulations and Financial Procedure Rules is to apply order and control to the operations of the Council. This control is a prime component of Corporate Governance and specifically concentrates on the financial aspects of the District Council. The guidance is a summary of good practice applied to the imposition of the Financial Procedure Rules and their use as internal controls. The guidance is not exhaustive but in the majority of areas it extends the application of a rule into a meaningful internal control by ensuring both compliance and monitoring.

A. FINANCIAL MANAGEMENT

A1. FINANCIAL MANAGEMENT STANDARDS

All Officers and Members have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring that everyone is clear about the standards to which they are working and that controls are in place to ensure that these standards are met.

Director of Finance and Corporate Services

- A1.1 To be responsible for the proper administration of the Council's financial affairs as required by Section 151 of the Local Government Act 1972.
- A1.2 To set the financial management standards and to monitor compliance with them.
- A1.3 To ensure proper professional practices are followed and to act as head of profession in relation to the standards, performance and development of finance staff throughout the Authority.
- A1.4 To advise on the key strategic controls necessary to secure sound financial management.
- A1.5 To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.

Chief Officers

- A1.6 To promote the financial management standards set by the Director of Finance and Corporate Services in their departments and to monitor adherence to the standards and practices, liaising as necessary with the Director of Finance and Corporate Services.
- A1.7 To promote sound financial practices in relation to the standards, performance and development of staff in their departments.

Guidance

The importance of standards is not only producing them but ensuring:

- (a) their promotion throughout the Authority
- (b) that a review system is in place to monitor compliance with them.

A2. MANAGING EXPENDITURE

VIREMENT

The scheme of virement is intended to enable the Committees, Chief Officers and their Officers to manage budgets with a degree of flexibility within the overall Policy Framework determined by Full Council and therefore to optimise the use of resources.

Director of Finance and Corporate Services

A2.1 Any proposal to exercise virement between ~~services shall require the prior approval of the Director of Finance and Corporate Services and any proposal to exercise virement between Services and~~ Committees ~~shall require the prior approval of the Director of Finance and Corporate Services and~~ shall ~~also~~ require the approval of the Finance and Management Committee.

Chief Officers

A2.2 All instances of virement, together with appropriate explanations, must be promptly notified to the Director of Finance and Corporate Services.

A2.3 The transfer of budget provisions will ~~benot normally be~~ allowed between ~~allbudget~~ heads within services, ~~except the following:-~~

~~(a) Employees - transfers to and from this budget head will be allowed with the prior approval of the Director of Finance and Corporate Services.~~

~~(b) Income - where income exceeds the budgeted level, the relevant manager may transfer any additional resources to other budget heads subject to the approval of the Director of Finance and Corporate Services and subject to that amount not exceeding £10,000.~~

~~Note: Capital charges, Central Establishment Recharges and Central Holding Account Recharges are excluded from any form of virement.~~

~~A2.4 Virement that is likely to impact on the level of service activity of another Chief Officer should be implemented only after agreement with the relevant Chief Officer.~~

A2.5 No virement relating to a specific financial year should be made after 31 March in that year.

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Guidance

The scheme of virement should:

- (a) be administered by the Director of Finance and Corporate Services within guidelines set by Full Council.
- (b) control the movement within the overall Budget as agreed by Committee and approved by the Full Council. Chief Officers and budget managers are therefore authorised to incur expenditure in accordance with the estimates that make up the Budget.
- (c) ensure that virement does not create additional overall budget liability. Chief Officers are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Chief Officers must plan to fund such commitments from within their own Budgets.

A3. ACCOUNTING POLICIES

The Director of Finance and Corporate Services is responsible for the preparation of the Authority's Statement of Accounts, in accordance with proper practices as set out in the format required by the *Code of Practice on Local Authority Accounting in the United Kingdom* for each financial year ending 31 March.

Director of Finance and Corporate Services

A3.1 To select suitable accounting policies and to ensure that they are applied consistently. The accounting policies are set out in the Statement of Accounts, which is prepared at 31 March each year, and covers such items as:

- (a) separate accounts for capital and revenue transactions
- (b) the basis on which debtors and creditors at year-end are included in the accounts
- (c) details on substantial provisions and reserves
- (d) fixed assets
- (e) depreciation
- (f) capital charges
- (g) work in progress
- (h) stocks and stores
- (i) deferred charges
- (j) accounting for value added tax
- (k) government grants
- (l) leasing
- (m) pensions

Chief Officers

A3.2 To adhere to the accounting policies and guidelines approved by the Director of Finance and Corporate Services

Guidance

Accounting Policies are in place that:

- (a) implement systems of internal control that ensure that financial transactions are lawful
- (b) are appropriate and applied consistently
- (c) ensure proper accounting records are maintained
- (d) produce financial statements which present fairly the financial position of the authority and its expenditure and income.

A4. ACCOUNTS, RECORDS AND SYSTEMS

Maintaining proper accounting records is one of the ways in which the Authority discharges its responsibility for stewardship of public resources. The Authority has a statutory responsibility to prepare its Annual Accounts to present fairly its operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the Authority's resources.

Director of Finance and Corporate Services

- A4.1 To determine the accounting systems and the form of accounts and the supporting records of the Council. ~~He~~They shall ensure that the accounting systems determined by ~~him~~them are observed and that the accounts and supporting records are kept up to date.
- A4.2 To ensure all Departmental financial records, forms and systems determined under rule A4.1 above shall be subject to the approval of the Director of Finance and Corporate Services.
- A4.3 To ensure, in the allocation of the duties of Officers in each department, that as far as is possible:
- (a) the duty of keeping records relating to sums due to the Council shall not rest upon Officers responsible for the collection of cash;
 - (b) the duties of issuing orders, certifying receipt of goods or the completion of work and approving accounts for payment shall be separated.
- A4.4 To ensure that all the accounts of the Council are made up and balanced as soon as practicable after the end of the period to which those accounts relate; and in any event not later than the expiry of six months beginning immediately after the end of that period.
- A4.5 To prepare a Statement of Accounts in relation to the accounts for each period and ensure the statement contains such information as may from time to time be prescribed by statute.
- A4.6 To submit for approval the Statement of Accounts to either Full Council or the Finance and Management Committee no later than the 30 September in each financial year.
- A4.7 To make proper arrangements for the audit of the Authority's accounts in accordance with the Accounts and Audit Regulations 2011.
- A4.8 To ensure that all claims for funds including grants are made by the due date.

A4.9 To administer the Authority's arrangements for under and overspendings to be carried forward to the following financial year.

A4.10 To ensure the proper retention of financial documents in accordance with the requirements set out in CIPFA [Financial Information Service](#) Schedule.

Chief Officers

A4.11 To consult and obtain the approval of the Director of Finance and Corporate Services before making any changes to accounting records and procedures.

A4.12 To comply with the principles outlined in rule 4.3 above when allocating accounting duties.

A4.13 To maintain adequate records to provide an [management audit](#) trail leading from the source of income/expenditure through to the accounting statements.

A4.14 To supply information required to enable the Statement of Accounts to be completed in accordance with guidelines issued by the Director of Finance and Corporate Services.

Guidance

Accounting records and returns are maintained:

- (a) that enables all Members, finance staff and budget managers to operate within the required accounting standards and timetables
- (b) that allows all the Council's transactions, material commitments and contracts and other essential accounting information to be recorded completely, accurately and on a timely basis
- (c) that ensure procedures are in place to enable accounting records to be reconstituted in the event of systems failure
- (d) that include reconciliation procedures are carried out to ensure transactions are correctly recorded
- (e) that retains prime documents in accordance with legislative and other requirements.

TREATMENT OF YEAR-END BALANCES

The treatment of year-end balances is administered by the Director of Finance and Corporate Services within guidelines set by Full Council. The rules below cover arrangements for the transfer of resources between accounting years, i.e. a carry-forward.

Director of Finance and Corporate Services

- A4.15 To administer the scheme of carry-forward within the guidelines approved by Full Council.
- A4.16 To report all overspendings and underspendings on service estimates carried forward to the Committee and to Full Council.

Chief Officers

- A4.17 Net underspendings on service estimates under the control of the Chief Officer may be carried forward, subject to consultation with the Director of Finance and Corporate Services and reporting to the Finance and Management Committee the source of underspending or additional income and the proposed application of those resources
- A4.18 All internal business unit surpluses shall be retained for the benefit of the Authority and their application shall require the approval of the Finance and Management Committee.

Guidance

Appropriate accounting procedures are in operation to ensure that carried-forward totals are correct.

A5. THE ANNUAL STATEMENT OF ACCOUNTS

The Authority has a statutory responsibility to prepare its own accounts to present fairly its operations during the year. ~~Full Council is responsible~~ for approving the statutory Annual Statement of Accounts is delegated to the Finance and Management Committee.

Director of Finance and Corporate Services

A5.1 To select suitable accounting policies and to apply them consistently.

A5.2 To make judgements and estimates that ~~are~~is reasonable and prudent.

A5.3 To comply with the CIPFA Code of Practice for Local Authority Accounting in the United Kingdom.

A5.4 To sign and date the Statement of Accounts, stating that it presents fairly the financial position of the Authority at the accounting date and its income and expenditure for the year ended 31 March ~~20xx~~ and also includes an Annual Governance Statement.

A5.5 To draw up the timetable for final accounts preparation and to advise Officers and External Auditors accordingly.

Chief Officers

A5.6 To comply with accounting guidance provided by the Director of Finance and Corporate Services and to supply the Director of Finance and Corporate Services with information when required.

Guidance

Under Section 151 of the Local Government Act 1972, ~~The~~ Council is required to make arrangements for the proper administration of its financial affairs and to secure that one of its Officers has the responsibility for the administration of these affairs. ~~In this Authority, The Council has approved~~ -that this Officer is the Director of Finance and Corporate Services.

The Authority's Statement of Accounts must be prepared in accordance with proper practices as set out in the *Code of Practice on Local Authority Accounting in the United Kingdom*.

B. FINANCIAL PLANNING

B1. PERFORMANCE PLANNING

Each Local Authority has a statutory responsibility to publish various performance plans. The purpose of performance plans is to explain overall priorities and objectives, current performance and proposals for further improvement.

The Council's Corporate Plan sets out the key aims and objectives of the Council and how it intends to deliver them. This plan is translated into Divisional Service Plans which establish the contribution each division Service Area of the Council will make to achieve those aims and objectives.

Director of Finance and Corporate Services

- B1.1 To advise and supply the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.
- B1.2 To ensure that the Corporate Plan and all Council strategies take into account the overall resources available to the Council.
- B1.3 To maintain accounting systems to collect financial performance information.

Chief Officers

- B1.4 To contribute to the development of performance plans in line with statutory requirements.
- B1.5 To contribute to the development of corporate and service targets and objectives and performance information.
- B1.6 To ensure that systems are in place to measure activity and collect accurate information for use as performance indicators.
- B1.7 To ensure that performance information is monitored **sufficiently** frequently to allow corrective action to be taken if targets are not likely to be met.

Guidance

Performance plans need to be:

- (a) relevant and consistent
- (b) produced in accordance with statutory requirements
- (c) produced to meet the timetables set
- (d) accurate, complete and up to date
- (e) provide improvement targets which are meaningful, realistic and challenging.

B2. BUDGETING

FORMAT OF THE BUDGET

The format of the Budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets the level at which funds may be reallocated within budgets.

Director of Finance and Corporate Services

B2.1 To advise the Members on the format of the Budget that is approved by Full Council.

Chief Officers

B2.2 To comply with accounting guidance provided by the Director of Finance and Corporate Services.

Guidance

- (a) the format complies with all legal requirements
- (b) the format complies with CIPFA's *Service Reporting Code of Practice for Local Authorities*
- (c) the format reflects the accountabilities of service delivery.

REVENUE BUDGET PREPARATION, MONITORING AND CONTROL

Budget management ensures that once the Budget has been approved by Full Council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the Authority to review and adjust its Budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the Budget.

— By continuously identifying and explaining variances against budgetary targets, the Authority can identify changes in trends and resource requirements at the earliest opportunity. The Authority itself operates within an annual cash limit, approved when setting the overall Budget. To ensure that the Authority in total does not over spend, each service is required to manage its own expenditure within the cash-limited Budget allocated to it.

For the purposes of budgetary control by managers, a Budget will normally be the planned income and expenditure for a service area or cost centre. However, budgetary control may take place at a more detailed level if this is required by the Chief Officer's scheme of delegation.

Director of Finance and Corporate Services

B2.3 To establish an appropriate framework of budgetary management and control that ensures that:

- (a) budget management is exercised within annual cash limits unless Full Council agrees otherwise
- (b) each Chief Officer has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities
- (c) expenditure is committed only against an approved budget head
- (d) all Officers responsible for committing expenditure comply with relevant guidance, and the financial regulations
- (e) each cost centre has a single named manager, determined by the relevant Chief Officer. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure
- (f) significant variances from approved Budgets are investigated and reported by budget managers regularly.

B2.4 To administer the Authority's scheme of virement.

To submit reports to the Committee and to Full Council, in consultation with the relevant Chief Officer, where the Chief Officer is unable to balance expenditure and resources within existing approved Budgets under his or her control.

To prepare and submit reports on the Authority's projected income and expenditure compared with the Budget on a regular basis.

B2.5 To ensure that due regard is paid to the *Code of Practice on a Prudential Approach to Local Authority Commitments* (see **Appendix C**) in preparing the Capital Programme.

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Chief Officers

B2.6 To consult with the Director of Finance and Corporate Services on the financial implications of any new service proposal and ensure his/her comments are reflected within any report to Committee.

B2.7 To maintain budgetary control within their departments, in adherence to the principles in 2.3 above, and to ensure that all income and expenditure are properly recorded and accounted for.

B2.8 To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the Chief Officer (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.

B2.9 To ensure that spending remains within the service's overall cash limit, and that individual budget heads are not overspent, by monitoring the Budget and taking appropriate corrective action where significant variations from the approved budget are forecast.

B2.10 To ensure that a monitoring process is both in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.

B2.11 To ensure prior approval by Full Council or Committee (as appropriate) for new proposals, of whatever amount, that:

- (a) create financial commitments in future years
- (b) change existing policies, initiate new policies or cease existing policies
- (c) materially extend or reduce the Authority's services.

(A report on new proposals should explain the full financial implications, following consultation with the Director of Finance and Corporate Services. Unless Full Council or Committee has agreed otherwise, Chief Officers must plan to contain the financial implications of such proposals within their cash limit).

B2.12 To ensure compliance with the scheme of virement.

B2.13 To agree with the relevant Chief Officer where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or Chief Officer's level of service activity.

Guidance

- (a) the format complies with all legal requirements
- (b) the format complies with CIPFA's ~~Best Value Accounting~~ Code Accounting Code of Practice
- (c) the format reflects the accountabilities of service delivery.

BUDGETS AND MEDIUM-TERM PLANNING

The Authority is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. The Budget is the financial expression of the Authority's plans and policies.

The revenue Budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of Full Council. Budgets (spending plans) are needed so that the Authority can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for an Authority to Budget for a deficit.

The Council has an agreed Service and Financial Planning Cycle which sets out the role of the Director of Finance and Corporate Services and Chief Officers within this process.

The Council also prepares financial forecasts on a rolling 35 year basis which are detailed in the Corporate Plan.

Director of Finance and Corporate Services

B2.14 To review and update on an annual basis the Council's Financial Strategy and 5 year financial projection.

B2.15 To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the financial strategy approved by Full Council.

B2.16 To prepare and submit reports to the ~~Committee~~committee on the aggregate spending plans of departments and on the resources available to fund them, identifying, where appropriate, the implications for the level of Council Tax to be levied.

B2.17 To advise on the medium-term implications of spending decisions.

B2.18 To encourage the best use of resources and value for money by working with Chief Officers to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.

B2.19 To advise Full Council on Committee proposals in accordance with his or her responsibilities under section 151 of the Local Government Act 1972.

Chief Officers

B2.20 To prepare estimates of income and expenditure, in consultation with the Director of Finance and Corporate Services, to be submitted to Full Council.

B2.21 To prepare Budgets that are consistent with any relevant cash limits, with the Authority's Annual Budget cycle and with guidelines issued by the Director of Finance and Corporate Services. The format should be prescribed by the Director of Finance and Corporate Services in accordance with Full Council's general directions.

B2.22 To ensure service plans are based on existing resources.

B2.23 In consultation with the Director of Finance and Corporate Services and in accordance with the laid-down guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by the appropriate committee.

Guidance

Medium-term planning of Budgets requires:

- (a) specific Budget approval for all expenditure
- (b) budget managers are consulted in the preparation of the Budgets for which they will be held responsible and accept accountability within delegations set by the Committee for their Budgets and the level of service to be delivered
- (c) a monitoring process is in place to review regularly the effectiveness and operation of Budget preparation and to ensure that any corrective action is taken.

RESOURCE ALLOCATION

A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfil need/desire. It is therefore imperative that needs/desires are carefully prioritised and that resources are fairly allocated, in order to fulfil all legal responsibilities. Resources may include staff, money, equipment, goods and materials.

Director of Finance and Corporate Services

B2.24 To advise on methods available for the funding of resources, such as grants from Central Government and borrowing requirements.

B2.25 To advise Full Council on reallocating resources to meet changing spending priorities.

Chief Officers

B2.26 To work within Budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way.

B2.27 To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

Guidance

- (a) resources are acquired in accordance with the law and using an approved authorisation process
- (b) resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for
- (c) resources are securely held for use when required
- (d) resources are used with the minimum level of waste, inefficiency or loss for other reasons.

CAPITAL PROGRAMMES

Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Authority, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.

Capital investment is planned in accordance with the Council's Capital Strategy.

Director of Finance and Corporate Services

B2.28 To co-ordinate the production of the Council's Capital Strategy and monitor its implementation.

- B2.29 To provide guidance on submitting and prioritising capital bids within the overall capital resources available to the Council.
- B2.30 To submit a five-year Capital Programme for consideration and review by Members on an annual basis.
- B2.31 To obtain authorisation from the Committee for individual schemes where the estimated expenditure exceeds the Capital Programme provision by more than a specified amount.
- B2.32 To ensure a system of Capital Programme monitoring is in place to maximise the use of capital resources.
- B2.33 To ensure that due regard is paid to the Code of Practice on a *Prudential Approach to Local Authority Commitments* (see **Appendix C**) in preparing the Capital Programme.

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Chief Officers

- B2.34 To comply with guidance concerning capital schemes and controls issued by the Director of Finance and Corporate Services.
- B2.35 To ensure that all capital proposals have undergone a project appraisal in accordance with guidance issued by the Director of Finance and Corporate Services.
- B2.36 To ensure that adequate records are maintained for all capital contracts.
- B2.37 To proceed with projects only when there is adequate provision in the Capital Programme and with the agreement of the Director of Finance and Corporate Services, where required.
- B2.38 To prepare and submit reports, jointly with the Director of Finance and Corporate Services, to the Committee, of any variation in contract costs greater than the approved limits.
- B2.39 To prepare and submit reports, jointly with the Director of Finance and Corporate Services, to the Committee, on completion of all contracts where the final expenditure exceeds the approved contract sum by more than the specified amount.
- B2.40 To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Director of Finance and Corporate Services and, if applicable, approval of the scheme through the Capital Programme.
- B2.41 To consult with the Director of Finance and Corporate Services and to seek Committee approval where the Chief Officer proposes to bid for supplementary credit approvals to be issued by Government departments to support expenditure that has not been included in the current year's Capital Programme.

Guidance

Capital programming requires:

- (a) specific approval by Full Council for the programme of capital expenditure
- (b) expenditure on capital schemes is subject to the approval of the Director of Finance and Corporate Services
- (c) a scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each capital project, for approval by the Committee
- (d) approval by the Committee where capital schemes are to be financed from the revenue Budget, up to a specified amount, and subject to the approval of Full Council, where the expenditure exceeds this amount
- (e) that proposals for improvements and alterations to buildings must be approved by the appropriate Chief Officer
- (f) that schedules for individual schemes within the overall Budget approved by Full Council must be submitted to the Committee for approval (for example, minor works), or under other arrangements approved by Full Council
- (g) the development and implementation of asset management plans
- (h) accountability for each proposal is accepted by a named manager
- (i) monitoring of progress in conjunction with expenditure and comparison with approved Budget.

B3. MAINTENANCE OF RESERVES

Reserves are maintained as a matter of prudence. They enable the Authority to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.

Director of Finance and Corporate Services

B3.1 To advise the Committee and/or Full Council on prudent levels of reserves for the Authority, and to take account of the advice of the External Auditor in this matter.

Chief Officers

B3.2 To ensure that reserves are used only for the purposes for which they were intended.

Guidance

Reserves must be maintained in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom and agreed accounting policies.

For each reserve established, the purpose, usage and basis of transactions should be clearly identified.

Authorisation for expenditure from reserves by a Chief Officer is needed from the Director of Finance and Corporate Services.

C. RISK MANAGEMENT

C.1 MANAGEMENT

All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk Management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation. In essence it is, therefore, an integral part of good business practice.

Risk Management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.

It is the overall responsibility of Full Council to approve the Authority's Risk Management Strategy, and to promote a culture of risk management awareness throughout the Authority.

Director of Finance and Corporate Services

- C1.1 To prepare and promote the Authority's Risk Management Policy Statement.
- C1.2 To develop Risk Management controls in conjunction with other Chief Officers.
- C1.3 To include all appropriate employees of the Authority in ~~a suitable~~ suitable fidelity guarantee/~~professional indemnity~~ insurance.
- C1.4 To effect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims in consultation with other officers, where necessary.

Chief Officers

- C1.5 To notify the Director of Finance and Corporate Services immediately of any loss, liability or damage that may lead to a claim against the Authority, together with any information or explanation required by the Director of Finance and Corporate Services or the Authority's insurers.
- C1.6 To take responsibility for Risk Management, having regard to advice from the Director of Finance and Corporate Services and other specialist officers (e.g. crime prevention, fire prevention, health and safety).
- C1.7 To ensure that there are regular reviews of risk within their departments.
- C1.8 To notify the Director of Finance and Corporate Services promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.

C1.9 To consult the Director of Finance and Corporate Services ~~and the~~ on the terms of any indemnity that the Authority is requested to give.

C1.10 To ensure that employees, or anyone covered by the Authority's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

Guidance

Risk management requires that:

- (a) procedures are in place to identify, assess, prevent or contain material known risks, and these procedures are operating effectively throughout the authority
- (b) a monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis
- (c) managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives
- (d) provision is made for losses that might result from the risks that remain
- (e) procedures are in place to investigate claims within required timescales
- (f) acceptable levels of risk are determined and insured against where appropriate
- (g) the authority has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

C2. INTERNAL CONTROLS

The Authority is a diverse and complex organisation with many statutory obligations; it is also exposed to a wide range of financial and commercial risks. The Authority is beyond the control of individuals and in order to meet strategic objectives the Council has established a Corporate Plan.

To enable the Council to manage its affairs, minimise risk and meet its objectives, it is necessary to establish a system of internal control in order to provide measurable achievement of:

- (a) efficient and effective operations
- (b) reliable financial information and reporting
- (c) compliance with laws and regulations
- (d) Risk Management

Director of Finance and Corporate Services

C2.1 To assist the Authority to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial probity and stewardship.

Chief Officers

C2.2 To ensure all staff are aware of the importance of internal controls and adhere to them.

C2.3 To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.

C2.4 To review existing controls in the light of changes affecting the Authority and to establish and implement new ones or remove unnecessary controls in line with guidance from the Director of Finance and Corporate Services.

Guidance

Systems of internal control require that:

- (a) key controls should be reviewed on a regular basis and the Authority should make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively
- (b) managerial control systems exist, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities
- (c) financial and operational control systems and procedures exist, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems

- (d) an effective Internal Audit function that is properly resourced and operates in accordance with the principles set out in Public Sector Internal Auditing Standards. ~~It should operate in accordance with the principles contained in the Auditing Practices Board's auditing guideline *Guidance for Internal Auditors*, CIPFA's *Code of Practice for Internal Audit in Local Government in the United Kingdom* and with any other statutory obligations and regulations.~~

C3. AUDIT REQUIREMENTS

INTERNAL AUDIT

The requirement for an Internal Audit function for Local Authorities is implied by Section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit Regulations 2011 more specifically require that a “relevant body shall maintain an adequate and effective system of internal audit of their accounting records and control systems”.

Accordingly, Internal Audit is an independent and objective appraisal function established by the Authority for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

Director of Finance and Corporate Services

- C3.1 To maintain an adequate and effective Internal Audit of the Council's activities.
- C3.2 The Director of Finance and Corporate Services shall, in conducting the internal audit activity, observe the principles contained in the "Code of Practice for Internal Audit in Local Government" as published by the Chartered Institute of Public Finance and Accountancy.
- C3.3 To ensure that Internal Auditors have the authority to:
 - (a) access Authority premises at reasonable times
 - (b) access all assets, records, documents, correspondence and control systems
 - (c) receive any information and explanation considered necessary concerning any matter under consideration
 - (d) require any employee of the Authority to account for cash, stores or any other Authority asset under his or her control
 - (e) access records belonging to third parties, such as contractors, when required
 - (f) directly access the Head of Paid Service, the Management Team and Committee.
- C3.4 To approve the strategic and annual audit plans prepared by the Audit Manager, which take account of the characteristics and relative risks of the activities involved.

- C3.5 To ensure that effective procedures are in place to investigate promptly any fraud or irregularity. ~~(Internal Audit Investigation Procedures)~~

Chief Officers

- C3.6 To ensure that Internal Auditors are given access at all reasonable times to premises, Personnel, documents and assets that the Auditors consider necessary for the purposes of their work.
- C3.7 To ensure that Auditors are provided with any information and explanations that they seek in the course of their work.
- C3.8 To consider and respond promptly to recommendations in Audit reports.
- C3.9 To ensure that any agreed actions arising from Audit recommendations are carried out in a timely and efficient fashion.
- C3.10 To notify the Director of Finance and Corporate Services immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Authority's property or resources. Pending investigation and reporting, the Chief Officer should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.
- C3.11 To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the Audit Manager prior to implementation.

Guidance

Internal Audit:

- (a) is independent in its planning and operation
- (b) direct access to the Head of Paid Service, all levels of management and directly to elected members
- (c) complies with the ~~Public Sector Internal Auditing Standards Auditing Practices Board's guideline Guidance for Internal Auditors, as interpreted by CIPFA's Code of Practice~~ for Internal Audit ~~in Local Government~~ in the United Kingdom.
- (d) the Director of Finance and Corporate Services should be the line manager for the Head of Internal Audit and ensure that the quality of his or her work is monitored.

EXTERNAL AUDIT

~~The Local Government Finance Act 1982 set up the Audit Commission, which is responsible for appointing External Auditors to each Local Authority in England and Wales. The External Auditor has rights of access to all documents and information necessary for audit purposes.~~

The basic duties of the External Auditor are defined in the Audit Commission Act 1998 and the Local Government Act 1999. In particular, Section 4 of the 1998 Act requires ~~the Audit Commission~~ the National Audit Office to prepare a Code of Audit Practice, which External Auditors follow when carrying out their duties. The Code of Audit Practice ~~issued in March 2000~~ sets out the Auditor's objectives to review and report upon:

- (a) the financial aspects of the audited body's corporate governance arrangements
- (b) the audited body's financial statements
- (c) whether the Authority has proper arrangements in place to secure value for money in the delivery of its services, aspects of the audited body's arrangements to manage its performance, including the preparation and publication of specified performance information and compliance in respect of the preparation and publication of the BVPP.

The Authority's accounts are scrutinised by External Auditors, who must be satisfied that the Statement of Accounts 'presents fairly' the financial position of the Authority and its income and expenditure for the year in question and complies with the legal requirements.

Director of Finance and Corporate Services

C3.12 To ensure that External Auditors are given access at all reasonable times to premises, Personnel, documents and assets that the External Auditors consider necessary for the purposes of their work.

~~C3.13 To ensure there is effective liaison between External and Internal Audit.~~

C3.14~~3~~To work with the External Auditor and advise Full Council, Committee and Chief Officers on their responsibilities in relation to External Audit.

Chief Officers

C3.15~~4~~To ensure that External Auditors are given access at all reasonable times to premises, Personnel, documents and assets which the External Auditors consider necessary for the purposes of their work.

C3.16~~5~~To ensure that all records and systems are up to date and available for inspection.

Guidance

External auditors are appointed by the ~~Audit Commission~~ Public Sector Audit Appointments Limited normally for a minimum period of up to five years. ~~The Audit Commission prepares a code of audit practice, which External Auditors follow when carrying out their audits.~~

AUDIT COMMITTEE

The purpose of an Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process. The role is different to that of the Scrutiny function, whose purpose is to review policy and to challenge whether the Executive has made the right decisions to deliver policy goals.

Audit Committees represent best practice for local authorities. This is reflected across other parts of the public and private sectors. Accordingly, CIPFA's Code of Practice for Internal Audit in Local Government recommends an Audit Committee (or equivalent) should exist.

The Audit Committee will also review the Annual Governance Statement of Internal Control (prior to approval by the organisation).

South Derbyshire is a fourth option committee structured authority and has established an Audit Sub-Committee of the Finance and Management Committee to meet this role.

Director of Finance and Corporate Services

C3.176 To maintain an Audit Sub-Committee.

C3.187 To maintain an effective working relationship between the Sub-Committee and internal audit.

C3.198 To ensure there is effective liaison between the Sub-Committee and external audit.

C3.2019 To ensure that the Internal Audit Manager has the authority to directly access the Audit Sub-Committee.

Chief Officers

C3.240 To ensure that the Audit Sub-Committee is provided with any information and explanations that are deemed necessary, when agreed audit recommendations have not been implemented.

Guidance

Best practice is found in CIPFA's "*Audit Committees Practical Guidance*".

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Standard 4 in CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom details internal audit's relationship with the audit committee.

The Audit Sub-Committee's terms of reference confirm the Audit Manager's direct access to the Chairman.

C4. PREVENTING FRAUD AND CORRUPTION

The Authority will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Authority.

The Authority's expectation of propriety and accountability is that Members and Officers at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

The Authority also expects that individuals and organisations (e.g. suppliers, contractors, service providers) with whom it comes into contact will act towards the Authority with integrity and without thought or actions involving fraud and corruption.

Director of Finance and Corporate Services

- C4.1 To develop and maintain an anti-fraud and anti-corruption policy.
- C4.2 To maintain adequate and effective internal control arrangements.
- C4.3 To ensure that all suspected irregularities are reported to the Audit Manager, the Head of Paid Service and relevant Chief Officer.
- C4.4 To report to the Finance and Management Committee of all circumstances which are found, after full investigation, to identify irregularities in excess of £2,500 **(see Appendix A)**.

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Chief Officers

- C4.5 To ensure that all suspected irregularities are reported to the Director of Finance and Corporate Services or his appointed representative.
- C4.6 To instigate the Authority's disciplinary procedures where the outcome of an Audit investigation indicates improper behaviour.
- C4.7 To co-operate with Internal Audit investigations as determined within the fraud investigation procedure.
- C4.8 To ensure register of interests are completed.

Guidance

Regarding the prevention of financial irregularities:

- (a) the Authority has an effective anti-fraud and anti-corruption policy and maintains a culture that will not tolerate fraud or corruption
- (b) all Members and Officers act with integrity and lead by example
- (c) Senior Managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the authority or who are corrupt
- (d) high standards of conduct are promoted amongst Members by the Standards Committee
- (e) the maintenance of a register of interests in which any hospitality or gifts accepted must be recorded

- (f) whistle-blowing procedures are in place and operate effectively
- (g) legislation including the Public Interest Disclosure Act 1998 is adhered to.

C5. ASSETS

SECURITY

The Authority holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

Director of Finance and Corporate Services

- C5.1 To receive the information required for accounting, costing and financial records from each Chief Officer.
- C5.2 To ensure that assets are valued in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC)*.

Chief Officers

- C5.3 The appropriate Chief Officer shall maintain a property database in a form approved by the Director of Finance and Corporate Services for all properties, plant and machinery and moveable assets currently owned or used by the Authority. Any use of property by a department or establishment other than for direct service delivery should be supported by documentation identifying terms, responsibilities and duration of use. The appropriate Chief Officer is the Chief Executive.
- C5.4 To ensure that lessees and other prospective occupiers of Council land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the Chief Officer in consultation with the Director of Finance and Corporate Services, has been established as appropriate.
- C5.5 To ensure the proper security of all buildings and other assets under their control.
- C5.6 Where land or buildings are surplus to requirements, a recommendation for sale should be the subject of a joint report by the Chief Officer and the Director of Finance and Corporate Services.
- C5.7 To pass title deeds to the Chief Executive who is responsible for custody of all title deeds.
- C5.8 To ensure that no Authority asset is subject to personal use by an employee without proper authority.
- C5.9 To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the Authority.

- C5.10 To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
- C5.11 To consult the Director of Finance and Corporate Services in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- C5.12 To ensure cash holdings on premises are kept to a minimum.
- C5.13 To ensure that keys to safes and similar receptacles are carried on the person of those responsible at all times; loss of any such keys must be reported to the ~~Audit Manager~~Chief Executive as soon as possible.
- C5.14 To record all disposal or part exchange of assets that should normally be by competitive tender or public auction, unless, following consultation with the Director of Finance and Corporate Services, Full Council agrees otherwise.
- C5.15 To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Director of Finance and Corporate Services.
- C5.16 To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Authority in some way.

Guidance

The security of resources such as land, buildings, fixed plant machinery, equipment, software and information is implemented by ensuring:

- (a) resources are used only for the purposes of the Authority and are properly accounted for
- (b) resources are available for use when required
- (c) resources no longer required are disposed of in accordance with the law and the regulations of the Authority so as to maximise benefits
- (d) an asset register is maintained for the Authority, assets are recorded when they are acquired by the Authority and this record is updated as changes occur with respect to the location and condition of the asset
- (e) that all staff are aware of their responsibilities with regard to safeguarding the Authority's assets and information, including the requirements of the Data Protection Act 1998 and software copyright legislation
- (f) all staff are aware of their responsibilities with regard to safeguarding the security of the Authority's computer systems, including maintaining restricted access to the information held on them and compliance with the Authority's computer and internet security policies.

INTELLECTUAL PROPERTY

Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general rule, they belong to the employer, not the employee. Various acts of Parliament cover different types of intellectual property.

Certain activities undertaken within the Authority may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property.

Director of Finance and Corporate Services

C5.17 To develop and disseminate good practice through the Authority's intellectual property procedures.

Chief Officers

C5.18 To ensure that controls are in place to ensure that staff do not carry out private work in Council time and that staff are aware of an employer's rights with regard to intellectual property.

Guidance

In the event that the Authority decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with the Authority's approved intellectual property procedures.

ASSET DISPOSAL

It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the regulations of the Authority.

Director of Finance and Corporate Services

C5.19 To issue guidelines representing best practice for disposal of assets in line with the Asset Management Policy.

C5.20 To ensure appropriate accounting entries are made to remove the value of disposed assets from the Authority's records and to include the sale proceeds if appropriate.

Chief Officers

C5.21 To seek advice from purchasing advisors on the disposal of surplus or obsolete materials, stores or equipment.

C5.22 To ensure that income received for the disposal of an asset is properly banked and coded.

Guidance

Assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the authority, and best price is obtained, bearing in mind other factors, such as environmental issues. For items of significant value, disposal should be by competitive tender or public auction.

Procedures protect staff involved in the disposal from accusations of personal gain.

C6. TREASURY MANAGEMENT

Many millions of pounds pass through the Authority's books each year. This has led to the establishment of Codes of Practice. These aim to provide assurances that the Authority's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the Authority's capital sum.

TREASURY MANAGEMENT

Director of Finance and Corporate Services

- C6.1 To arrange the borrowing and investments of the Authority in such a manner as to comply with the CIPFA *Code of Practice on Treasury Management* and the Authority's Treasury Management Policy Statement and Strategy.
- C6.2 To prepare and keep under annual review the Council's Treasury Management Policy Statement and Strategy including compliance with the approved Treasury Management Schedules.
- C6.3 To report twice a year on Treasury Management activities to the Finance and Management Committee.

Chief Officers

- C6.4 To follow the instructions on banking issued by the Director of Finance and Corporate Services.

Guidance

That the Authority's borrowings and investments comply with the CIPFA *Code of Practice on Treasury Management* and with the authority's treasury policy statement.

INVESTMENTS AND BORROWING

Director of Finance and Corporate Services

- C6.5 To ensure that all investments of money are made in the name of the Authority or in the name of nominees approved by Full Council.
- C6.6 To ensure that all securities that are the property of the Authority or its nominees and the title deeds of all property in the Authority's ownership are held in the custody of the appropriate Chief Officer.
- C6.7 To effect all borrowings in the name of the Authority.
- C6.8 To act as the Authority's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Authority.

Chief Officers

C6.9 To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of Full Council, following consultation with the Director of Finance and Corporate Services.

TRUST FUNDS AND FUNDS HELD FOR THIRD PARTIES

Chief Officers

C6.10 To arrange for all trust funds to be held, wherever possible, in the name of the Authority. All Officers acting as trustees by virtue of their official position shall deposit securities, etc relating to the trust with the Director of Finance and Corporate Services, unless the deed otherwise provides.

C6.11 To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Director of Finance and Corporate Services, and to maintain written records of all transactions.

C6.12 To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

IMPREST ACCOUNTS

Director of Finance and Corporate Services

C6.13 To provide Officers of the Authority with cash or bank imprest accounts to meet minor expenditure on behalf of the Authority and to prescribe rules for operating these accounts. Minor items of expenditure should not exceed the prescribed amount.

C6.14 To determine the petty cash limit and to maintain a record of all transactions and petty cash advances made, and periodically to review the arrangements for the safe custody and control of these advances.

C6.15 To reimburse imprest holders as often as necessary to restore the imprests, but normally not more than monthly.

Chief Officers

C6.16 To ensure that Officers operating an imprest account:

- (a) obtain and retain vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained
- (b) make adequate arrangements for the safe custody of the account
- (c) produce upon demand by the Director of Finance and Corporate Services cash and all vouchers to the total value of the imprest amount
- (d) record transactions promptly

- (e) reconcile and balance the account regularly and at least ~~(monthly)~~; reconciliation sheets to be signed and retained by the imprest holder
- (f) provide the Director of Finance and Corporate Services with a certificate of the value of the account held at 31 March each year
- (g) ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float.
- (h) on leaving the Authority's employment or otherwise ceasing to be entitled to hold an imprest advance, an Officer shall account to the Director of Finance and Corporate Services for the amount advanced to him or her.

C7. STAFFING

In order to provide the highest level of service, it is crucial that the Authority recruits and retains high calibre, knowledgeable staff, qualified and/or experienced to an appropriate level.

Director of Finance and Corporate Services

- C7.1 To ensure that budget provision exists for all existing and new employees.
- C7.2 To act as an advisor to Chief Officers on areas such as National Insurance and pension contributions, as appropriate.

Chief Officers

- C7.3 To ensure that the staffing budget is an accurate forecast of staffing levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).
- C7.4 To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff.
- C7.5 To ensure that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.
- C7.6 To ensure that the Chief Executive and the Director of Finance and Corporate Services are immediately informed if the staffing budget is likely to be materially over or underspent.

Guidance

- (a) an appropriate staffing strategy and policy exists, in which staffing requirements and budget allocation are matched
- (b) procedures are in place for forecasting staffing requirements and cost
- (c) controls are implemented that ensure that staff time is used efficiently and to the benefit of the Authority
- (d) checks are undertaken prior to employing new staff to ensure that they are appropriately qualified, experienced and trustworthy.

C8. ANTI MONEY LAUNDERING POLICY AND FRAMEWORK

1.0 INTRODUCTION

- 1.1 The Policy is written in order for the Council to meet its obligations under the UK's Proceeds of Crime Act 2002 (POCA) and the Money Laundering Regulations 2007 (the Regulations).**
- 1.2 It is adopted under Part 4 of the Council's Constitution and specifically in order to help prevent fraud and corruption under Financial Procedure Rules.**

Policy Statement

- 1.3 The Council will do all it can to:
- Prevent, wherever possible, the organisation, its employees and Members being exposed to money laundering. This includes temporary and agency staff, the Council's contractors and partners.
 - Identify the potential areas where money laundering may occur and take appropriate action to minimise the risk.
 - Comply with all legal and regulatory requirements, especially with regard to the reporting of actual or suspected cases.
- 1.4 However, as a public authority, every employee and Member also has a personal responsibility to be vigilant.

2.0 SCOPE OF THE POLICY

- 2.1. The Policy applies to all members and employees of the Council and aims to maintain the high standards of conduct that currently exist within the Council by preventing criminal activity through money laundering. The Policy sets out the procedures that must be followed (for example reporting suspicions of money laundering activity) to enable the Council to comply with its legal obligations.
- 2.2 This Policy is designed to alert employees to the risk of the Council receiving sums of money in circumstances that give rise to suspicion and /or knowledge of money laundering.
- 2.3 Anti money laundering legislation places responsibility upon all Council employees to prevent money laundering. This covers a wide area of financial transactions, including possessing, or in any way dealing with, or concealing, the proceeds of any crime.
- 2.3. Specifically, it applies to all employees involved with cash transactions either on a regular or ad-hoc basis.
- 2.4. In addition, under the Proceeds of Crime Act (POCA) 2002, where the Council is carrying out what is termed "**relevant business**," regulations require that satisfactory due diligence is undertaken before any transaction is undertaken.

2.5. In this case, relevant business includes:

- Accountancy
- Audit
- Taxation
- Other Financial Services such as Treasury Management
- Legal Services

2.6. The legislation puts a personal responsibility on all individuals to report suspicions of money laundering. It is a criminal offence to:

- Assist a money launderer.
- “Tip off” a person suspected to be involved in money laundering that they are suspected or that they are the subject of police investigations.
- Fail to report a suspicion of money laundering.
- Acquire, use or possess criminal property.

2.8 Contravening the legislation could lead to a fine or even imprisonment. Formal action in line with the Council’s Disciplinary Procedure would also be taken against any Member or employee suspected of contravening the terms of this Policy.

3.0 WHAT IS MONEY LAUNDERING

3.1 Money laundering is any activity used to conceal/disguise the nature, source, location, ownership or control of currency (or assets). It is most often an attempt to hide the proceeds of dishonest or criminal activity and to try to give the impression that the income is from a legitimate source so that it can be used.

3.2 It is often associated with large scale crime such as drug trafficking, terrorist funding and financial crimes involving fraud. UK legislation also applies to any level of activity used to conceal the source of income to the benefit of an individual.

3.3 This can be anything from the proceeds of petty theft or from hiding income to commit benefit fraud, up to larger corporate crimes which can involve complex and well planned linked transactions.

The Council’s Risk

3.4 The Council is at risk of being used in money laundering activity as many of its transactions could appear attractive to someone looking to launder money. For example, the Council collects large sources of income including housing rents, business rates and council tax, which could provide channels to use laundered money.

3.5 In addition, overpayments could be deliberately made and then a refund requested. This would generate a payment from the Council and provide a legitimate source for the income.

3.6 Other areas at risk include property deals, including right to buy transactions, regeneration/development schemes, partnerships with private sector firms and treasury management activities.

4.0 PURPOSE OF THE POLICY

4.1 The overall legislative requirements concerning anti-money laundering procedures are extensive and complex. This Policy has been written so as to enable the Council to meet the legal requirements in a way that is proportionate to the Council contravening this legislation.

4.2 The object of this Policy is to make all employees aware of the legislative requirements and their role in relation to this Policy.

4.3 Potentially, any employee or Member could be caught by the money laundering provisions, if they suspect money laundering and either become involved with it in some way and/or do nothing about it.

4.4 Whilst the risk to the Council of contravening the legislation is considered low, it is extremely important that all Members and employees are familiar with the legal requirements.

4.5 This framework aims to provide all employees and members with a structured, supported process by which they can raise concerns of money laundering and to provide information on how they could be affected by the legislation.

5.0 MONEY LAUNDERING REQUIREMENTS

5.1 To meet the requirements of the Council, these are:

- Provision of training to relevant Members and employees on the requirements of the legislation, including the identification of suspicious transactions, identity verification and reporting procedures.
- Designation of an officer as the Money Laundering Reporting Officer (MLRO) who will receive any report, keep records and if considered appropriate, make reports to the National Criminal Intelligence Service (NCIS).
- Establishment of procedures for employees to report any suspicions to the Council's nominated MLRO.

6.0 TRIGGER POINTS

6.1 Under the Policy, employees dealing with money transactions will be required to comply with certain procedures. These procedures apply in the circumstances set out below:

Monetary Receipts

6.2 A substantial amount of transactions are undertaken electronically via direct debit, BACS and from debit/credit card. However, the Council receives money at the Civic Offices and Etwall Leisure Centre, together with ad-hoc payments that are taken for fees and charges at the point of service delivery.

6.3 Although there are still a large number of transactions, individual values are relatively small, whereas money laundering tends to involve larger amounts of currency.

6.4 Based on this, the procedures in this Policy apply whenever a cash payment is received for £2,000 or more, this being the limit generally recommended in the Regulations.

Relevant Business

6.5 Where the Council is carrying out relevant business (as defined in Section 2.65, above) and forms an ongoing business relationship with a client, the procedures in this Policy apply:

- Each time a one-off transaction is made by or to the client of 15,000 Euro (approximately £12,750) or more.
- Where a series of linked one-off transactions involving a total payment by or to the client of 15,000 Euro (approximately £12,750) or more.
- When it is known or suspected that a one-off transaction (or a series of them) involves money laundering or terrorist financing.

Note – the trigger point of 15,000 Euro is in accordance with the European Union 3rd Money Laundering Directive which has been incorporated into UK legislation.

7.0 CLIENT IDENTIFICATION PROCEDURE

7.1. Where a trigger point is reached, any employee involved in one or more of the associated transactions should ensure the client provides satisfactory evidence of their identity. This applies to existing clients as well as new ones.

7.2. This should be done in person by the client, through passport and or driving licence that also incorporates a photograph, plus one other document with their name and address. These documents must be one of the following:

- Gas, Water or Electricity Bill
- Telephone Bill (but not a Mobile)
- Mortgage Statement
- Bank or Building Society Book
- Pension Book

7.3. In the case of a company, partnership or sole trader, etc. corporate identity should be obtained. This should be through company formation documents with a company registration number where appropriate, together with a business rate demand notice.

7.4. Clearly, monetary transactions or relevant business which breach the trigger points may well be legitimate.

7.5. However, it is important in these circumstances that the employee only explains to the client that they are acting in accordance with the Council's Financial Procedural Rules if they are challenged when asking to provide evidence. To avoid a possible "tipping off" scenario, they should say no more or they may be committing a criminal offence.

- 7.6. In circumstances where the client cannot be physically identified the employee should be aware that there is greater potential for money laundering where they are not physically present. If the client acts, or appears to act for another person, reasonable measures must be taken for the purposes of identifying that person.
- 7.7. This should include authorisation from the person concerned or from other legal title that the client is acting for another person. The client should also be asked for identification as set out in 7.1 and 7.2 above.
- 7.8. If satisfactory evidence is not obtained the relationship or the transaction should not proceed.

8.0 CUSTOMER DUE DILIGENCE PROCEDURE

- 8.1 Customer Due Diligence (CDD) is a procedure which is carried out when undertaking relevant business. To meet the POCA regulations, this requires that extra care is taken to check the identity of the client.
- 8.2 This need not be onerous, especially where the client is known to the Council and some simple and quick checks can be made. Firstly, the following questions should be asked to determine whether CDD is relevant:
- Is the service being provided a regulated activity?
 - Is the Council charging for the service?
 - Is the service being provided to a customer other than a UK public authority?
- 8.3 If the answer to any of the above questions is no then it is not necessary to carry out any further CDD. If the answer to all these questions is yes it is then necessary to undertake CDD before any business relationship can commence with the customer. If there is any uncertainty whether CDD is required, the MLRO should be contacted for advice.
- 8.4 CDD should be proportionate and its purpose is to verify that the customer is who they say they are and that their money comes from a legitimate source, is being used for a legitimate purpose and that the transaction taking place is legitimate.
- 8.5 CDD can be achieved by conducting some simple enquiries such as:
- Checking with the Customer's web-site to confirm their business address.
 - Conducting a credit/company check through Companies House to confirm the nature of their business, trading position, VAT status and the identity of the directors (this query should be referred to the Council's Internal Audit Unit).
- 8.6 It is a requirement under CDD that it applies as soon as the Council becomes involved with a new customer. CDD is an ongoing process and it should also be applied on a proportionate basis for existing customers taking into account the risk of money laundering and terrorist funding.
- 8.7 Where doubt exists, enhanced CDD may be required where additional evidence should be gathered. In particular, this will be relevant where:

- The Customer's appointed representative has not been physically present for identification.
 - The customer is a politically exposed person; that is an individual who at any time in the previous year has held a prominent public function outside of the UK and EU or international institution/body, this also includes their immediate family members or close associates.
 - There is a beneficial owner who is not the direct client. A beneficial owner is a person who holds more than 25% of the shares, voting rights or interest in a company, partnership or trust.
- 8.8 To satisfy the requirements of enhanced CDD, additional documentation, data or information confirming the client's identity and/or the source of the finances to be used in the business relationship or transaction should be obtained.
- 8.9 If it becomes necessary to engage in enhanced CDD, the MLRO must be notified prior to undertaking any action.

Record Keeping Procedure

- 8.10 Details of all relevant business transactions, including client identification evidence must be maintained for at least five years from the completion of the transaction. Details may be required as evidence in any subsequent investigation by the authorities into money laundering.
- 8.11 The precise nature of the records is not prescribed by law. However, they must provide an audit trail that can be used during any subsequent investigation. This should include details of the client and the relevant transaction, together with a record of what form funds were received or paid.

9.0 THE MONEY LAUNDERING REPORTING OFFICER (MLRO)

- 9.1 The Officer nominated to answer queries and to receive disclosures about money laundering activity within the Council is the Section 151 (Chief Finance Officer) which is the Director of Finance and Corporate Services.
- 9.2 The MLRO will utilise the services of Internal Audit, the Council's Monitoring Officer and the **Internal** Fraud Investigation Unit, where this is considered necessary.

10.0 INTERNAL REPORTING PROCEDURE

- 10.1 Where an employee takes a payment or enters into relevant business where the trigger points have been breached but the associated transactions meet the identification and CDD requirements as set out in this Policy, i.e. they are deemed legitimate, then details should be recorded on a prescribed form. The form should be completed immediately after the transaction has taken place and passed directly by the employee to the MLRO.
- 10.2 In addition, where an employee is aware that money laundering may have taken place or may be taking place they must immediately contact the MLRO for guidance regardless of the amount involved. In such circumstances, no money must be taken or a transaction entered into until this has been done.

- 10.3 Any employee knowing or suspecting money laundering, fraud or the use of the proceeds of crime must also report this to the MLRO on a prescribed form. Again, the form should be completed immediately a suspicion arises and passed directly by the employee to the MLRO.
- 10.4 Examples of how money laundering could take place, together with possible warning signs to observe, are set out in **Appendix 1**.
- 10.5 Upon receiving a report, the MLRO will consider all of the admissible information in order to determine whether there are grounds to suspect money laundering.
- 10.6 If the MLRO determines that the information or matter should be disclosed it will be reported to the National Criminal Intelligence Service (NCIS).

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Reporting to the NCIS

- 10.7 Disclosure to the NCIS must be as soon as practicable on their standard report form and in the prescribed manner unless there is a reasonable excuse for non-disclosure. Where consent is required from the NCIS for a transaction to proceed, then the transaction(s) in question must not be undertaken or completed until the NCIS has specifically given consent, or there is deemed consent through the expiration of the relevant time limits without objection from the NCIS.
- 10.8 Where the MLRO suspects money laundering but has reasonable excuse for non-disclosure, the report must be recorded and consent given for any ongoing transactions to proceed. Where there are no reasonable grounds to suspect money laundering, the report will be marked accordingly and consent given for any ongoing transactions to proceed.
- 10.9 Once the details have been referred to the MLRO, employees must follow their directions, but must not make additional enquiries into the matter themselves. Employees will be required to co-operate with the MLRO and investigating authorities where required.
- 10.10 The MLRO commits a criminal offence if they know or suspect, or have reasonable grounds to do so, through a disclosure being made to them, that another person is engaged in money laundering and they do not disclose this as soon as practicable to the NCIS.

Tipping Off

- 10.11 During this process the client must not be tipped off. At no time and under no circumstances should an employee voice any suspicions to the person(s) suspected of money laundering, even if the NCIS has given consent to a particular transaction proceeding, otherwise the employee may be committing a criminal offence of "tipping off."
- 10.12 Therefore, no reference should be made on a client file to a report having been made to the MLRO. Should the client exercise their right to see a file, then such a note will obviously tip them off to the report having been made and may render the employee liable to prosecution. The MLRO will keep the appropriate records in a confidential manner.

11.0 OTHER PROCEDURES

Regular Receipts

- 11.1 The Council in the normal operation of its services accepts many payments from individuals and organisations. For all transactions under £2,000 the Money Laundering regulations do not apply.
- 11.2 However, employees should be aware of regular cash payments and if there are reasonable grounds to suspect money laundering activities, proceeds of crime or is even simply suspicious, the matter should still be reported to the MLRO on the relevant form.

Refunds

- 11.3 Care should be taken when dealing with refunds. For example, a significant overpayment which results in a repayment will need to be properly investigated and authorised before payment.
- 11.4 In the event of any suspicious transactions, the MLRO must be contacted immediately to investigate the case.
- 11.5 As highlighted elsewhere in the Policy, the client should not be informed and consequently “tipped off.”

Training

- 11.6 The Council will take appropriate measures to ensure that all Members and employees are made aware of the regulations and the existence of this Policy, together with their roles and responsibilities.
- 11.7 Staff that are more likely to be involved in monetary payments and in relevant business as defined by the regulations are given specific training in how to recognise and deal with transactions that may be related to money laundering.
- 11.8 This mainly applies to employees in Finance, Customer Services, Legal and Housing, together with anyone else nominated by a Head of Service.

APPENDIX 1

Money Laundering - Warning Signs

The following examples could indicate that money laundering is taking place:

1. Transactions or trade that appear to make no commercial or economic sense from the perspective of the other party

A money launderer's objective is to disguise the origin of criminal funds and not necessarily to make a profit. A launderer may therefore enter into transactions at a financial loss if it will assist in disguising the source of the funds and allow the funds to enter the financial system.

2. Large volume/large cash transactions

All large cash payments should be the subject of extra care and before accepting cash the reasons for such payments should be fully understood. Payments should be encouraged through the banking system to avoid problems.

3. Payments received from third parties

Money launderers will often look to legitimate business activity in order to assist in 'cleaning' criminal funds and making payments on behalf of a legitimate company can be attractive to both parties. For the legitimate company it can be a useful source of funding and for the launderer the funds can be repaid through a banking system.

4. Warning signs of organised money laundering

- Use of cash where other means of payment are normal
- Unusual transactions or ways of conducting business
- Unwillingness to answer questions/secretiveness generally
- Use of overseas companies
- New companies
- Overpayments of Council Tax where refunds are needed

D. FINANCIAL ADMINISTRATION

D1. SYSTEMS AND PROCEDURES

Departments have many systems and procedures relating to the control of the Authority's assets, including purchasing, costing and management systems. Departments are increasingly reliant on computers for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.

The Director of Finance and Corporate Services has a professional responsibility to ensure that the Authority's financial systems are sound and should therefore be notified of any new developments or changes.

Director of Finance and Corporate Services

- D1.1 To make arrangements for the proper administration of the Authority's financial affairs, including to:
- (a) issue advice, guidance and procedures for Officers and others acting on the Authority's behalf
 - (b) determine the accounting systems, form of accounts and supporting financial records
 - (c) establish arrangements for audit of the Authority's financial affairs
 - (d) approve any new financial systems to be introduced **and** approve any changes to be made to existing financial systems.

Chief Officers

- D1.2 To ensure that accounting records are properly maintained and held securely.
- D1.3 To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Director of Finance and Corporate Services.
- D1.4 To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- D1.5 To incorporate appropriate controls to ensure that, where relevant:
- (a) all input is genuine, complete, accurate, timely and not previously processed
 - (b) all processing is carried out in an accurate, complete and timely manner
 - (c) output from the system is complete, accurate and timely.

- D1.6 To ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.
- D1.7 To consult with the Director of Finance and Corporate Services before changing any existing system or introducing new systems.
- D1.8 To comply with the guidelines embodied within the Authority's Information Technology Standards Manual establishing best practice for the operation of IT systems.
- D1.9 To establish a scheme of delegation identifying Officers authorised to act upon the Chief Officer's behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.
- D1.10 To supply lists of authorised Officers, with specimen signatures and delegated limits, to the Director of Finance and Corporate Services, together with any subsequent variations.
- D1.11 To ensure that, where appropriate, computer systems are registered in accordance with the Data Protection Act 1998 and that Officers are aware of their responsibilities under the legislation.

Guidance

The key controls for systems and procedures are:

- (a) basic data exists to enable the Authority's objectives, targets, budgets and plans to be formulated
- (b) performance is communicated to the appropriate managers on an accurate, complete and timely basis
- (c) early warning is provided of deviations from target, plans and budgets that require management attention
- (d) operating systems and procedures are secure.

D2. INCOME AND EXPENDITURE

INCOME

Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the Authority's cashflow and also avoids the time and cost of administering debts.

Director of Finance and Corporate Services

- D2.1 To supervise the collection of all money due to the Council.
- D2.2 To be notified promptly of all money due to the Council and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Council.
- D2.3 To take all reasonable measures for the recovery of debts due to the Council in connection with the recovery of the National Non-Domestic Rate and Council Tax. The Director of Finance and Corporate Services shall be authorised to initiate such legal proceedings as they may deem appropriate in the Magistrates' Court. In any other circumstances arising where legal action is necessary, all details shall be passed to the Chief Executive to initiate legal proceedings for recovery.
- D2.4 Sums due to the Council shall not be written-off except on
- (a) the authority of the ~~Client Services~~ Revenues and Customer Services Manager in respect of a sum not exceeding £25 (See Appendix A)
 - (ba) the authority of ~~the Chief Executive and~~ the Director of Finance and Corporate Services in respect of a sum not exceeding £2,500 (See Appendix A)
 - (cb) the authority of the Finance and Management Committee on recommendation of the ~~appropriate committee~~ Chief Executive and Director of Finance and Corporate Services in respect of a sum in excess of £2,500 (see Appendix A)

The term "sum" shall be construed as meaning the total amounts owed by one debtor.

- D2.5 Cases involving liquidation, receivership, court decisions, etc be written-off at the culmination of that process within the timescales of the appropriate legislation (Insolvency Acts etc)

Guidance

There is no necessity for Member approval to write-off amounts appertaining to D 2.5, however in the case of significant amounts it is appropriate to advise Members accordingly.

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Chief Officers

- D2.6 To promptly notify the Director of Finance and Corporate Services, in the manner prescribed, particulars of all charges to be made for work done, services rendered, or goods supplied to the various departments of the Council and of all other amounts due.
- D2.7 To prepare, in conjunction with the Director of Finance and Corporate Services, a report to the appropriate Committee by the relevant Chief Officer, of any proposed new charges or changes in existing or temporary charges
- D2.8 To prepare, in conjunction with the Director of Finance and Corporate Services, a report to the appropriate Committee by the relevant Chief Officer, of any proposed changes to charges by way of discounts, promotions, etc. Additional Committee approval of any such arrangements within the terms of a previously approved scheme is not required.
- D2.9 In cases where the services have been made the subject of competition, whether compulsory or voluntary, financial rules D.2.7 & D.2.8 shall not apply where the responsibility for setting charges is passed to the successful contractor who shall be bound by the terms and conditions of the contract.
- D2.10 To submit to the appropriate Committee after consultation with the Chief Executive, Director of Finance and Corporate Services and the Corporate Management Team a list of charges made by ~~his~~their department, the date they were last revised and his recommendations on them.
- D2.11 To ensure all money received by an Officer on behalf of the Council shall, without delay, be paid without deductions to the Director of Finance and Corporate Services or, as he may direct, to the Council's bank ~~or National Girobank-Bank a~~Account.
- D2.12 To ensure personal cheques shall not be cashed out of the money held on behalf of the Council.
- D2.13 To determine, with the Director of Finance and Corporate Services, maximum limits for cash held within any department which shall not be exceeded without ~~his~~their permission.
- D2.14 To obtain clearance from the Director of Finance and Corporate Services as to any VAT implications for any new proposal which generates income to the Council.

Guidance

- (a) all income due to the authority is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed
- (b) all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery

- (c) all money received by an Officer on behalf of the Authority is paid without delay to the Director of Finance and Corporate Services or, as he or she directs, to the Authority's ~~b~~Bank or ~~National Giro~~ ~~a~~Account, and properly recorded. The responsibility for cash collection should be separated from that:
 - for identifying the amount due
 - for reconciling the amount due to the amount received
- (d) effective action is taken to pursue non-payment within defined timescales
- (e) formal approval for debt write-off is obtained
- (f) appropriate write-off action is taken within defined timescales
- (g) appropriate accounting adjustments are made following write-off action
- (h) all appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule
- (i) money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

ORDERS FOR WORKS AND GOODS

All Officers of the Council shall ensure that they obtain value for money before placing any order for goods and services.

All orders for goods and services shall be issued in accordance with the Council's Code of Practice on Purchasing, set out in Appendix B1 hereto, where they fall outside the provisions of the Council's Procedure Rules.

Director of Finance and Corporate Services

- D2.15 To approve the form of official orders and associated terms and conditions.
- D2.16 To make payments from the Authority's funds on the Chief Officer's authorisation that the expenditure has been duly incurred in accordance with Financial Regulations.
- D2.17 To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
- D2.18 To make payments to contractors on the certificate of the appropriate Chief Officer, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.

D2.19 To provide advice and encouragement on making payments by the most economical means.

Chief Officers

D2.20 To ensure that unique pre-numbered official orders are used for all goods and services, other than the exceptions specified in agreements and contracts.

D2.21 To ensure that orders are only used for goods and services provided to the department. Individuals must not use official orders to obtain goods or services for their private use.

D2.22 To ensure that only those Officers authorised by him or her sign orders and to maintain an up-to-date list of such authorised Officers, including specimen signatures identifying in each case the limits of their authority. The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary. Best Value principles should underpin the Authority's approach to procurement. Value for money should always be achieved.

Guidance

- (a) all goods and services are ordered only by appropriate persons and are correctly recorded
- (b) all goods and services shall be ordered in accordance with the Authority's Code of Practice for Purchasing and/or Contracts unless they are purchased from sources within the Authority
- (c) goods and services received are checked to ensure they are in accordance with the order. Goods should not be received by the person who placed the order
- (d) payments are not made unless goods have been received by the Authority to the correct price, quantity and quality standards
- (e) all payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method
- (f) all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the document retention schedule
- (g) all expenditure, including VAT, is accurately recorded against the right budget and any exceptions are corrected
- (h) in addition, the effect of e-business/e-commerce and electronic purchasing requires that processes are in place to maintain the security and integrity of data for transacting business electronically.

PAYMENT OF ACCOUNTS

The certification of all invoices, vouchers and other documents initiating the disbursement of Council monies shall be in a form approved by the Director of Finance and Corporate Services.

Officers shall follow the procedure for certifying and authorising the payment of invoices as set out in the payment procedure and referred to in the Council's Code of Practice on Purchasing (Appendix B1).

PAYMENTS TO OFFICERS AND MEMBERS - SALARIES, WAGES, EXPENSES, ETC

Staff costs are the largest item of expenditure for most Authority services. It is therefore important that payments are accurate, timely, made only where they are due for services to the Authority and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that Members' Allowances are authorised in accordance with the scheme adopted by Full Council.

Director of Finance and Corporate Services

D2.23 To authorise the payment of all salaries, wages, allowances etc, and to make such administrative arrangements for this purpose as are necessary.

D2.24 To be advised, as soon as possible, of all appointments, resignations or other circumstances affecting the salary, wages or emoluments or any Officer in the form prescribed therefor.

D2.25 To be provided with all information necessary to maintain records of service, Superannuation, Statutory Sick Pay, Income Tax and National Insurance liability and any other similar requirement which may be imposed by statute.

D2.26 The maintenance of National Insurance records shall be the responsibility of the Director of Finance and Corporate Services.

Chief Officers

D2.27 All time records and other pay documents shall be in a form prescribed or approved by the Director of Finance and Corporate Services and shall be signed by the Officer and certified by the Chief Officer or a member of his staff authorised for the purpose.

Guidance

- (a) proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:
- starters
 - leavers
 - variations
 - enhancements
- and that payments are made on the basis of timesheets or claims
- (b) frequent reconciliation of payroll expenditure against approved budget and bank account
- (c) all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule
- (d) that Inland Revenue regulations are complied with.

IMPREST ACCOUNTS

There will be occasions when it will be necessary to make advances to Officers which will be re-imbursed on an imprest basis. The main use of such advances is to allow for the payment of small items of expenditure. Designated Officers will hold advances and reimburse Officers for such items, this is known as petty cash.

Director of Finance and Corporate Services

D2.28 To make imprest advances to Officers for the payments of small items of expenditure. Any individual reimbursement shall not exceed £15XX (see Appendix A) in value for the purchase of goods and materials.

Chief Officers

D2.29 To ensure Officers responsible for a petty cash advance shall keep a petty cash record and, when claiming reimbursement of expenditure, shall submit an account to the Director of Finance and Corporate Services setting out details of the expenditure with supporting vouchers and receipts.

D2.30 To ensure that income received on behalf of the Council is not paid into an imprest account but must be banked in accordance with Financial Procedure Rule D2.11.

D2.31 To make available, at all times, the balance of any imprest account for examination by the ~~Director of Finance and Corporate Services~~ Internal Audit Section.

D2.32 To provide the Director of Finance and Corporate Services with a certificate as to the state of any imprest account under the control of any Officer as at the 31 March every year, or at any time as requested.

D2.33 On leaving the employment of the Council, or otherwise ceasing to be entitled to hold an imprest account, an Officer shall account to the Director of Finance and Corporate Services for the amount advanced to him.

STOCKS AND STORES

An Authority holds stocks of materials in order to ensure the uninterrupted continuance of its activities and to provide for emergencies. In most instances the value of stock presently held is not substantial as purchases are made on a regular basis. However it is necessary to secure what stocks are in use.

Chief Officers

- D2.34 To make arrangements for the care and custody of stocks and stores in the department.
- D2.35 To ensure stocks are maintained at reasonable levels and are subject to a regular independent physical check. All discrepancies should be investigated and pursued to a satisfactory conclusion.
- D2.36 To investigate and remove from the Authority's records (i.e. write-off) discrepancies as necessary, or to obtain executive approval if they are in excess of a predetermined limit.
- D2.37 To authorise or write-off disposal of redundant stocks and equipment. Procedures for disposal of such stocks and equipment should be by competitive quotations or auction, unless, following consultation with the Director of Finance and Corporate Services, the Management Team decides otherwise in a particular case.
- D2.38 To seek approval to the write-off of redundant stocks and equipment in excess of a predetermined sum £500 (see Appendix A).
- D2.39 To ensure stores records shall be in a form approved by the Director of Finance and Corporate Services.
- D2.40 To ensure record relating to physical stocks shall be available at all times for inspection by Internal Audit.
- D2.41 For accounting purposes, on the 31 March in each year, the Appropriate Chief Officer shall prepare and certify an inventory of stocks held.
- D2.42 The appropriate Chief Officer may, with the approval of the Director of Finance and Corporate Services, write off deficiencies and obsolete stock and equipment up to a value for any one commodity of £500 (see Appendix A). Amounts in excess of £500 (see Appendix A) shall be referred to the appropriate Committee.
- D2.43 Nothing which is surplus to the requirements of the Council shall be disposed of:
- (a) Without the consent of the Director of Finance and Corporate Services where the expected sale price does not exceed £2,500 (see Appendix A);

- (b) Without the consent of the appropriate Committee where the expected sale price exceeds £2,500 (see Appendix A).

D2.44 To report to Internal Audit any discrepancy between physical stock and records.

Guidance

Officers involved in the management and operation of stocks and stores are aware of the appropriate systems in operation for controlling them.

INVENTORIES

Chief Officers shall prepare and keep up to date inventories. Any material deficiencies shall be reported, in the first instance, to the Internal Audit.

Chief Officers

D2.45 To maintain inventories and record an adequate description of furniture, fittings, equipment, plant and machinery above ~~£50XX~~ (see Appendix A) in value.

D2.46 To carry out an annual check of all items on the inventory in order to verify location, review, condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the Authority.

D2.47 To make sure that property is only used in the course of the Authority's business, unless the Chief Officer concerned has given permission otherwise.

Guidance

Officers are made aware of the inventory system

BANKING ARRANGEMENTS

All arrangements with the Council's bankers shall be made by, or under arrangements approved by, the Director of Finance and Corporate Services who shall be authorised to operate such banking accounts ~~including National Girobank accounts~~ as he may consider necessary.

Director of Finance and Corporate Services

D2.48 To operate Bank Accounts as are considered necessary.

D2.49 To make proper arrangements for the procurement and safe custody of all cheques, ~~including National Girobank payment forms.~~

D2.50 To ensure that cheques on the Council's main banking accounts, ~~including National Girobank accounts,~~ shall bear the signature (actual or facsimile) of the Chief Executive, Director of Finance and Corporate Services, ~~Financial Finance Services Manager or the Revenues and Customer Client Services Manager, Revenue Manager or Audit Manager.~~

D2.51 To make proper arrangements for the appropriate use of Electronic Funds Transfers (EFT) such as BACS and CHAPS etc.

Chief Officers

D2.52 To obtain the approval of the Director of Finance and Corporate Services to open or close any ~~of~~ bank account on behalf of the Council.

FINANCIAL STATIONERY

All official receipt forms or books, licences, tickets and other documents representing money, or money's worth is controlled and issued by the Director of Finance and Corporate Services, who shall supply all departments according to their various needs. All receipts and issues of such documents shall be properly recorded and acknowledged.

Director of Finance and Corporate Services

D2.53 To ensure that stocks of financial stationery are maintained and properly accounted for.

Chief Officers

D2.54 To ensure that approved financial stationery is used where applicable.

INSURANCE AND SECURITY

The Director of Finance and Corporate Services shall be responsible for effecting all insurance cover and Chief Officers shall promptly notify ~~him~~them of the extent and nature of all new risks to be insured and of alterations affecting insurable risks.

Director of Finance and Corporate Services

D2.55 To review all insurances, in consultation with the Chief Officers, at such intervals as deemed necessary.

D2.56 To ensure all appropriate employees of the Council are included in a suitable fidelity guarantee/professional indemnity liability insurance.

D2.57 To submit to the Council's Insurers all claims except those where an employee or third party is involved in an accident or third party property is damaged either by the Council or their agents. In which case, the Director of Finance and Corporate Services shall in turn notify the Chief Executive.

D2.58 To indemnify all employees against any expenses, liability, loss, claim or proceedings whatsoever arising from their neglect, act, error or omission in the course of their employment (whether they were acting for the Council itself or another person or body with the Council's consent), subject to the exceptions listed below,

- i. The indemnity will not extend to loss or damage directly or indirectly caused by or arising from:
 - (a) fraud, dishonesty or a criminal offence committed by the employee (except when the criminal offence is an offence under the Health & Safety at Work Act 1974);
 - (b) any neglect, act, error or omission by the employee otherwise than in the course of his/her employment;
 - (c) liability in respect of surcharges made by the District Auditors or orders made under Section 19 of the Local Government Finance Act 1982.
- ii. The indemnity will not apply if an employee, without the express permission of the Authority, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this resolution.

Chief Officers

D2.59 To send to the Director of Finance and Corporate Services all details of Insurance claims.

D2.60 To be responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture and equipment, cash etc., under his/her control.

COMPUTER SERVICES

The Council's Computer facilities are governed by the Information Technology Strategy. The specific responsibilities for the service rest with the Chief Executive and the Director of Finance and Corporate Services.

Director of Finance and Corporate Services

D2.61 To be responsible for the daily management of the Computer Services Section of the Council and for ensuring that the output from that section is produced in the format required and within the specified timescales.

Chief Officers

D2.62 The Chief Executive shall be responsible for the overall strategic issues of information technology within the Council.

D2.63 To be responsible for ensuring that input to the Computer Services Section is submitted within the agreed timescales and to the agreed format.

PRIVACY AND SECURITY OF INFORMATION

The Chief Executive and all Chief Officers shall make adequate arrangements for the privacy and security of data which is held under their control and shall notify the Director of Finance and Corporate Services as soon as possible of any new system which may require registration under the relevant legislation.

E. EXTERNAL ARRANGEMENTS

E1. PARTNERSHIPS

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

Local Authorities will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. Local Authorities will be measured by what they achieve in partnership with others.

Director of Finance and Corporate Services

E1.1 To advise on effective controls that will ensure that resources are not wasted.

E1.2 To advise on the key elements of funding a project. They include:

- (a) a scheme appraisal for financial viability in both the current and future years
- (b) risk appraisal and management
- (c) resourcing, including taxation issues
- (d) audit, security and control requirements
- (e) carry-forward arrangements.

To ensure that the accounting arrangements are satisfactory.

To maintain a register of all contracts entered into with external bodies.

Chief Officers

- E1.3 To ensure all contracts entered into with external bodies are registered in accordance with procedures specified by the Director of Finance and Corporate Services.
- E1.4 To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the Director of Finance and Corporate Services in accordance with the Council's Capital Appraisal mechanism.
- E1.5 To ensure that such agreements and arrangements do not impact adversely upon the services provided by the Authority.
- E1.6 To ensure that all agreements and arrangements are properly documented.
- E1.7 To provide appropriate information to the Director of Finance and Corporate Services to enable a note to be entered into the Authority's Statement of Accounts concerning material items.

Guidance

Requirements for an Authority's partners are:

- (a) if appropriate, to be aware of their responsibilities under the Authority's Financial Regulations and the Code of Practice on Purchasing and/or Contracts.
- (b) to ensure that risk management processes are in place to identify and assess all known risks
- (c) to ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise
- (d) to agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences
- (e) to communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.

E2. EXTERNAL FUNDING

External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Authority. Local Authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies ~~such as the National Lottery and the Single Regeneration Budget~~ provide additional resources to enable the Authority to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the Authority's overall plan.

Director of Finance and Corporate Services

- E2.1 To ensure that all funding notified by external bodies is received and properly recorded in the Authority's accounts.
- E2.2 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- E2.3 To ensure that audit requirements are met.

Chief Officers

- E2.4 To ensure that a capital appraisal as set out in the Council's Capital Strategy is undertaken for all projects seeking external funding.
- E2.5 To ensure that all claims for funds are made by the due date.
- E2.6 To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.

E3. WORK FOR THIRD PARTIES

Current legislation enables the Authority to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.

Director of Finance and Corporate Services

E3.1 To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Chief Officers

E3.2 To ensure that the approval of the Committee is obtained before any negotiations are concluded to work for third parties.

E3.3 To ensure all contracts entered into with third parties are registered in accordance with procedures specified by the Director of Finance and Corporate Services.

E3.4 To ensure that appropriate insurance arrangements are made.

E3.5 To ensure that the Authority is not put at risk from any bad debts.

E3.6 To ensure that no contract is subsidised by the Authority.

E3.7 To ensure that, wherever possible, payment is received in advance of the delivery of the service.

E3.8 To ensure that the department/unit has the appropriate expertise to undertake the contract.

E3.9 To ensure that such contracts do not impact adversely upon the services provided for the Authority.

E3.10 To ensure that all contracts are properly documented.

E3.11 To provide appropriate information to the Director of Finance and Corporate Services to enable a note to be entered into the Statement of Accounts.

QUICK REFERENCE GUIDE TO MONETARY LIMITS

A. Financial Management

None at present

B. Financial Planning

None at present

C. Risk Management

3.20 To report to the Finance and Management Committee of all circumstances which are found, after full investigation, to identify irregularities in excess of **£12,0500**

D. Financial Administration

2.4 ~~2.4~~ Sums due to the Council shall not be written off except on

(a) ~~the authority of the Revenues and Customer Client Services Manager~~ in respect of a sum not exceeding **£25**,

(ba) ~~the authority of the Chief Executive and the~~ Director of Finance and Corporate Services in respect of a sum not exceeding **£2,500**

(b)(c) ~~the authority of the Finance and Management Committee on recommendation of the Chief Executive and Director of Finance appropriate Committee (if not the Finance and Management Committee)~~ in respect of a sum in excess of **£2,500**

2.28 To make imprest advances to officers for the payments of small items of expenditure. Any individual reimbursement shall not exceed **£1540** in value for the purchase of goods and materials.

2.38 To seek approval to the write-off of redundant stocks and equipment in excess of **£500**.

2.42 The appropriate Chief Officer may, with the approval of the Director of Finance and Corporate Services, write off deficiencies and obsolete stock and equipment up to a value for any one commodity of **£500**. Amounts in excess of **£500** shall be referred to the appropriate Committee.

2.43 Nothing which is surplus to the requirements of the Council shall be disposed of:

(a) Without the consent of the Director of Finance and Corporate Services where the expected sale price does not exceed **£2,500**;

(b) Without the consent of the appropriate Committee where the expected sale price exceeds **£2,500**.

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Appendix A

2.45 To maintain inventories and record an adequate description of furniture, fittings, equipment, plant and machinery above an individual value of ~~£5025~~.

E. External Arrangements

None

PURCHASING CODE OF PRACTICE

1. FOREWORD

This section provides guidance on the purchase of goods and services (repairs to equipment etc) that are required to support the provision of services by the Council.

~~It should be noted that the Council is developing a Procurement Strategy for Service Delivery in line with Best Value principles. Therefore there will be a need, in the future, to provide such guidance for other methods of Service Delivery in which the Authority plays some role e.g. joint venture, partnering, trusts etc.~~

2. INTRODUCTION

All Officers shall ensure that they obtain value for money before placing any orders for goods and services. They shall also ensure that the specification of goods and services is appropriate in all cases.

The Council has adopted Financial Regulations and Contracts Procedure Rules to control the way in which Officers conduct the Council's day-to-day affairs and, in particular, to obtain value for money.

The Code shall be made available to all Officers and shall be used as a minimum standard by which value for money will be measured when placing orders for goods and services. It also deals with procedures which shall be undertaken when goods are received or services are provided and when invoices are paid.

The Code of Practice may be updated occasionally to reflect changes and improvements.

3. OBTAINING THE BEST TERMS

- 3.1 Orders for goods and services over £25,000 should be made in accordance with the Contract Procedure Rules set out in this Constitution.
- 3.2 Provided that the expenditure concerned is approved by an annual or supplementary estimate, the Chief Officer shall be authorised to order without reference to Committee, works or goods to a value not exceeding £10,000 in any one instance.
- 3.3 Competitive written quotations (at least three) should be obtained for individual purchases in excess of £2,500 and at least once a year where the same item or similar groups of items (e.g. plumbing supplies) will cost in excess of £10,000. The receipt and opening of quotations shall be in accordance with paragraphs 3.5 and 3.6.

- 3.4 Where the anticipated total purchases between the Council and a particular supplier is in excess of £10,000 then a formal supply agreement should be entered into. If the anticipated level of business exceeds £25,000 then a formal contract of supply should be entered into in accordance with (See the Contract Procedure Rules).
- 3.5 Where, in pursuance of this Code of Practice, quotations are sought they shall be submitted in sealed envelopes which shall have the name and address of the Council and the subject to which it relates shown thereon; but no other identifying mark.
- 3.6 Quotations shall be kept in the custody of the appropriate Chief Officer or his authorised representative until the date and time specified for their opening. Quotations shall be opened by the appropriate Chief Officer or his authorised representative in the presence of at least one other member of staff.
- 3.7 The lowest quotations should always be accepted provided that the goods meet the required specifications, delivery dates can be met, and it is administratively efficient to do so.
- 3.8 Where, on account of urgency, it is essential to place an immediate order for work or goods of a value exceeding £10,000 for which provision has been made in the annual estimates and to which prior approval of a Committee would normally be required, a Chief Officer may, with the approval of the Chief Executive in consultation with the Leader of the Council (and if appropriate, the local ward member), order the work or goods. The purpose and amount of the order and the reason causing the order to be placed shall be reported by the Officer responsible for the ordering, to the next meeting of the appropriate Committee for confirmation.
- 3.9 Where it is not possible for the requisite number of quotations to be obtained by reason of their being an insufficient number of bodies or persons supplying such goods and/or it is intended that other than the lowest quotation should be accepted, then below £10,000 a Chief Officer's authorisation is required. In excess of £10,000 a report, similar to that under paragraph 3.2, shall be submitted to the next meeting of the appropriate Committee. This shall include written details of such circumstances and the reasons therefore.
- 3.10 For purchases less than the limits in paragraph 3.3, use should be made wherever possible of the lists of purchasing organisations used by the Council and catalogue price comparisons. Where formalised arrangements exist with certain suppliers for the supply of goods and services under contractual, agreement or specific/joint purchasing arrangements, the terms of the said arrangements may over-ride specific conditions of this Code.
- Note: Care should be taken not to be influenced by manufacturers who may claim that only certain brands of consumables will operate on their equipment. Such claims should be independently verified.
- 3.11 As orders placed relate directly to the spending of public money, copies of tenders and competitive quotations must be kept to prove the lowest and most efficient use of public funds.

- 3.12 Keep all correspondence for three years (invoices for 6 years plus current year).
- 3.13 Notwithstanding the provisions of this Code of Practice a Chief Officer may, if he feels the situation so demands, apply the provisions of the Contracts Procedure Rules set out in Part 4 of this Constitution on contracts over £25,000 to contracts of a lesser sum or the provisions of this Code of Practice to sums below those set out in paragraph 3.3 of this Code.

4. RELATIONSHIPS WITH SUPPLIERS

Officers must not benefit personally in any way from their dealing with previous, current or prospective suppliers. The Code of Conduct for both Members and Officers along with the Anti-Fraud and Corruption Strategy provides additional guidance.

4.1 Impartiality

Officers must not allow themselves to be in a position where they might be considered by others to have been influenced in their dealings with previous, current or prospective suppliers.

4.2 Gifts, Prizes or Commission

Any gifts, prizes or commission offered to Officers by a supplier shall be reported at once to their Chief Officer who will decide what action shall be taken.

4.3 Hospitality

Officers must not accept any hospitality which is likely or might be seen to be likely to influence their decisions. If they are in any doubt they should report the facts to their Chief Officer who will decide what action shall be taken. All hospitality accepted must be entered in the Hospitality Register(s).

4.4 "Pressure Selling"

Officers must also be on their guard against "pressure selling", particularly where goods are received "on approval" or otherwise without an order. Any such instances shall be reported at once to their Chief Officer who will decide what action shall be taken.

5. OBTAINING GOODS AND SERVICES

The quality and quantity of goods and services is the responsibility of the Officer who places the order. ~~NO ORDER SHOULD BE PLACED FOR GOODS AND SERVICES UNLESS THERE IS SUFFICIENT MONEY LEFT IN THE APPROPRIATE BUDGET HEAD TO MEET THE FULL COST.~~ No order should be placed for goods and services unless there is sufficient money left in the appropriate budget head to meet the full cost.

5.1 Price List

~~Price lists are available and current lists showing the suppliers who give the best prices and quality should have been supplied to your Department for office equipment and furniture (others may be supplied in the future).~~

~~These price lists satisfy the regulations for competitive quotations included in paragraph 3 above.~~

~~Officers should ensure that goods ordered are not covered by an existing supply contract. If this is the case requisitions/orders must be placed with the relevant supplier.~~

5.2 Bulk Contracts Framework Agreements

~~Certain goods and services have been arranged procured on bulk contracts framework agreements to cover the requirements of the Council. and some goods supplied in bulk to other sections, such as paper, may be available in small quantities.~~

6. ORDERS FOR GOODS AND SERVICES UP TO £25,000

6.1 Official orders, in a form prescribed by the Director of Finance and Corporate Services shall be issued for all work to be carried out and goods required and shall be authorised electronically signed by the Chief Officer or a member of his staff specifically authorised for that purpose.

Certain specialist materials are subject to different rules, the arrangements for these should be formalised. Custom and practice applies to certain bulky materials e.g. tarmac. Where goods are collected the supplier must satisfy himself that the driver carries a current identity card.

~~6.2~~ All sections of the official order must be completed and particular care taken to ensure that a full description of the goods and services required is given and that the actual or estimated price inserted. **IF AN OFFICER DOES NOT KNOW HOW MUCH SOMETHING IS GOING TO COST, HE SHOULD NOT BE ORDERING IT** As a rule, if an employee does not know how much something is going to cost, they should not be ordering it.

7. CONDITIONS OF CONTRACT

7.1 All orders placed are subject to the Council's Standard Conditions of Contract attached at Appendix 'B2'. These ~~should be~~ are sent to all suppliers ~~of goods electronically with the order~~. ~~The reverse of the order is endorsed with these conditions. Any order sent electronically e.g. fax etc, a copy of the conditions should accompany the transmission.~~

7.2 Any instance of a supplier seeking to impose alternative conditions should be reported to your Chief Officer who will decide on what action to take and, if appropriate, consult with the Director of Finance and Corporate Services.

8. GOODS RECEIVED OR SERVICES PROVIDED

8.1 When the goods are received:

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- 8.1.1 Check that all the goods on the delivery note have been delivered
- 8.1.2 Check that the goods are not damaged/faulty
If they are, DO NOT ACCEPT THEM and notify the supplier immediately
- 8.1.3 Check the delivery note against the filed copy of the Purchase Order
- 8.1.4 Check that the goods are what were ordered

If not, DO NOT ACCEPT THEM and notify the supplier immediately
- 8.1.5 Write any errors on the delivery note before it is signed
- 8.1.6 Enter the goods received, initials and date onto the Goods Received Voucher and attach a copy of the delivery note to the Goods Received Voucher (or cross-refer to a file containing the delivery notes). Take care with part-deliveries.

8.2 Inventories

When goods have been accepted and they form part of the office equipment or furniture, details must be entered promptly on the office inventory.

The office inventory will be checked periodically.

8.3 Stocks

If goods in excess of ~~your~~ immediate requirements have been purchased enter the details, quantity and value (excluding VAT) on the stock record where appropriate.

The stock record will be checked periodically.

8.4 Utility Payments

It is not necessary to raise a Purchase Order for certain periodical payments, eg. electricity, gas, telephone and water bills, and some service or maintenance agreements. However, adequate records must be kept to avoid duplicate or incorrect payments.

8.5 Staff Expenses

Officers claiming travel or subsistence must use the appropriate procedure. Receipts shall be attached ~~wherever possible~~. Current rates are available from ~~Personnel~~, Payroll ~~and HR~~.

9. PAYMENT OF INVOICES

9.1 Payment Timetable

~~Creditors cheques are normally produced on Tuesdays and Thursdays. Is weekly on a Wednesday.~~

9.2 Urgent Payments

~~This should be agreed with the Director of Finance and Corporate Services. If same day payment is required, this should be Manual cheque requests, duly authorised, and should be received by no later than 12.00 noon on the required day in Financial Services.~~

9.3 Certification of Invoices

~~A supplier forwards his invoice to the Authority, usually for the attention of the Chief Officer, for payment and this is input to the Council's Payments System. The appropriate invoice processing section then carries out the certification procedure, which is co-ordinated by the Accounts Section.~~

~~The certified invoices and relevant Goods Received Vouchers should be authorised electronically on the Council's Payments System by the designated officers, are then forwarded to the Creditors Section of the Finance Department.~~

~~Signatures for cheques for a special collection by outside bodies should be accompanied by adequate identification. The Secretariat should be satisfied, in all other cases, that the member of staff signing for the release of a cheque is bona fide.~~

9.4 The Director of Finance and Corporate Services shall be entitled to rely on the certification of authorised officers and shall be authorised to pay accounts so certified within 30 days by not later than one month after certification of receipt (subject to the Late Payment of Commercial Debts legislation). Immediately upon payment he shall ensure that all paid invoices are marked accordingly.

9.5 Apart from petty cash payments, the normal method of payment of money due from the Council shall be by electronic bank transfer. eCheque payments are only made in exceptional circumstances or for "one-off" supplies and individual payments, or other instrument drawn on the Council's bank account or National Girobank account or by BACS or by Electronic Funds Transfer (EFT) by the Director of Finance and Corporate Services.

9.6 Chief Officers shall, as soon as possible after 31st March and in any case within such reasonable limits prescribed by the Director of Finance and Corporate Services in each year, supply to the Director of Finance and Corporate Services schedules of all outstanding accounts relating to their departments for the previous financial year. Such schedules shall be in a form prescribed by the Director of Finance and Corporate Services.

10. VALUE ADDED TAX

10.1 The treatment of all matters relating to Value Added Tax shall be in accordance with the Council's VAT Manual.

11. E-PROCUREMENT

~~The development of electronic procurement methods will affect the way this and other Councils purchase goods and services. The use of procurement cards such as the government card, the use of consortia and procurement over the internet will change the way goods are requisitioned, supplied and paid for. The use of secure ordering and payment methods such as smartcards, smartcred~~

~~scratch cards and internet payment mechanisms (paypal etc) will be considered by the Council as the technology evolves. The adoption of new purchasing methods will be integrated into future revisions of the Code. It's already here!~~

Appendix B2

STANDARD CONDITIONS OF CONTRACT FOR THE SUPPLY AND DELIVERY OF MATERIALS AND SERVICES

Application

1. These Standard Conditions of Contract bind the Contractor and shall prevail over any other conditions set out in any antecedent or subsequent quote, bill, invoice or in any other form whatsoever.

Cancellation

2. The Council may cancel any Contract, in whole or in part, if the Contractor fails to comply with the contract terms herein relating to price, delivery, quality or quantity. In the event of cancellation as aforesaid the Council may, at its complete discretion, obtain the materials or service elsewhere and, except where non-compliance results from the circumstances set out in clause 5 hereof, recover all loss resulting from such cancellation.
3. If a Contract is determined as a result of non-delivery of goods and any other goods already delivered under the contract cannot be effectively and practically used by reason of the non-delivery of the goods as aforesaid the Council shall be entitled:-
 - (a) to return to the Contractor at the Contractor's risk and expense any of the goods already delivered but which cannot be effectively and practically used as aforesaid and to recover from the Contractor any monies paid by the Council in respect of such goods;
 - (b) to recover from the Contractor any additional expenditure reasonably incurred by the Council in obtaining other goods in replacement of those in respect of which the Contract has been determined.
4. If the Contractor, being an individual (or when the Contractor is a firm, any partner in that firm), shall at any time become bankrupt or, shall have a Receiving Order or Administration Order made against him or, shall make any composition or arrangement with, or for, the benefit of his creditors, or shall make any conveyance or assignment for the benefit of his creditors or shall purport to do so, or if in Scotland he shall become insolvent or notour bankrupt or any application shall be made under any Bankruptcy Act for the time being in force for the sequestration of his estate or a Trust Deed shall be granted by him on behalf of his creditors, or if the Contractor being a company, shall pass a resolution or the Court shall make an order that the company shall be wound-up (not being a members winding-up for the purposes of reconstruction or amalgamation) or if a receiver or manager on behalf of a creditor, shall be appointed or if circumstances shall arise which entitle the Court or a creditor to appoint a receiver or manager or which entitle the Court to make a Winding-up Order then the Council shall be at liberty to cancel the Contract summarily by notice in writing without compensation to the Contractor the exercise of this

power to be without prejudice to any right or remedy accrued or accruing to the Council.

5. The Council may cancel the Contract in whole or in part if the Contractor fails to comply with the Contract terms therein as a result of any act of God, governmental restriction, condition or control, any industrial action or stoppage or any other matter or thing beyond the reasonable control of the Contractor.
6. The Council may cancel any Contract in whole or in part and recover from the Contractor the amount of any loss resulting from such cancellation, if the Contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or foreborne to do any action in relation to the obtaining or execution of the Contract or any other Contract with the Council or for showing or forbearing to show favour or disfavour to any person in relation to the Contract or any other Contract with the Council, or if the like acts shall have been done by any person employed by him or acting on his behalf (whether with or without the knowledge of the Contractor) or if in relation to any Contract with the Council the Contractor or any person employed by him or acting on his behalf shall have committed any offence under the Prevention of Corruption Acts, or shall have given any fee or reward the receipt of which is an offence under Section 117 of the Local Government Act 1972.

Quality and Description

7. The goods or services shall:-
 - (a) Conform as to quantity, quality and description with particulars stated in the order.
 - (b) Be of sound materials and workmanship.
 - (c) Be equal in all respects to the samples, patterns or specification provided or given by either party.
 - (d) Be capable of any standard of performance specified in the order.
 - (e) If the purpose for which they are required is indicated in the order either expressly or by implication be fit for that purpose.

Inspection and Testing

8.
 - (a) Before despatching the goods the Contractor shall carefully inspect and test them for compliance with the specification. The Contractor shall if requested by the Council, give the Council reasonable notice of such tests and the Council shall be entitled to be represented thereat. The Contractor shall also at the request of the Council and without charge supply to the Council a copy of the Contractors test sheets certified by the Contractor to be a true copy.
 - (b) If it is expressly agreed the Council will without charge be entitled to inspect and test the goods during manufacture, processing or storage. If the Council exercises this right, the Contractor shall provide or shall

procure the provision of all such facilities without charge as may reasonably be required by the Council therefore.

- (c) If as a result of any inspection or test under sub-clause (a) or (b) of this clause the Council's representative is of the reasonable opinion that the goods do not comply with the order, or are unlikely on completion of manufacture or processing so to comply he shall inform the Contractor accordingly in writing and the Contractor shall take such steps as may be necessary to ensure such compliance.

Delivery

- 9. Any goods, properly packed and secured in such a manner as to reach their destination in good condition under normal conditions of transport shall be delivered free of charge to a delivery point specified in the Contract. Delivery will be made by the agreed date and between the hours of 8.30 a.m. to 12.30 p.m. and 1.30 p.m. to 4.30 p.m. Monday to Friday unless otherwise agreed.
- 10. The Council shall not be responsible for the return of or the payments for wooden packing cases, skids, drums, empties, packages used for the packing of goods unless agreed in writing by the Council. Any packages which are to be paid for will be collected by the Contractor and clearly marked "Returnable" with the amount of the charge.

Storage

- 11. If, for any reason the Council is unable to accept delivery of any goods at the time when goods are due and ready for delivery the Contractor shall, if his storage facilities permit, store the goods, safeguard them and take all reasonable steps to prevent their deterioration until their actual delivery and the Council shall be liable to the Contractor for the reasonable cost (including insurance) of his so doing.

Passing of Property

- 12. (a) Subject to the provisions of paragraph (b) below the property in the goods shall pass to the Council on delivery being accepted and a signature being given for the receipt without prejudice to any right of rejection which may accrue to the Council under these conditions.
- (b) If the Contractor postpones delivery at the request of the Council pursuant to clause 11 hereof the property in the goods shall pass to the Council seven days after the date of receipt of notification from the Contractor that the goods are due and ready for delivery or on such other date as may be agreed but the goods shall nevertheless remain at the Contractor's risk until delivery has been completed.

Damage or Loss in Transit

- 13. The Contractor will repair or replace free of charge goods damaged or lost in transit. All complaints about damage, shortage or loss in transit will be made direct to the Contractor who will have the responsibility of contacting the carrier.

Statutory Requirements

14. The Contractor warrants that all goods and materials used or supplied and all workmanship performed under the Contract comply in all respects with all relevant requirements of any statute, statutory rule or order or other instrument having the force of law which may be enforced at the time when the same are supplied. Without prejudice to the generality of the foregoing, all goods and materials will be to British Standards Specification on British Standards Code or any like specification or code of practice to which recognition is required to be accorded within Great Britain under or by virtue of the provisions of the European Communities Act 1972 (or any enactment amending or replacing the same) where applicable and materials and packaging must conform with the Health and Safety at Work etc. Act 1974.

Assignment and Sub-Contracting

15. (1) The Contractor shall not without the consent in writing of the Council assign or transfer the Contract or any part of it to any other person except as part of a company amalgamation or reconstruction.
- (2) The Contractor shall not without the consent in writing of the Council sub-let the Contract or any part thereof other than for materials, minor details or for any part of the goods of which the makers are named in the order or the specification, but this shall not prevent the sub-letting part of the Contract to any company which is a member of the group to which the Contractor belongs or to a company with whom the contractor is associated. Any such consent shall not relieve the Contractor of any of his obligations under the Contract.

Variation

16. In the case of a Contract containing a rise and fall clause the Contractor shall produce to the Council's Chief Executive or other Officer designated by him such time-sheets, invoices, vouchers, certificates or other records as he may consider necessary for the verification of the charges.

Payment

17. Payment shall be made within 30 days of written notice of the amount of the debt being received by the Council. Should any delay occur for any reason whatsoever the Council will not be liable to pay interest charges or any extra costs. This is subject to the requirements of the "Late Payment of Commercial Debts (Interest) Act 1998.

Official Order Receipt

18. The Council shall not be held accountable for any goods or materials or for their payment unless the Council has placed an official order for their delivery.

Rejections

19. Any goods or materials which in the opinion of the Council or its authorised officer are not of the stipulated sort, quality, weight or measure or not otherwise approved may be rejected. Any materials rejected shall be removed by and at the expense of the Contractor within seven days of notice of rejection being given. If the rejects are not moved within seven days the Council has the right to move the goods and charge the Contractor with all removal expenses.

Indemnity

20. (a) The Contractor shall subject to sub-clauses (b), (c) and (d) of this clause indemnify the Council in respect of all damage or injury occurring to any person or to any property and against all actions, suits, claims, demands, costs, charges or expenses arising in connection therewith to the extent that the same shall have been occasioned by any defective goods and materials supplied and workmanship performed or by the negligence of the Contractor, his servants or agents during such time as he or they were on, entering onto or departing from the Council's premises for any purpose connected with the Contract.
- (b) The Contractor shall not be liable to the Council for any damage or injury to the extent that the same is caused by or arises out of the acts or omissions of the Council or of others (not being the Contractors servants or agents).
- (c) In the event of any claim being made against the Council by reason of any matter referred to and in respect of which the Contractor is liable under this clause the Contractor shall be promptly notified thereof and may at his own expense conduct all negotiations for the settlement of the same and any litigation that may arise therefrom. The Council shall not unless and until the Contractor shall have failed to take over the conduct of the negotiations or litigation make any admission which might be prejudicial thereto. The conduct by the Council of such negotiations or litigation shall be conditional upon the Contractor having first given to the Council such reasonable security as shall from time to time be required by the Council to cover the amount ascertained, or agreed, or estimated as the case may be, of any compensation, damages, expenses and costs for which the Council may become liable. The Council shall at the request of the Contractor afford all available assistance for any such purpose and shall be repaid any out of pocket expenses incurred in so doing.
- (d) Except in respect of personal injury or damage to property conferring on a person other than the Council a good cause of action against the Contractor, the liability of the Contractor to the Council for any one act of default shall not exceed the Contract price.

Infringement of Patents

21. (1) The Contractor shall fully indemnify the Council against any action, claim, demand, costs, charges and expenses arising from or incurred by reason of any infringement or alleged infringement of any letters patent, registered design, trade mark, or trade name protected in the United Kingdom by the use or sale of any goods and against all costs and damages which the Council may incur in any action for such infringement or for which the Council may become liable in any such action. PROVIDED ALWAYS that this indemnity shall not apply to any infringement which is due to the Contractor having followed a design or instruction furnished by the Council or to the use of any goods in a manner or for a purpose not reasonable to be inferred by the Contractor or disclosed to the Contractor prior to the making of the Contract.
- (2) In the event of any claim being made or action brought against the Council arising out of the matters referred to in this clause the Contractor shall be promptly notified thereof and may at his own expense conduct all negotiations for the settlement of the same, and any litigation that may arise therefrom. The Council shall not, unless and until the Contractor shall have failed to take over the conduct of the negotiations or litigation, make any admission which might be prejudicial thereto. The conduct by the Contractor of such negotiations or litigation shall be conditional upon the Contractor having first given to the Council such reasonable security as shall from time to time be required by the Council to cover the amount ascertained or agreed or estimated, as the case may be, of any compensation, damages, expenses and costs for which the Council may become liable. The Council shall, at the request of the Contractor, afford all available assistance for any such purpose, and shall be repaid any expenses incurred in so doing.
- (3) The Council on its part warrants that any design or instructions furnished or given by it shall not be such as will cause the Contractor to infringe any letters patent, registered designs, trade mark, or trade name in the performance of the Contract.

Appendix C

CODE OF PRACTICE ON A PRUDENTIAL APPROACH TO LOCAL AUTHORITY COMMITMENTS

**Approved and recommended for adoption by
The Association of County Councils
The Association of Metropolitan Authorities
The Association of District Councils
The Audit Commission for Local Authorities in England and Wales**

Background and Purpose of the Code

1. During 1987, the Audit Commission became concerned about aspects of Local Authority commitments and in particular:
 - (i) that a small number of Authorities had built up very considerable future indebtedness so that their capacity even to service the debt was in serious doubt;
 - (ii) that the financial practices of this small number of Authorities had contributed to a climate of doubt and uncertainty surrounding the financial health of local government in general;
 - (iii) that the situation had led to genuine concern within the money market about the appropriate basis on which to evaluate Local Authority credit worthiness in a world of rate or charge capping and where central government was explicit about its unwillingness to back authority load debt;
 - (iv) that a wide range of restrictive and sometimes conflicting restraints and pressures on Local Authority financial management had been imposed by central government, partly in pursuit of tighter control of public expenditure, and partly as a response to the activities of a small number of authorities; and
 - (v) some Local Authorities therefore found themselves in an increasingly difficult position, with no clear criteria against which to judge how far they might reasonable go in taking on further financial commitments or undertaking transactions which might resolve a short-term budget crisis at the expense of generating additional burdens on revenue in the future.
2. Responding to these concerns the Local Authority Associations agreed to the formation of a Working Group to examine the issues and to consider the practicability of establishing guidelines as an aid to decisions-making.
3. The Working Group concluded that there was a need for guidance to Local Authorities on how to assess the implications of their forward commitments, both those arising from their capital programmes and from commitments to additional revenue expenditure. It should not be the purpose of the guidance to prescribe an overall level of appropriate indebtedness for Local Authorities. Rather the need was to establish good practice procedures for operation within the new financial environment, taking account both of the new capital regime and of the introduction of community charge.

4. To meet these needs, the Working Group has prepared this voluntary Code of Practice to help Local Authorities to make careful assessments of their total revenue commitments on a systematic and regular basis and to consider the implications of proposals for new spending, whether on revenue or capital. The Code draws on existing good practice. Its purpose is to guide Members and Officers in assessing the financial health of their authorities and the affordability of proposed new commitments. The Code has been approved by the Association of County Councils, the Association of Metropolitan Authorities, the Association of District Council and the Audit Commission who recommend its adoption by all Local Authorities.

The Code of Practice

5. Local Authority procedures should include two essential strands in the consideration of commitments. The first of these arises at the time of the consideration of significant individual proposals which would lead to new commitments. The second is the periodic projection of the aggregate position into a medium-term commitment plan which can be used to assess the implications for revenue requirements in future years.
6. In considering proposals of whatever nature which would lead to new or increased commitments, Local Authorities need to be aware of the extent of those commitments. Treasurers should ensure that reports made on the proposals include the estimated effect of any decisions, on the various options, on the revenue and expenditure in the future. Such reports should include at least the following information:
 - (i) the revenue consequences of the decision over a three year period (i.e. the budget year in question and the following two years) and the consequences for any other future year where these are significant;
 - (ii) in the case of capital expenditure a cost comparison illustrating the difference between the costs of a conventional borrowing route and the chosen financing option. PWLB lending rates of the appropriate maturity should be considered as the benchmark for this purpose;
 - (iii) the implications for the medium-term commitment plan (see paragraph 7) of any decision to take on new commitments.
7. Local Authorities should prepare and make public a medium-term commitment plan giving a three year forward assessment (for the next budget year and the two following years) of their revenue commitments based on present levels of service and efficiency but reflecting also decisions already taken on new commitments. This plan should highlight total net expenditure (after income from fees and charges) on services and on financing costs, shown separately to make the implications explicit. The plan should also express the net commitments for each year both in absolute terms and in terms of commitments per adult. For this purpose the number of adults may be taken to be the number of persons registered for community charge. The attached pro-forma illustrates the information to be set out in the plan for publication; local authorities may wish to devise their own documentation so long as the essential factors are included.

8. In assessing the affordability of commitments an Authority may wish to consider its likely income from the Collection Fund in respect of grant and the redistributed non-domestic rate. In doing so an Authority needs to reach an informed view based on its knowledge of its own position.

Monitoring of Conforming with the Code

9. It is for each Local Authority to adopt and to ensure conformity with this Code. Once adopted, it is recommended that Local Authorities incorporate the provisions of the Code in appropriate Financial Regulations and Financial Procedure Rules relating to financial management. Auditors will be advised to regard the Code as a statement of best professional practice for the purpose of their duties of reviewing the financial management of Local Authorities.



**South
Derbyshire**
District Council

South Derbyshire District Council

Contract Procedure Rules and Procedures Manual

Date: May 2017
Finance and Corporate Services

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CONTRACT PROCEDURE RULES – for the Supply of Goods, Services and Works

1. DEFINITIONS

1.1 Definitions

For the purposes of the Rules:

- 1.1.1 Authorised Officers** means the Chief Executive, Section 151 Officer and the Central Procurement Team (CPT). **contract** means an agreement which:
- i. may be oral, written, partly oral and partly written or implied from conduct between the Council and another person;
 - ii. gives rise to obligations which are enforceable or recognised by law (i.e. legally binding); and
 - iii. commits the Council to paying or doing something;
- 1.1.2** and, where the context requires, a reference to a contract means a contract to which the Rules apply and a “**Call-off Contract**” means an order made/call-off contract entered into under a Framework Agreement;
- 1.1.3 Designated Opening Officers** means officers designated to carry out the functions allocated to them in the Rules for the Receipt and Opening of Tenders (Section 16) including any third parties (such as consultants) approved by the Director of Finance and Corporate Services;
- 1.1.4 Director** means the Director of Finance and Corporate Services;
- 1.1.5 EU Tender** means a tender procedure, which needs to be carried out under European Union public procurement legislation;
- 1.1.6 Framework Agreement** means a contract with a supplier or suppliers which establishes the terms and conditions (in particular as to price) under which Call-off Contracts can be made during the length of the Framework Agreement. This includes government pre-negotiated contracts;
- 1.1.7 person** means any individual, partnership, local authority or incorporated or unincorporated body;
- 1.1.8 Section 151 Officer** means the Director of Finance and Corporate Services with charge over Finance and Property Services appointed under s151 Local Government Act 1972 and officers to whom the s151 Officer has delegated his or her functions in accordance with the relevant Scheme of Delegation; and
- 1.1.9 Scheme of Delegation** has the meaning given to it under Rule 8 of the Contract Procedure Rules.

2. COMPLIANCE WITH THE RULES AND RELEVANT LEGISLATION

- 2.1** The Rules apply to all contracts for the provision of goods, services and works to the Council unless otherwise specified in the Rules. This means;
- i. **Purchase Orders** - All third party expenditure should be covered by an official purchase order to enforce the ‘**No Purchase Order, No Pay**’ policy throughout the Council.
 - ii. **Payment Policy** – It is Council policy to settle all outstanding supplier liabilities by BACS, with the use of cheques phased out.

- iii. **Goods Receipt** – All goods, services and works covered by an official purchase order must be receipted before payment will be made against any invoices received by the Council – receipt must be made in accordance with the instructions specified in the Financial Procedure Rules, Appendix B1, Evidence of receipts should be kept by the recipient for audit purposes. All invoices received need to quote the official purchase order and be sent directly to Finance for invoice registration to ensure prompt processing. Invoices not quoting the purchase order will be returned to the supplier for clarification.

2.2 All contracts must comply with:

- i. European law; and
- ii. English law (including the Council’s statutory duties and powers); and
- iii. the Rules and the Financial Procedure Rules; and
- iv. any relevant Council policies; and
- v. any legal requirement stipulated by the Director of Finance and Corporate Services.

2.3 All contracts must comply with the following principles of EU law:

- i. free movement of goods and services; and
- ii. non-discrimination; and
- iii. openness/transparency; and
- iv. equal treatment for all; and
- v. proportionality.

2.4 The intention and spirit of the Rules must be adhered to.

2.5 The Rules must be complied with by all officers of the Council and all other persons who are authorised to carry out procurement and contracting on behalf of the Council (such as the Council’s agents for property services) (“**Agents**”). It must be a term of all contracts between the Council and its Agents that the Agents comply with the Rules. Further, Agents may undertake to conduct the Procurement Procedures detailed herein and associated negotiation on behalf of the Council, however, such Agents are not authorised to enter into a binding Contract on behalf of the Council.

3. CONTRACTS TO WHICH THE RULES DO NOT APPLY

3.1 The Rules do not apply to:

- 3.1.1** Contracts which are not for the provision of goods, services or works (e.g. grants or contracts relating to land). Note, therefore, that the Rules do not apply to contracts of employment but they do apply to consultancy contracts, which are contracts for services.
- 3.1.2** Low value purchases which may be made from procurement cards (or petty cash for exceptional circumstances) provided that they are in accordance with any operational instructions and financial limits issued by the s151 Officer.

4. EXEMPTIONS FROM THE RULES

4.1 Contracts with a value of £25,000 or more

4.1.1 The Director of Finance and Corporate Services may seek an exemption from any of the Rules from:

- i. the Committee acting under delegated powers; or
- ii. the Chief Executive acting under delegated powers along with the Leader of the Council.

4.1.2 In order to request an exemption the Director of Finance and Corporate Services must prepare a report setting out:

- i. the reasons why the exemption is being requested and which Rule(s) an exemption is being requested from;
- ii. the process which is intended to be followed instead;
- iii. a legal appraisal and financial appraisal from the Director of Finance and Corporate Services & s151 Officer.

4.1.3 An exemption will only be granted where the Committee or the Chief Executive and Leader of the Council is satisfied that the exemption is justified on its own special circumstances.

4.1.4 Staff seeking an exemption should, in the first instance, contact the Director of Finance and Corporate Services.

5. CONTRACTS TO WHICH RULES ON TENDERING (Rules 12-18) DO NOT APPLY - GENERAL

5.1 Competitive quotes or tenders are not required for the following:

5.1.1 Call-off Contracts

- i. Call-off contracts where the relevant Framework Agreement has been entered into by:
- ii. the Council in compliance with the Rules; or
- iii. another local authority, a local authority purchasing consortium or central government where the Framework Agreement has been tendered and awarded in accordance with EU public procurement legislation.

For the avoidance of doubt, Call-Off Contracts must be entered into in accordance with the terms of the Framework Agreement (e.g. selection by mini-competition) and mini-competitions under Framework Agreements must be run in accordance with CPR 2.2 and 2.3.

5.1.2 Emergency

- i. In cases of emergency, the Chief Executive or Director of Finance and Corporate Services may verbally authorise and record in writing an exemption from the Rules for goods, services or works PROVIDED THAT:
 - a. the emergency was brought about by events which were not reasonably foreseeable by, or attributable in any way to, the Council (e.g. flood); and
 - b. If the goods, services or works are not received immediately, there is a significant risk of:
 1. danger to life; or

2. damage to property; or
3. a major impact on the Council or its service users.

- ii. In these cases only goods, services or works necessary or appropriate to safeguard the Council's position or protect life and property can be procured before formal approval is obtained.
- iii. The Chief Executive or Director of Finance and Corporate Services must at the earliest be informed of the action taken in dealing with the emergency. The Director of Finance and Corporate Services must also submit a report to the relevant Policy Committee that details the circumstances of and justifications for granting exemptions made in accordance with this Rule.

5.1.3 No competitive market

- i. Proprietary or patented goods or services are proposed to be purchased which, in the opinion of the Authorised Officer, are only obtainable from one person, and it can be demonstrated that no reasonably satisfactory alternative to those proprietary or patented goods is available; or
- ii. The Authorised Officer can demonstrate that no genuine competition can be obtained in respect of the purchase of particular goods, services or works; or
- iii. The Authorised Officer is satisfied that the works or services are of such a specialist nature that they can only be carried out by one person (e.g. statutory undertakers); or
- iv. Goods are proposed to be purchased by or on behalf of the Council at a public auction; or
- v. Goods are proposed to be purchased which are of a specialist nature (such as antiquities for museums), PROVIDED THAT in all these cases (except for works which are primarily the responsibility of a utility or statutory undertaker as defined in s329 Highways Act 1980).
 - a. the Authorised Officer prepares a written statement explaining why the relevant circumstances apply and including why it is in the best interests of the Council for the contract not to be tendered and setting out the course of action proposed to be followed; and
 - b. the Authorised Officer receives written agreement from the s151 Officer and the Director of Finance and Corporate Services to pursue the course of action set out in the statement.
 - c. Authorised Officers, in conjunction with Legal Services, ensure that contract terms are appropriate taking into account all relevant factors (such as benefit and risk to the Council).

5.1.4 The exceptions in Rules 5.1.1 to 5.1.4 (inclusive) do not apply where the proposed course of action conflicts with EU public procurement legislation.

5.1.5 The rest of the Rules must still be complied with.

6. CONTRACTS TO WHICH RULES ON TENDERING (Rules 12-18) DO NOT APPLY – SERVICE SPECIFIC

6.1 Competitive quotes or tenders are not required for the following:

6.1.1 For the engagement of Counsel by the Head of Corporate Services.

6.1.2 The exceptions in Rules 6.1.1 does not apply where the proposed course of action conflicts with EU public procurement legislation.

6.1.3 The rest of the Rules must still be complied with.

7. REGISTER OF EXEMPTIONS

7.1 The Central Procurement Team will maintain a register of exemptions granted under Rule 4 (exemptions from the Council/Chief Executive/Committee) and will provide a copy of this register to the s151 Officer at least every six months, and otherwise as and when requested to do so by the s151 Officer.

8. SCHEMES OF DELEGATION

8.1 The Director of Finance and Corporate Services must ensure that he has a Schemes of Delegation identifying:

- i. Authorised Officers; and
- ii. the extent of Authorised Officers' delegated authority (including expenditure limits).

8.2 Authorised Officers may not, under any circumstances, act outside the delegated powers of the Director of Finance and Corporate Services.

8.3 The Director of Finance and Corporate Services must ensure that all Authorised Officers receive the necessary training to be and remain conversant with the Rules.

8.4 The Monitoring Officer and Solicitor must supply to and agree with the s151 Officer their Schemes of Delegation before the start of each financial year, and on making any amendments. The s151 Officer must keep a register of all Schemes of Delegation and supply a copy to the Monitoring Officer and Solicitor at the beginning of each financial year, and notify the Monitoring Officer and Solicitor of any subsequent amendments.

9. TENDER PROCESS and RECORD KEEPING

9.1 The Central Procurement Team must keep and maintain records in respect of each contract (from the time the project begins until the point at which the contract ends) in order to demonstrate the achievement of Best Value, openness, probity and compliance with the Rules including EU law where OJEU specific Tenders are placed.

9.2 Council staff must inform the Central Procurement Team of all contracts (including Call-Off Contracts) to be tendered (at least eight weeks before the tender process starts and preferably, prior to the start of the Financial Year.) For Contracts with a value > £25,000 it is the Council staff obligation to provide the Central Procurement Team with sufficient notice of intention to contract. If the Central Procurement Team is notified with sufficient time then the contract opportunity will be placed on the Council Website to meet Community Consultation obligations

9.3 All tenders must be led by the Central Procurement Team or an officer authorised by the Director of Finance and Corporate Services.

9.4 Any member of the Council staff in breach of these Contract Procedure Rules shall be subject to disciplinary process.

10. ESTABLISHING THE VALUE OF THE CONTRACT/EXPENDITURE PER CONTRACT

10.1 The value of a contract (that is, the expenditure per contract) means the actual or estimated amount payable by the Council to the supplier for the goods, services or works (excluding VAT) over the length of the contract (e.g. a three-year contract with an option to extend for 2 years under which £20,000 is payable per annum has a value of £100,000).

- 10.2** Goods, services and works contracts must not be split into smaller contracts in order to avoid any of the Rules.
- 10.3** Framework Agreements must not be entered into for more than four (4) years (including options to extend) unless otherwise advised by the Director of Finance and Corporate Services.
- 10.4** For contracts of an indefinite length the value must be established on the basis that the contract will last for a period of 48 months. See also Rule 21.1.
- 10.5 Aggregated Spend (Contract Aggregation)** – For contracts already in place for a service delivery, and where additional spend is identified which is not covered by the existing contract i.e.: it exceeds the estimated value of the contract, then advice must be sought from the Director of Finance and Corporate Services or the Central Procurement Team.

11. FINANCE AND AUTHORISATION

- 11.1** Before entering into any process, which will or may result in the incurring any expenditure for the supply of goods, services or works be it capital or revenue, the Central Procurement Team must ensure that:
- i. where it is a key decision, the requirements of Article 13 Section 13.2 of the Constitution have been complied with:
 - ii. adequate financial provision is included in the Council’s approved revenue budget or capital programme (as appropriate) and that such expenditure continues to be available in accordance with the Financial Procedure Rules; and
 - iii. the provisions of the Financial Procedure Rules have been complied with (including, without limitation, FPR Section D, D2.15 to D2.22); and
 - iv. Written authorisation has been obtained from the Section 151 Officer.
- 11.2** The Director of Finance and Corporate Services must be notified before officers enter into any process which:
- i. will or may result in any transfers of staff under the Transfer of Undertakings (Protection of Employment) Regulations (“TUPE”) and any of the staff are or were previously Council employees; or
 - ii. will or may result in any transfers of staff under TUPE who are members of the Council’s Pension Scheme.
- 11.3** The Director of Finance and Corporate Services must be notified before officers enter into any process, which will or may result ;
- i. in a contract that confers exclusive possession of the Council’s premises or
 - ii. in the acquisition by the Council of a property interest.
- 11.4** Where there is a corporate contract (i.e. contract for the benefit of the Council as a whole) for the supply of goods, services or works, no other contract may be used for the supply of those goods, services or works unless this has been authorised in advance in writing by the Director of Finance and Corporate Services.

12. PRE-QUALIFICATION REQUIREMENTS

- 12.1** The Central Procurement Team will undertake any required PQQ exercise

13. BEST VALUE – COMPETITIVE QUOTES AND TENDERS

- 13.1** For contracts worth less than £25,000, Unit Managers must take practicable steps to secure value for money through a combination of cost and quality by clearly defining the business requirement and seeking offers at the lowest cost commensurate with meeting that business requirement.
- 13.2** For contracts worth £25,000 or more, the Central Procurement Team must take practicable steps to secure value for money through a combination of cost, quality and competition. The Central Procurement Team must also comply with the requirements of Rule 17 relating to the drawing up of evaluation criteria.
- 13.3** For all contracts of £25,000 or above competitive quotations or tenders must be sought as follows:

Table 3 Goods, Services and Works

Estimated cumulative expenditure per contract	Competition
Up to £1,000 (Quotations)	Budget holders must ensure Value for Money by obtaining 3 quotations (if possible).
Between £1,000 and £25,000 (Quotations)	Unit Managers must ensure genuine competition by inviting sufficient numbers of persons (good practice indicates a minimum of 3 selected impartially) to submit written quotations for the goods, services or works required by the Council. Some degree of advertising may be required, preferably on the Source Derbyshire Portal.
£25,000 or above but less than the relevant EU directive threshold. (Tenders)	Council Staff must refer the Procurement Exercise to the Central Procurement Team.
Equal to or exceeding the financial thresholds stated in the relevant EU Directive	Council Staff must refer the Procurement Exercise to the Central Procurement Team for action.

- 13.4 Suppliers** – All proposed new suppliers must be approved by the Central Procurement Team prior to any contract or works.
- 13.5 Local Suppliers** – The Council has a stated objective to wherever possible, try and support local business. To help achieve this objective, all tenders should advertised in the Source Derbyshire portal and involve local suppliers wherever possible. For the purposes of these CPRs a local supplier is deemed to be a supplier who pays local business rates to South Derbyshire District Council OR is based within a 25 mile radius of DE11 0AH.

14. TENDER PROCESS TO USE

- 14.1 Before progressing with a tender exercise, the decision on which process to use needs to be taken by the Central Procurement Team, after liaising

with the Director of Finance and Corporate Services

Further guidance on each of these processes, including timescales can be found at Appendices 1 to 3.

Where a tender process involves subsequent dialogue with tenderers and in particular those involving competitive dialogue or a negotiated procedure, this must be led by the CPT supported by the Client Department.

15. INVITATIONS TO TENDER

15.1 The Central Procurement Team shall ensure that all invitations to tender:

- i. clearly specify the goods, services or works that are required (subject to appropriate adjustment where the competitive procedure with negotiation, competitive dialogue or innovation partnership procedure is being used);
- ii. In the case of the Negotiated Restricted Process (i.e.: under standing orders and outside OJEU), make it clear to all tenderers that there is final stage where the top scored tenders will be invited for final interviews. At and following final interviews bidders will have the opportunity to answer the Council's questions for clarification and to submit revised prices. This stage must be led by CPT supported by an officer of the Client Department.
- iii. for all Tenders, list the criteria on which tenders will be evaluated (see Rules 17) showing the weighting of the various criteria. The scoring methodology will also be detailed.
- iv. include a requirement for tenderers to declare that the tender content, price and all other figures or particulars concerning the tender have not been disclosed by the tenderer to any other party;
- v. include a requirement for tenderers to complete fully and sign all tender documents including certificates confirming that no canvassing or collusion has taken place; and
- vi. state that the contract will be on the Council's standard terms and conditions of contract which are to be enclosed with the invitation to tender and also available on the Council's website.

15.2 Wherever possible, contracts must require goods, services and works to be in accordance with a specified European Standard or equivalent, or British Standard implementing a European Standard. Only if no European Standard exists should a British or other equivalent standard be stated.

16. RECEIPT OF TENDERS (INCLUDING UNDER FRAMEWORK AGREEMENTS) AND OPENING OF TENDERS

16.1 Authorised Officers must comply with the Council's Procedures for Receipt and Opening of Tenders as set out below.

16.2 All tenders shall be received electronically via a secure e-tendering portal owned or operated on behalf of the Council.

16.3 All tenders received, including mini-tenders under Framework Agreements, must remain locked in a secure vault within the e-tendering portal until the specified closing date and time for receipt of tenders has passed.

16.4 The secure vault shall be unlocked and all tenders released electronically, by the CPT. Electronic copies of all tender documents submitted shall remain in the portal in a secure tamperproof area.

16.5 An electronic audit log shall be kept within the e-tendering portal showing all actions conducted by all parties.

17. EVALUATION CRITERIA AND EVALUATION OF TENDERS

- 17.1 In determining the relevant evaluation criteria on which tenders are to be assessed, Authorised Officers and relevant Council Staff must consider all factors relevant to their requirement, including environmental and social considerations, so far as this is lawful.
- 17.2 The evaluation process will clearly demonstrate that the Council is seeking to identify the Best Value tender (see Rule 13).
- 17.3 The CPT will ensure that all tenders and mini competitions are evaluated by a panel including the Council's Client Department, technical and financial officers (if appropriate) and appointed external consultants, in accordance with the evaluation criteria specified in the invitation to tender.
- 17.4 The arithmetic in compliant tenders, including mini-tenders under Framework Agreements, must be checked. If arithmetical or clerical errors are found they should be notified to the tenderer, which should be requested to confirm the correct figures/wording or withdraw its tender.
- 17.5 Authorised Officers must compare submitted tender prices with any project appraisal or pre-tender estimates. All differentials must be considered. For tender prices of £25,000 or more where the differential is more than 20% above or below the project appraisal or pre-tender estimate, the reason must be determined and this must be reported to the Director of Finance and Corporate Services.
- 17.6 In cases as set out in Rule 17.5 for goods and services, a tender must not be accepted unless this has been authorised by the Director of Finance and Corporate Services. For capital expenditure, authorisation of acceptance of variations must be in accordance with FPR Section B, B2.38 of the Finance Procedure Rules.
- 17.7 Final evaluated scores will be checked by a member of the Central Procurement Team and counter checked by a member of the Finance Team and/or the Client Department to ensure accuracy.

18. AWARD OF CONTRACTS

- 18.1 Contracts may only be awarded by the Council if there has been full compliance with the Rules and the Financial Procedure Rules.
- 18.2 Tenders may be evaluated and recommended for acceptance by the following officers:

Table 4

Cumulative value of contract	Acceptance by
Tender not exceeding £25,000	Unit Manager
Above £25,000	The relevant Director or the Director of Finance and Corporate Services

- 18.3 No tender can be accepted or contract awarded unless this is on the basis of the evaluation criteria sent out with the invitation to tender.
- 18.4 Successful and unsuccessful tenderers (and, for EU Tenders, and those persons who expressed an interest in the contract) must be notified of the award of the contract for which they have submitted a tender. This notification letter must be in a form approved by the Central Procurement Team.
- 18.5 Where there has been an EU Tender, and in such other circumstances as the Director of Finance and Corporate Services may advise, the award of the contract must be subject to the legally-required standstill period to enable unsuccessful bidders to challenge the award prior to completion of the

contract (see Rule 20.1). Where there is a court challenge prior to completion of the contract then the contract must not be completed without the authorisation of the Director of Finance and Corporate Services.

- 18.6 Where a key decision was required to authorise the entering into of the procurement process under Rule 11, the contract must not be awarded unless that decision has been complied with (for example, a new decision may be required prior to award or if any of the risk factors have changed).
- 18.7 Where a key decision was not required to authorise the entering into of the procurement process under Rule 11 but due to the price of the winning bid it has become a key decision, the requirements of Article 13 Section 13.2 of the Constitution must be complied with before the contract is awarded.

19. SIGNING AND SEALING OF CONTRACTS

19.1 Contracts, which are not call-off Contracts

- 19.1.1 Where there has been an EU Tender, and in such other circumstances as the Director of Finance and Corporate Services may advise, the contract must not be entered into with the successful tenderer unless and until the mandatory standstill period has elapsed without a challenge from an unsuccessful tenderer (see also 18.5).
- 19.1.2 One Head of Service with delegated powers must sign contracts up to £25,000 in value (see Rule 8).
- 19.1.3 Save as set out in Rule 20.1.1, two authorised officers of the Council must sign all contracts which are worth £25,000 or more in value. For the purposes of contract signing authorised officers are Chief Executive, Director of Finance and Corporate Services, Director of Housing and Environmental Services or Director of Community and Planning. For the avoidance of doubt no elected or co-opted Member of the Council may sign any contract for or on behalf of the Council
- 19.1.4 Any contract requiring the additional limitation of 12 years rather than the 6 years for court proceedings in the event of default must be sealed as a deed by the Director of Finance and Corporate Services. This is particularly relevant to construction contracts in the case of latent defects.

19.2 Call-off Contracts

- 19.2.1 *Council Framework Agreement with no new terms*: Where a Call-off Contract is entered into under a Framework Agreement which has been set up by the Council and no new terms are being introduced (e.g. under a mini-competition), the Call-Off Contract does not have to be signed or sealed (unless required in accordance with the terms of the Framework Agreement) BUT the Call-off Contract must be authorised as set out in Rule 11 and under the Financial Scheme of Delegation and approved by the Central Procurement Team.
- 19.2.2 *Council Framework Agreement with new terms*: Where a Call-Off Contract is entered into under a Framework Agreement which has been set up by the Council and new terms have been introduced (e.g. following a mini-competition), the Call-Off Contract must be signed or sealed as set out in 19.1.1 to 19.1.3 (inclusive) unless otherwise agreed by the Director of Finance and Corporate Services.
- 19.2.3 *Third Party Framework Agreements*: Where a Call-off Contract is entered into under a Framework Agreement which has been set up by a third party, the Call-Off Contract must be signed or sealed as set out in 18.1.2 to 18.1.3 (inclusive) unless otherwise agreed by the Director of Finance and Corporate Services.

20. COMMENCEMENT OF CONTRACTS

20.1 No supply of goods, services or works must commence until all contract documentation is duly completed (see Rule 19), except:

20.1.1 In cases of emergency falling under Rule 5.3, in which case the contract must be completed at the earliest opportunity.

20.1.2 Where otherwise approved by the Director of Finance and Corporate Services.

21. TERMS AND CONDITIONS OF CONTRACTS

21.1 Terms and conditions for all contracts for goods, services and works with a value of £25,000 or more (and preferably all other contracts, particularly consultancy contracts) must be in accordance with the Council's standard terms and conditions prepared or approved by the Director of Finance and Corporate Services, unless otherwise agreed by the Director of Finance and Corporate Services.

21.2 All contracts with a value of £25,000 or more must include a clause empowering the Council to terminate the contract for corruption and to recover from the supplier the amount of any loss resulting from such termination in a form approved by the Director of Finance and Corporate Services.

22. VARIATIONS, EXTENSIONS AND RENEWALS OF CONTRACTS

22.1 Where an Authorised Officer wishes to exercise an option in a contract to extend that contract, this must be referred to the Central Procurement Team and Legal Services for advice.

22.2 Where an Authorised Officer wishes to re-negotiate the price payable under a contract, vary the contract materially or extend/renew a contract where there is no option to extend it in the contract, this must be referred to Legal Services and the Central Procurement Team before negotiations are entered into as there may be a new contract in these circumstances to which the Rules must be applied.

23. NON COMPLIANCE WITH THE RULES

23.1 Any non-compliance with any of the Rules must be notified to the Director of Finance and Corporate Services (as s151 Officer)

23.3 If non-compliance has given rise to, or is likely to give rise to illegality or maladministration, the Director of Finance and Corporate Services (as s151 Officer) will notify the Monitoring Officer and Solicitor or in the event of a conflict of interest, the Chief Executive.

23.4 If the Rules are not complied with, this will not invalidate any contract entered into by or on behalf of the Council, except where European or English law provides to the contrary.

24. SEEKING ADVICE

Officers requiring advice on procurement practice and EU requirements should contact the Central Procurement Team;

on procurement@south-derbys.gov.uk

or, the Head of Procurement

Officers requiring contracts, terms and conditions or legal advice should contact Legal Services.

Appendix 1 - Ethics in Purchasing – Codes of Conduct

1.1 Introduction

Staff purchasing on behalf of the Council shall undertake to work to exceed the expectations of the following Codes of Conduct, and will regard these Codes as the basis of best conduct when purchasing on behalf of the Council.

Staff should raise any matter of concern of an ethical nature with their immediate line manager or another senior colleague if appropriate, irrespective of whether it is explicitly addressed in these Codes.

1.2 Principles

Staff purchasing on behalf of the Council shall always seek to uphold and enhance the standing of these Ethical codes and will always act professionally and selflessly by:

- maintaining the highest possible standard of integrity in all their business relationships both inside and outside the Council
- rejecting any business practice which might reasonably be deemed improper and never using the Council for personal gain
- optimise the use of resources which they influence and for which they are responsible to provide the maximum benefit to the Council
- complying both with the letter and the spirit of:
 - i. UK law
 - ii. Contractual obligations.

Staff should never allow themselves to be deflected from these principles.

1.3 Guidance

In applying these principles, staff should follow the guidance set out below:

- **Declaration of interest** - Any personal interest which may affect or be seen by others to affect a member of staff's impartiality in any matter relevant to his or her duties should be declared.
- **Confidentiality and accuracy of information** - The confidentiality of information received in the course of duty should be respected and should never be used for personal gain. Information given in the course of duty should be honest and clear. Commercially sensitive information gained from a supplier must never be disclosed to its competitors.
- **Competition** - The nature and length of contracts and business relationships with suppliers can vary according to circumstances. These should always be constructed to ensure deliverables and benefits. Arrangements which might in the long term prevent the effective operation of fair competition should be avoided.
- **Business gifts** - Business gifts, other than items of very small intrinsic value such as business diaries or calendars, should not be accepted.
- **Hospitality** - The recipient should not allow him or herself to be influenced or be perceived by others to have been influenced in making a business decision as a consequence of accepting hospitality. The frequency and scale of hospitality accepted should be managed openly and with care and should not be greater than the Council is able to reciprocate.
- Where gifts or hospitality are offered, members are reminded of the provisions of the Members Codes of Conduct and officers are reminded of the provisions of the Officer's Codes of Conduct. Registers of Interest are kept by the Council for both members and staff, to record all instances where gifts or hospitality have been offered.

1.4 Decisions and Advice

When it is not easy to decide between what is and is not acceptable, advice should be sought from the member of staff's immediate line manager, another senior colleague, internal audit or the Chartered Institute of Purchasing and Supply as appropriate.

Appendix 2– The Green Purchasing Guide

1.1 Guidance on Green Purchasing

A full copy of the Council's Green Purchasing Guide can be located on the intranet within Corporate Services/Procurement and Business Improvement.

Introduction

This document sets out the Council's policies on environmental purchasing.

It is the Council's responsibility to ensure that negative impacts on the environment are kept as low as possible. The Council is a major purchaser of goods and services and can therefore have a significant effect on the local environment.

The purchase of environmentally friendly products has two potential benefits – the market for such products is created and supported, and bulk purchases can bring about cheaper prices for such products.

An environmental purchasing policy helps to minimise the following, potentially harmful effects:

- Emissions to air, water and land during production, operation and disposal of goods (including carbon dioxide emission from energy consumption and associated air pollution and global climate change)
- Depletion of the world's resources, particularly those which are scarce or non-renewable
- Associated waste products, including packaging

Any purchasing policy must be based on value for money, and buying green could be defined as: *the optimum combination of whole life cost (including cost to the environment in terms of environmental impact) and quality (or fitness for purpose) to meet the user's requirements.*

Making the right environmental choices is not always easy or straightforward. Product claims may be made which are not substantiated. Labels on goods may not give you the information you need.

There is currently no environmental standard for product marketing, although the EC "Eco-labelling" scheme is helping in some areas by giving the buyer a guarantee that the item has been assessed using strict environmental criteria and can be promoted as better for the environment.

It is the policy of South Derbyshire District Council to:

- ✓ Purchase goods and procure services, which as far as possible reflect up-to-date specifications or standards for environmental sustainability.
- ✓ Make it a requirement of Council contracts or specifications that, when working for the Council, contractors and suppliers maintain environmental standards equivalent to the Council's own standards.
- ✓ **Ban** the use of environmentally damaging products or processes by the Council where a less environmentally damaging alternative is available. Specifically banned are:
 - Chlorofluorocarbons (CFCs) and other ozone depleting chemicals
 - All timber or timber products which do not have Forest Stewardship Council (FSC) certification or equivalent (see information at the end of this document)
 - Virgin paper (even if FSC approved or equivalent) unless specially authorised
 - Leaded petrol
 - Asbestos in the composition of any products (under exceptional circumstances, where it is essential to performance, Chrysolite (white) asbestos may be used subject to prior agreement).
- ✓ **Restrict** the use of the following products by using practical alternatives:
 - Peat and peat-based products
 - PVC and PVC products

- Chlorine bleach
- Aerosol containers
- Solvent-based products
- Hazardous and deleterious materials such as pesticides, weed killers and preservatives, where it is not possible to avoid these, appropriate suppliers will be instructed to ensure that the required COSHH data accompanies all deliveries of hazardous products.

- ✓ **Reduce** the purchase of new products by re-using, repairing or refurbishing existing products.
- ✓ **Specify** products that are made from recycled material.
- ✓ **Specify** products that can be recycled.
- ✓ **Specify** products that cause minimal damage to the environment in their manufacture, distribution, use and disposal.
- ✓ In order to reduce the negative impact of vehicles, purchase the latest Euro specification lean burn engine vehicles.

✓ **Paper:**

1. Where paper is to be used for printing, letterheads or photocopying, purchase 100% recycled paper that comprises 100% post consumer waste.
2. Other paper and paper products should be at least 75% post consumer waste recycled content, with envelopes being at least 70% recycled (brown manila) or 30% recycled (white manila).
3. Virgin paper (even if FSC approved or equivalent) should only be used for specialist printing or specialist applications where it can be proved that an alternative use is not possible with available technology or reasonable modifications. Any use of virgin paper should be authorised in writing by the Head of Service. Any virgin paper purchased should be FSC certified or equivalent.
4. Paper disposables (toilet paper, towels, etc) should be 100% post consumer waste recycled.
5. Any unwanted paper should be re-used or recycled.

- ✓ Where possible, buy second-hand or refurbished furniture and equipment.
- ✓ Where possible, purchase local products and services. Care must be taken to ensure there is no breach of UK Procurement Law.

REPORT TO:	ANNUAL COUNCIL	AGENDA ITEM: 12
DATE OF MEETING:	18 TH MAY 2017	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	ARDIP KAUR 01283 595715 Ardip.Kaur@south-derbys.gov.uk	DOC:
SUBJECT:	CONFLICTS OF INTEREST POLICY	REF:
WARD(S) AFFECTED:	ALL	

1.0 Recommendations

1.1 That Council approve the Conflicts of Interest Policy (**Appendix A** to this report), to be included within Part 5 of the Council's Constitution.

2.0 Purpose of Report

2.1 To consider the Council's Conflicts of Interest Policy.

3.0 Detail

3.1 The Conflicts of Interest Policy has been drafted as a guide to both Members and officers with regards to potential conflicts of interest. The document is to be read alongside the Members Code of Conduct and the Employees Code of Conduct.

3.2 The document aims to provide further guidance with regard to what conflicts Members and officers should record in relation to their work with the Council. There is guidance on the definition of a potential conflict, the identification of such and managing conflicts of interest.

4.0 Financial Implications

4.1 None directly arising from this report.

5.0 Corporate Implications

5.1 The Conflicts of Interest Policy will provide a clear and effective resource within the Council's Constitution. It will provide guidance on how conflicts of interest should be managed to ensure both Members and officers are informed.

6.0 Community Implications

6.1 None arising directly from this report.

7.0 Background Papers

7.1 Conflicts of Interest Policy

Conflicts of Interest Policy

1. Introduction and Scope

- 1.1 This guide is for councillors and officers who will wish to ascertain whether they have an interest which should be declared under the Members' Code of Conduct or the Employee Code of Conduct.
- 1.2 This guidance is supplemental to both documents. Both councillors and officers are obliged to follow the Nolan Committee's Seven Principles of Public Life, namely:
 - a) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
 - b) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
 - c) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
 - d) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
 - e) You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
 - f) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.
 - g) You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.
- 1.3 Under the Members' Code of Conduct councillors are obliged to declare pecuniary interests and non-pecuniary interests (e.g. membership of outside bodies). However these formal definitions do not cover every possible conflict which could be encountered by councillors and this document provides additional guidance so that Members can meet their obligations under the Nolan Committee's Seven Principles.
- 1.4 Similarly, whilst the Employee Code of Conduct specifies matters which must be reported to their manager or the Chief Executive, not every eventuality can be covered and there is a category of "any other private interest, which you have, which you consider is likely to give rise to a conflict with the proper performance of any of your duties in this job".
- 1.5 This document provides further guidance with regard to what conflicts should be recorded by you in your work for the Council.

2. Conflicts of Interest

- 2.1 A conflict of interest is any situation in which your personal interests, or interests that you owe to another body or person, may (or may appear to) influence or affect your decision making.
- 2.2 It is inevitable that conflicts of interest occur. It is important to manage any situation where there is potential for criticism that your position or your decision has been influenced by conflicting loyalties. Even the appearance or perception of a conflict of interest could damage your and/or the Council's reputation, so conflicts need to be managed carefully.
- 2.3 It is the potential, rather than the actual benefit from which the conflict of interest arises which requires attention. In order to ensure selflessness and transparency, a declaration is required where there is a possibility of people outside the Council assuming that you (or a friend or relative) may have some benefit from the Council's business or decision making. This will avoid accusations of impropriety, which could subsequently have a damaging effect on the Council's reputation.
- 2.4 You should be careful where certain decisions arise. For example, a planning application is made by someone you know. If you are a planning officer then you should declare to your manager that this is the case. Then the manager can make an informed decision if you should continue to work on the case. If you are a councillor on the planning committee and the application is referred to the committee then the public will know that the relationship exists only if you declare it. In these cases, a timely declaration of an interest will assure members of the public that there is nothing untoward to be worried about and that you are acting beyond reproach.
- 2.5 Similarly if you take advantage of benefits that are available to all, or that are of inconsequential or of little measurable value, they will not normally need to be declared. E.g. you hire a village hall. This would not need to be declared, as the facilities are available to all members of the local community, which includes councillors and officers alike.
- 2.6 Issues may also arise where you have a conflict of interest or loyalties on a particular issue, but there is no potential for profit or advantage by any person. You should still make a declaration so that it is clear that a decision has been made correctly. For instance where you are a member of an outside body and the affairs of that body are raised at a meeting. For transparency all concerned should know about the link to that other body even if nothing in the debate or the decision particularly turns on the declaration.

3. Identification of Conflicts of Interest

- 3.1 Conflicts of interest may come in a number of different forms:
 - direct financial gain or benefit
 - the award of a contract to another organisation in which you (or a friend/associate or relative) has an interest and from which you (or they) will receive a financial benefit
 - indirect financial gain, such as employment by the Council of your spouse or partner
 - non-financial gain, such as when the Council's decisions or policies affect another organisation of which you are a member.

3.2 The Council expects you to be able to identify possible conflicts of interest when they arise and to ensure, that you take advice and to make the appropriate declarations. If you are a member of staff then you can speak to your line manager, or the Monitoring Officer. If you are a councillor you can speak to the Monitoring Officer or the Chief Executive.

4. Managing Conflicts of Interest

4.1 You need to be aware of possible conflicts of interest which you might have and how you can minimise their effects. This can be achieved by being open and transparent about such situations when they arise. The Council therefore recommends that you declare any actual or potential conflicts of interest of which you are aware, as soon as they arise.

4.2 Where an interest is declared by officers they can discuss actions to be taken as a consequence with their line manager. It is advisable that a note is made of these arrangements in case of any future queries.

4.3 Where an interest is declared by a councillor then that interest will be noted by the Democratic Services Officer attending the meeting. At present Standing Orders of the Council only require the councillor to absent him/herself when a "Disclosable Pecuniary Interest" arises. Where any other conflict of interest arises it is for the councillor to declare that interest. The councillor may stay in the room, speak and vote on such matters. However if the councillor feels that this would lead to criticism in the particular circumstances then they are entitled to say that they wish to absent themselves from the room whilst the debate and vote proceeds without them.

4.4 The Council has established a register of interests – one for staff and one for councillors. In recording interests openly, any actual or potential conflicts of interest can be identified more easily. The relevant register of interests should be regularly updated.

4.5 It is good practice at the beginning of a meeting to declare any interest which you have in an item to be discussed, and certainly before any discussion of the item itself. Sometimes this is not possible because an issue arises during debate so that the interest can only be declared during the course of the meeting. In such a case, the Council expects the interest to be raised as early as possible.

5. Breach of the Policy

5.1 There are formal sanctions available to the Council for those who are in breach, dependant on the circumstances of the case. Officers can be subject to the disciplinary procedure, and councillors can be referred to the Standards Committee.

PLANNING COMMITTEE

11th April 2017

PRESENT:-

Conservative Group

Councillor Roberts (Chairman), Councillor Mrs Brown (Vice Chairman) and Councillors Atkin, Mrs Coe, Ford, Mrs Hall, Harrison, Mrs Patten (substituting for Councillor Watson) and Stanton

Labour Group

Councillors Dr Pearson, Richards (substituting for Councillor Tilley), Shepherd and Southerd

PL/214 **APOLOGIES**

Apologies were received from Councillor Watson (Conservative Group) and Councillor Tilley (Labour Group).

PL/215 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations had been received.

PL/216 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions from Members of the Council had been received.

MATTERS DELEGATED TO COMMITTEE

PL/217 **REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**

The Director of Community and Planning Services submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update them as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/218 **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR THE ERECTION OF 5 DWELLINGS (THREE TOWN HOUSES AND TWO APARTMENTS) WITH ASSOCIATED PARKING ON LAND TO THE REAR OF 61 HIGH STREET, NEWHALL, SWADLINCOTE**

It was proposed that this application be deferred for a site visit.

The registered speaker opted to return when the matter was rescheduled.

RESOLVED:-

That the application be deferred to allow for a site visit to be conducted.

PL/219 **CHANGE OF USE OF VACANT LAND TO A COUNTRY PARK AND THE CREATION OF FOOTPATHS, CYCLEWAYS AND OTHER ASSOCIATED WORKS AT LAND TO THE NORTH OF WILLIAM NADIN WAY, SWADLINCOTE**

This application was considered jointly with the application below.

PL/220 **OUTLINE APPLICATION WITH ACCESS FOR APPROVAL AND ALL OTHER MATTERS TO BE RESERVED FOR FUTURE APPROVAL FOR THE ERECTION OF A PUBLIC HOUSE/RESTAURANT (USE CLASS A4), A CAFÉ/RESTAURANT (USE CLASS A3) A RETAIL UNIT (USE CLASS A1) AND ASSOCIATED WORKS PLUS THE CREATION OF A CAR PARK AT LAND NORTH OF WILLIAM NADIN WAY, SWADLINCOTE**

This application was considered jointly with the application above.

Mr Stuart Ashton (applicant's agent) attended the Meeting and addressed Members on both applications.

The reports were presented by the Planning Services Manager explaining the history of the application, outlining the current scheme and highlighting that provision of these amenities would appeal better to the wider community.

Councillor Richards addressed the Committee as Ward Member for Newhall and Stanton expressing disappointment that the originally proposed hotel and 18-hole golf course were now not being provided. The Councillor was joined by other Members in maintaining the need for a hotel in the area.

Councillors discussed the history of the application and the implications of the current scheme, stating reasons for the developers to continue the consideration for the provision of a hotel. Some Members identified that the country park could potentially assist in attracting interest from developers in the hotel sector, which would be welcomed. Concerns relating to further housing developments, parking provision, public safety in relation to stray golf balls and potential service charges for the maintenance of the park were also raised. The Planning Services Manager addressed the issues raised highlighting that the design of the golf courses was yet to be finalised and that this application would enhance the area by potentially opening the facilities to the wider public.

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services.

Abstention: Councillor Richards and Southerd.

PL/221 **THE ERECTION OF TWO BUNGALOWS AND ALTERED ACCESS AT 673 BURTON ROAD, MIDWAY, SWADLINCOTE**

It was reported that members of the Committee had visited the site earlier in the day.

The Area Planning Officer presented the report to Committee highlighting that this outline application showed an indicative layout of the development.

Councillor Dr Pearson addressed the Committee as local Ward Member explaining that although there are similar developments in area, the main concern related to the visibility at the access with it being on a slight bend of a busy road. The Area Planning Officer addressed this issue, informing members that the Highways Authority had not identified this as a concern.

The potential impact of this development on local amenities was raised and the Committee agreed that by restricting the development to single storey dwellings, it would also meet a need for bungalows in the area. The Planning Services Manager advised that the amenity assessment had been conducted on the basis of single-storey dwellings.

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services subject to the additional condition of single-storey dwellings only.

PL/222 **THE VARIATION OF CONDITIONS 2, 21, 24 & 34 OF PLANNING PERMISSION REF: 9/2013/0663 (RELATING TO RESIDENTIAL DEVELOPMENT FOR 157 DWELLINGS (38 WITHIN DERBY CITY AND 119 WITHIN SOUTH DERBYSHIRE) AND ASSOCIATED INFRASTRUCTURE, LANDSCAPING FOUL WATER PUMPING STATION AND PUBLIC OPEN SPACE (CROSS BOUNDARY)) ON LAND AT SK3729 4656 SOUTH WEST OF HOLMLEIGH WAY, CHELLASTON, DERBY**

The Area Planning Officer updated the Committee that the consultation response from the Derbyshire Wildlife Trust had concluded that the proposed changes would have no ecological impact. It was explained that the applicant was looking to reduce the provision of affordable housing from 40% to 30% which would affect the housing layout and house types and also require changes to conditions 2, 21, 24 and 34.

Councillors sought clarification on the change of provision of affordable housing from 40% to 30% and its impact on Section 106 contributions. The Planning Services Manager explained that during the formulation of the Local Plan, a viability assessment was undertaken which highlighted that affordable housing provision of up to 30% was the right level that was attainable by most sites. The approved agreement fixed the provision at 40% and in order to lower this threshold approval was being sought in order to complete the legal process to make this amendment through a deed of variation. Members

queried the impact that this reduction would have on the number of dwellings and subsequent Section 106 contributions. The Planning Services Manager explained that the number of dwellings remained the same and therefore would not bear any impact on the level of Section 106 contribution.

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services, subject to the receipt of a deed of variation to the original Section 106 Agreement to accommodate the changes to affordable housing provision.

PL/223 **THE REMOVAL OF CONDITION 3B OF PLANNING PERMISSION REF: 9/2015/0723 (RELATING TO OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR RESIDENTIAL DEVELOPMENT FOR UP TO 24 DWELLINGS ON LAND AT SK2416 7131 COTON LANE, ROSLISTON, SWADLINCOTE**

The Area Planning Officer informed the Committee that a revised Informative had been drafted since the report stating that, for the avoidance of doubt, the Planning Authority will only require 0.22 hectares of such planting in accordance with the condition, and will not enforce the requirement in the Section 106 Undertaking. The Committee was also updated that the consultation response from the Derbyshire Wildlife Trust had concluded they had no comments.

Mrs Janet Hodson (applicant's agent) attended the Meeting and addressed Members on the application.

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services with the addition of a revised Informative.

PL/224 **PROPOSED TREE PRESERVATION ORDER 446 – LAND AT SK3021 4304 BURTON ROAD, MIDWAY**

RESOLVED:-

That this Tree Preservation Order (TPO) be confirmed without modification.

PL/225 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it was likely, in view of the nature of the business to be

transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.

The Committee was informed that no questions had been received.

The meeting terminated at 7.05pm.

COUNCILLOR A ROBERTS

CHAIRMAN

HOUSING AND COMMUNITY SERVICES COMMITTEE

20th April 2017

PRESENT:-

Conservative Group

Councillor Hewlett (Chairman), Councillor Smith (Vice-Chairman) and Councillors Billings, Mrs Hall (substituting for Councillor Grant), MacPherson, Muller, Stanton (substituting for Councillor Mrs Coyle) Mrs Wyatt

Labour Group

Councillors Rhind, Richards, Mrs Stuart and Taylor

In attendance

Councillors Atkin (Conservative Group)

HCS/89 **APOLOGIES**

Apologies for absence were received from Councillors Coe, Mrs Coyle and Grant (Conservative Group).

HCS/90 **MINUTES**

The Open Minutes of the Meetings held on 10th January 2017 and 2nd February 2017 were noted and approved as a true record and signed by the Chairman.

HCS/91 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations of interest had been received.

HCS/92 **QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from members of the public had been received.

HCS/93 **QUESTIONS FROM MEMBERS OF COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no questions from Members of the Council had been received.

HCS/94 **REPORTS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

There were no Overview and Scrutiny Reports to be submitted.

Councillor Taylor joined the Meeting at 2.10pm

MATTERS DELEGATED TO COMMITTEE**HCS/95 PRESENTATION BY ACTIVE NATION ON THE LEISURE MANAGEMENT CONTRACT**

The Director of Community and Planning Services introduced Shaun Tasker (Contract Manager) and James Dobson (Centre Manager) from Active Nation who presented a short video outlining the key achievements and accreditations received over the past year. The video was accompanied by a copy of a report.

Members commended the video and congratulated Active Nation on their achievements. Councillor Richards queried whether the closure of the squash courts at Green Bank Leisure Centre had resulted in an increase of usage at the Etwall Leisure Centre. The Contract Manager confirmed that combined with the refurbishment of facilities in Repton, the usage of the Etwall facilities had increased. The Councillor sought clarification on whether those using the squash courts at Etwall were travelling from the urban core. The Contract Manager advised that information relating to the demographics of users would be provided to the Member in due course.

Whilst commending Active Nation for their work, Councillor Billings sought clarification on the prioritisation of future development projects listed in the report, particularly the car park provision at Etwall Leisure Centre. The Contract Manager advised that the issue of parking was being addressed by various means including appropriate signage and advice in order to facilitate accurate parking. Councillor Muller welcomed this update as local Ward Member for Etwall, and thanked Active Nation for the facilities provided.

HCS/96 CORPORATE PLAN 2016-21: PERFORMANCE REPORT (1 OCT-31 DEC 2016)

The Director of Community and Planning Services presented the report to Committee.

RESOLVED:-

Members noted progress against the performance targets.

HCS/97 HOUSING WHITE PAPER CONSULTATION

The Performance and Policy Manager presented the report to Committee advising that it would also be submitted to the next Environmental and Development Services Committee.

Councillor Richards queried the enforcement of civil penalties and sanctions within the White Paper. The Performance and Policy Manager noted the query and would revert with the requested information.

Councillor MacPherson commented on funding sources for social housing and whether councils could undertake development of their own land to meet

housing demand. Councillor Richards concurred, adding that the County Council had introduced a similar initiative with their own development company.

RESOLVED:-

Members noted the content of the Housing White Paper and endorsed the comments in respect of specific questions posed in the consultation on the White Paper for submission to the Department of Communities and Local Government.

HCS/98 **CORPORATE ANTI-SOCIAL BEHAVIOUR POLICY**

The Communities Manager presented the report to Committee.

Councillor Mrs Stuart sought clarification on how anti-social behaviour from council tenants is addressed. The Housing Operations Manager clarified the process and outlined the stages of intervention and enforcement.

Councillor Muller queried how the policy would be publicised and felt this would be key in maximising its effect. The Communities Manager agreed to look into this.

RESOLVED:-

Members approved the new Corporate Anti-Social Behaviour Policy.

HCS/99 **SAFER SOUTH DERBYSHIRE PARTNERSHIP COMMUNITY SAFETY PARTNERSHIP PLAN 2017-20**

The Communities Manager presented the report to Committee.

RESOLVED:-

Members agreed the adoption of the Safer South Derbyshire Partnership's new Partnership Plan 2017-20.

HCS/100 **HOUSING SAFETY POLICY 2017**

The Housing Services Improvements Manager presented the report to Committee.

RESOLVED:-

Members approved the Housing Safety Policy.

HCS/101 **ROSLISTON FORESTRY CENTRE – OPTIONS APPRAISAL FOR THE PROCUREMENT PROCESS TO BEGIN FOR A NEW MANAGEMENT STRUCTURE**

The Rosliston Forestry Centre Project Officer presented the report to Committee.

RESOLVED:-

Members approved the Options Appraisal, with Options 6 and 7 to be progressed.

HCS/102 **DELIVERING A FIRST CLASS REPAIRS SERVICE**

The Interim Director of Housing presented the report to Committee highlighting key areas put forward for review in order to make the service more effective.

Members welcomed the Director and supported the inclusive approach to the consultation process where employees, tenants and trade unions were being involved in the review.

RESOLVED:-

- 1.1** ***Members approved the recommendations regarding changes to the Direct Labour Organisation, (DLO) to improve our way of working and the services that the Council offers to tenants and the wider community.***
- 1.2** ***Making these changes will allow the DLO to become streamlined, efficient and reduce the reliance on external contractors to back up our services. This in turn will help the service become self-reliant and financially sustainable in future years.***
- 1.3** ***Members agreed that the changes will be brought in incrementally, starting with mobile working and then, after further discussion and negotiation with the trades team and trade unions, multi-tasking and flexible hours.***

HCS/103 **COMMITTEE WORK PROGRAMME**

RESOLVED:-

Members considered and approved the updated work programme, subject to the change of date for the next Committee Meeting.

HCS/104 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

MINUTES

The Exempt Minutes of the Meeting held on 2nd February 2017 were received.

TO RECEIVE QUESTIONS FROM MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11

The Committee was informed that no questions had been received.

ROSLISTON ASTRONOMY GROUP – OBSERVATORY

RESOLVED:-

Members approved the recommendations in the report.

SUPPORTED HOUSING REVIEW

RESOLVED:-

Members approved the amended recommendation.

The Meeting terminated at 7.55pm

COUNCILLOR J HEWLETT

CHAIRMAN

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

26th April 2017

PRESENT:-

Conservative Group

Councillor Watson (Chairman), Councillor Muller (Vice-Chairman) and Councillors Atkin (substituting for Councillor Mrs Brown), Coe, Ford, Hewlett (substituting for Councillor Roberts), Mrs Patten, and Smith (substituting for Councillor Stanton)

Labour Group

Councillors Chahal, Shepherd, Taylor and Tilley

EDS/92 **APOLOGIES**

Apologies for absence from the meeting were received from Councillor Mrs Brown, Mrs Hall, Roberts and Stanton (Conservative Group).

EDS/93 **MINUTES**

The Open Minutes of the Meeting held on 2nd March 2017 were noted, approved as a true record and signed by the Chairman.

EDS/94 **DECLARATIONS OF INTEREST**

Councillor Smith declared a personal and pecuniary interest in relation to Item 7 on the Agenda, by virtue of living on the boundary of one of the green spaces identified in the report and advised that he would neither vote nor take part in the debate. With the agreement of the Committee, the Chairman stated that the Councillor could remain in the Chamber whilst the Item was discussed.

EDS/95 **QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from Members of the Public had been received.

EDS/96 **QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no questions from Members of the Council had been received.

EDS/97 **REPORTS OF THE OVERVIEW & SCRUTINY COMMITTEE**

There were no Overview and Scrutiny Reports to be submitted.

MATTERS DELEGATED TO COMMITTEEEDS/98 **LOCAL GREEN SPACES OPTIONS CONSULTATION**

The Planning Policy Officer presented the report to Committee.

Members sought clarification on why some sites had been excluded or were deemed unsuitable within the report. The Planning Policy Officer responded, advising that the consultation process would provide an opportunity for sites to still be nominated for designation provided that sufficient evidence is gathered from the local community to support its inclusion. The Planning Policy Manager explained the importance of evidence for the examination process especially in cases where objections to potential designations had been received.

Some Members raised concerns relating to the consultation process, specifically within urban, unparished areas of the District. The Director of Community and Planning Services addressed this by advising that Area Forums would assist.

The Chairman sought clarification on the length and timing of the consultation process. The Planning Policy Manager responded, advising that in order to increase its impact, the consultation may run in conjunction with other consultations being put to the Committee and commencement would be advised accordingly.

RESOLVED:

Members approved the Local Green Spaces Options document for consultation.

Abstention: Councillor Smith

EDS/99 **LOCAL DESIGN SUPPLEMENTARY PLANNING DOCUMENT CONSULTATION**

The Design Excellence Officer presented the report to Committee which was welcomed by Members.

Councillor Smith wished for it to be noted that the 18th century lock up pictured on page 119 of the report is based in Smisby not Ticknall. The Officer advised that this would be amended.

Councillor Ford sought clarification on the omission of domestic sprinklers in the report. The Officer responded, advising that they would be included in the document.

Councillor Shepherd requested that this document be supplied to developers to encourage understanding of the process. With regards to trees outside residents' properties, the Councillor requested that this document includes a species guidance and also highlighted that safety

needs to be taken into consideration. The Officer responded advising that such matters were included in the community safety section and would be repeated in the report as appropriate.

The Chairman discussed excessive external illumination at night and whether guidelines could be added to this document, particularly in the conservation areas. The Planning Services Manager advised the Committee that the contents of this document could only be effective where the Council has authority.

RESOLVED:

Members approved the South Derbyshire Design Supplementary Planning Document for consultation.

Councillor Mrs Patten left the Meeting at 6.30pm

EDS/100 **AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT CONSULTATION**

The Planning Policy Manager presented the report to Committee,

RESOLVED:

Members approved the South Derbyshire Affordable Housing Supplementary Planning Document for consultation.

EDS/101 **HOUSING WHITE PAPER CONSULTATION**

The Planning Services Manager presented the report to Committee, highlighting the essential questions from the White Paper and outlined where the Council's Local Plan already addressed some of the issues identified; where further clarification would be required. Where the White Paper referred to the disclosure by Planning Authorities of annual figures for development, the Planning Services Manager explained that this would potentially provide clarity when assessing the five-year supply.

It was discussed that the method for arriving at the five-year year supply be made clearer by the Department of Communities and Local Government (DCLG) so that this could assist Planning Authorities and developers.

Members welcomed the report from Officers and commented on housing density, off-street parking and monitoring land-banking and extension requests made by developers in a more robust manner. The Planning Services Manager responded advising that comments would be submitted accordingly.

RESOLVED:

Members noted the content of the Housing White Paper and endorsed the comments in respect of specific questions posed in the consultation on the White Paper for submission to the Department of Communities and Local Government.

EDS/102 **COMMITTEE WORK PROGRAMME**

RESOLVED:

Members considered and approved the updated work programme.

EDS/103 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it would be likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

MINUTES

The Exempt Minutes of the Meeting held on the on 2nd March 2017 were received.

EXEMPT QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11

The Committee were informed that no exempt questions from Members of the Council had been received.

STRAY DOG COLLECTION AND KENNELING CONTRACT (Paragraph 8)

Members approved the recommendation contained in the report.

SPATIAL DATA MANAGEMENT AND STAFFING ARRANGEMENTS (Paragraph 2)

Members approved the recommendations contained in the report.

PLANNING POLICY MANAGER SECONDMENT (Paragraph 2)

Members approved the recommendations contained in the report.

The meeting terminated at 7.20pm.

COUNCILLOR P WATSON

FINANCE AND MANAGEMENT COMMITTEE

27th April 2017

PRESENT:-

Conservative Group

Councillor Harrison (Chairman), Councillor Mrs Plenderleith (Vice-Chairman) and Councillors Atkin, Mrs Coe, Hewlett, Murray (substituting for Councillor Mrs Coyle), Watson and Wheeler

Labour Group

Councillors Rhind, Southerd, Taylor (substituting for Councillor Richards) and Wilkins

FM/150 **APOLOGIES**

Apologies were received from Councillors Mrs Coyle, Smith (Conservative Group) and Richards (Labour Group).

FM/151 **MINUTES**

The Open Minutes of the Meeting held on 16th March 2017 were taken as read, approved as a true record and signed by the Chairman.

FM/152 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations of interest had been received.

FM/153 **QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from members of the public had been received.

FM/154 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no questions from Members of the Council had been received.

FM/155 **REPORTS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

There were no reports of the Overview & Scrutiny Committee to consider.

FM/156 **AUDIT SUB-COMMITTEE**

The Open Minutes of the Audit Sub-Committee Meeting held on 29th March 2017 were submitted.

RESOLVED:-

That the Minutes of the above Audit Sub-Committee Meeting be received and any recommendations contained therein approved.

FM/157 **INDIVIDUAL ELECTORAL REGISTRATION – PUBLIC ENGAGEMENT STRATEGY**

The Chief Executive presented the report to Committee, confirming that earlier in the day the Government had agreed additional funding to assist the further promotion of Individual Electoral Registration.

Members raised queries relating to the registration of new occupiers, moves into / out of the area and voting implications for those with two properties, all addressed by the Chief Executive.

RESOLVED:

Members approved the Council's Individual Electoral Registration Public Engagement Strategy.

FM/158 **COMMITTEE WORK PROGRAMME**

RESOLVED:-

Members considered and approved the updated work programme.

FM/159 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

MINUTES

The Exempt Minutes of the Meeting held on 16th March 2017 were received.

AUDIT SUB-COMMITTEE

The Exempt Minutes of the Audit Sub-Committee Meeting held on 29th March 2017 were submitted.

TO RECEIVE QUESTIONS FROM MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11

The Committee was informed that no questions had been received.

ELECTORAL SERVICES – TEMPORARY POST (Paragraph 1)

Members approved the recommendation in the report.

ROSLISTON ASTRONOMY GROUP – OBSERVATORY (Paragraph 3)

Members approved the recommendation in the report.

SPATIAL DATA MANAGEMENT AND STAFFING ARRANGEMENTS (Paragraph 2)

Members approved the recommendations in the report.

SPORTS COACH AND COMMUNITY ENGAGEMENT OFFICER - STAFFING ARRANGEMENTS (Paragraph 2)

Members approved the recommendations in the report.

PLANNING POLICY MANAGER SECONDMENT (Paragraph 2)

Members approved the recommendations in the report.

DISABLED FACILITY ADAPTATIONS: STANDING SUPPLIER LIST (Paragraph 3)

Members approved the recommendations in the report.

The meeting terminated at 6.35pm.

COUNCILLOR J HARRISON

CHAIRMAN

SOUTH DERBYSHIRE AREA FORUM

AREA 3 – MELBOURNE AREA

Tuesday, January 24th, 2017 at Melbourne Sports Park

PRESENT:-

District Council representatives

Councillor John Harrison (Chair), Councillor Neil Atkin, Councillor Mrs Hilary Coyle, Councillor Peter Watson.

Stuart Batchelor (Director of Community and Planning Services), Tom Sloan (Clerk).

Derbyshire County Council representatives

Councillor Mrs Linda Chilton, Councillor Rob Davison.

Neill Bennett, Dave Connell (DCC Highways).

Parish Council / Meeting representatives

Ed Green (Weston Parish Council), Ann Heathcote (Barrow Parish Council), Alison Hicklin (Barrow Parish Council), Edward Hicklin (Aston Parish Council), Jean Longley (Aston Parish Council), Avril Record (Weston Parish Council).

Members of the public

Elizabeth Devey Smith, PCSO Emma Guest, PC Oliver Priddle, Lucy Stephens (Village Voice).

MA/19 **Apologies for absence**

Councillor Jim Hewlett and Paul Jameson. Councillor John Harrison reported that Councillor Hewlett was attending an extraordinary general meeting of Melbourne Parish Council to discuss a planning application for a new set of toilets next to Melbourne Assembly Rooms.

MA/20 **Declarations of interest**

None.

MA/21 **Chairman's announcements**

Councillor Harrison welcomed everyone to the first meeting at the Melbourne Sports Pavilion but had no further announcements to make.

MA/22 **The minutes of the meeting held on October 10th, 2016**

The minutes were proposed by Councillor Peter Watson and seconded by Councillor Neil Atkin.

MA/23 **Report back on issues raised at the last meeting**

Derbyshire County Council issues

Councillor Harrison reported that it was a disappointment to himself and regular area forum attendees that Derbyshire County Council Area Forum Liaison Officer Paul Jameson would no longer be attending on a regular basis. He may never even come at all after a somewhat ambiguous announcement from County Hall. Arrangements would be made to ensure views expressed at the meetings would be communicated to Derbyshire County Council.

South Derbyshire District Council issues

Stuart Batchelor reported that Part II of South Derbyshire's Local Plan had been submitted to the Planning Inspectorate.

Mr Batchelor thanked the parish councils which had fed back on the recent consultation on the removal of payphones.

MA/24 **Swarkestone Causeway**

Neill Bennett and Dave Connell from DCC Highways gave a presentation on works connected with Swarkestone Causeway. Equipment to monitor traffic levels had been installed five years ago. It confirmed that overweight vehicles were using the causeway. The first port of call was enforcement but the timing was poor in terms of budget cuts. The next port of call had been the police but again resourcing was a problem. A softer option was now being considered: vehicle-activated signage, the next best thing to enforcement. Three signs were proposed – one on the north side of the bridge, one on the south side of the bridge (on the A514) and a third on the B587. After each sign, there will be a chance for the driver of an overweight vehicle to change their route.

Councillor Watson asked if signs saying there was a monitoring area around Swarkestone Causeway could be removed because a) it would help alleviate over-signing and b) it was untrue. Signs, however, were needed in Ingleby Lane. Mr Connell replied that signs could not be placed in Ingleby as it was inside an area-wide restriction.

Councillor Atkin asked if the signs would affect farmers and contractors with large vehicles using the causeway. Mr Connell replied that it didn't apply to farmers living within the area weight limit.

Councillor Watson asked when the signs would go live. Mr Bennett replied that it was in the hands of the contractor. He added that it was not an enforcement project but a deterrent.

Councillor John Harrison thanked Mr Bennett and Mr Connell for their attendance and hoped the scheme would have a positive impact.

MA/25 **Public questions on issues raised by residents**

The owner of Melbourne restaurant Amalfi White said she was trying to find a solution to the traffic problems caused by her increasingly successful business. Taxis and delivery drivers in particular were causing issues in Derby Road, Melbourne. She was getting two emails a week from disgruntled local residents – but there was only so much she could do. The restaurant had asked for a time-restricted zone or a parking spot outside. These requests had been turned down. Mr Connell said the request would be communicated back to DCC's Highways Department. Councillor Watson said a meeting had been suggested involving the restaurant, SDDC and DCC in an attempt to find a solution. Mr Connell confirmed that police permission was needed to use no parking cones.

Councillor Harrison reported that a 'no white lines' sign installed after works to resurface Robinsons Hill, Melbourne, two years previously had not been removed.

A resident said they had heard from police that a low bridge sign was going to be installed on the road to Weston on Trent. Mr Connell confirmed that two signs were being installed.

A member of the public raised the issue of how busy the junction from the A514 to Aston / Weston was. Was there any way of keeping tabs on traffic levels? Mr Connell replied that mobile monitoring equipment was available and it could be used, although the junction had never been flagged as one of the higher ranked ones in Derbyshire.

Councillor Atkin reported that foreign lorry drivers were getting lost and ending up going through Barrow on Trent to Sinfin and then Derby. Companies needed to stop this happening. Councillor Watson replied that hopefully the new Infinity Way development would stop it happening. Mr Connell said he would see if extra signage could be installed. Councillor Davison asked if the signs could be put in foreign languages.

Councillor Mrs Hilary Coyle asked if a sign opposite Aston Grange could be replaced. It had been knocked over by a crashing car three months previously but the sign had not been replaced. Mr Connell said he would report the issue.

ACTION: DCC to report back on replacement of road sign opposite Aston Grange

Councillor Watson reported that several signs near to Swarkestone Causeway had been covered by overgrown vegetation. Mr Connell said he would report the issue.

ACTION: DCC to report back on clearing of signs obscured by vegetation near Swarkestone Causeway

Councillor Davison added that DCC was simply not efficacious in completing tasks and it was the worst part of being a county councillor.

A resident said a sign indicating a narrow road was missing in Swarkestone Road, Weston on Trent, in the direction of Swarkestone just after the junction with Trent Lane. Mr Bennett said a sign would be fitted.

ACTION: DCC to replace the sign in Swarkestone Road

MA/26 **County Council issues**

None.

MA/27 **District Council issues**

Mr Batchelor said SDDC's current reserves were healthy but the Government's Rate Support Grant would be totally phased out by 2020. The council would need to rely on Council Tax, the New Homes Bonus and Business Rates to balance its budget. However, the latter two were being 'top sliced' to help pay for adult social care (provided in Derbyshire by DCC). By 2018-19 the budget deficit was predicted to be £800,000. A Council Tax increase of 1.95% was to be levied this year, subject to a meeting of Full Council on March 1.

Councillor Harrison thanked Mr Batchelor for a succinct summary of the situation and added that the books were fairly healthy at the moment and remedial action would be taken in the medium term to ensure the council's financial stability.

A resident said they had been to see SDDC Chief Executive Frank McArdle regarding the Infinity Garden Village proposed for the Stenson Fields area. What details did Mr Batchelor have of the project? He replied that all he

could update was that it was repackaged from the Local Plan. The announcement that the bid was successful came on New Year's Day, so there was no opportunity to update members on it. The timing was unfortunate but everything in the bid had been in the Local Plan. The proposal would be taken to the next meeting of the Environmental and Development Services Committee at SDDC. Councillor Watson said he would approach Mr McArdle before the committee meeting and he would get some information for the next Barrow Parish Council meeting.

MA/28 **Date of next meeting**

To be advised in due course.

Councillor John Harrison
CHAIRMAN

The meeting terminated at 8.43pm.

SOUTH DERBYSHIRE AREA FORUM

AREA 1 – ETWALL

Monday, January 30th, 2017 at Hatton Jubilee Hall

PRESENT:-

South Derbyshire District Council representatives

Councillor Mrs Lisa Brown (Chair), Councillor Andy Billings, Councillor Martyn Ford, Councillor David Muller, Councillor Mrs Julie Patten, Councillor Mrs Amy Plenderleith, Councillor Andy Roberts.

Stuart Batchelor – Director of Community and Planning.
Tom Sloan – Clerk.

Derbyshire County Council representatives

Councillor Martyn Ford, Councillor Mrs Julie Patten.

Parish Council / Meeting representatives

Steve Cooper (Hilton Parish Council).

Members of the public

Jo Bagley (South Derbyshire CVS), Chris Hall (Burnaston Neighbourhood Watch), Sue Jolly, Bryan Myring (Etwall Neighbourhood Watch), Emma Simpson (Rural Action Derbyshire).

EA/19 **Apologies**

Apologies were received from Paul Jameson.

EA/20 **Declarations of interest**

None.

EA/21 **Chair's announcements**

Councillor Mrs Lisa Brown announced that Part II of the South Derbyshire Local Plan had been submitted to the Government Planning Inspectorate. Stuart Batchelor added that SDDC had been notified of the inspector appointed but dates were awaited. March was the earliest an inspection of the plan was expected. It would be adopted in May or June.

EA/22 **To note the minutes of the meeting held on October 11th, 2016 (copy attached)**

The minutes were approved as a true and correct record of the previous meeting.

EA/23 **Report back on issues raised at the last meeting**

Councillor Mrs Brown reported that Derbyshire County Council Area Forum Liaison Officer Paul Jameson would no longer be appearing at the meetings and there would be no replacement. However, any issues for DCC would be reported back through the meeting. If bigger issues arose, attempts would be made to secure the attendance of a relevant officer.

Councillor Martyn Ford said he felt all the Area Forums should write to DCC to complain about the situation. Mr Jameson had only found out about the decision a week earlier.

Councillor Mrs Amy Plenderleith asked if the meeting's thanks could be passed onto Mr Jameson.

Councillor Mrs Brown added that Mr Jameson was a reliable attendee whose answers were always well-researched. A suitably worded letter would be written to the county council to thank him for his efforts.

ACTION: Tom Sloan and Stuart Batchelor to draft a letter to DCC

EA/24 **Public questions on issues raised by residents**

Councillor Andy Roberts asked why DCC wasn't fixing street lights like it had in the past. He had reported six or seven lights and they hadn't been repaired.

ACTION: Councillor Andy Roberts to compile a list of lights in need of repair

Councillor David Muller reported that a speeding sign in Egginton Road, Etwall was flashing but no longer indicating a speed. Councillor Ford said a new sign was going to be fitted and information had been sent through to Etwall Parish Council the previous week.

Councillor Roberts reported a large pothole in the footpath between Station Road and Heath Way, Hatton. It was causing pedestrians to trip over and needed repairing.

ACTION: Issue to be reported to Derbyshire County Council

A resident said that Burnaston Parish Council had arranged to get a black wheelie bin at the top of Green Lane as the area was covered in litter most of the time. It had been installed in the summer but had only been emptied once. Councillor Muller replied that the bin was supposed to be on the round for SDDC's bin lorry and would be added in future.

ACTION: Issue to be reported back to South Derbyshire District Council

Councillor Ford highlighted irresponsible parking at Etwall Leisure Centre. Footways were being blocked and double yellow lines ignored. Mr Batchelor said there was an ongoing parking capacity problem at Etwall. John Port School had opened up an overflow car park but the issue was that the public weren't using it and instead parking on verges. SDDC was looking at the situation but resurfacing the overflow car park would help.

A resident reported that coaches bringing children to Etwall Leisure Centre were parking right in front of a bus shelter. Mr Batchelor replied that schools had been told this was unacceptable and that leisure centre staff could challenge a bus driver over their parking.

EA/25 **County council issues**

None.

EA/26 **District council issues**

Mr Batchelor updated the meeting on the budget status of SDDC. Reserves were healthy and a balanced budget was predicted for the next two years. Reserves were forecast to remain above the minimum statutory level for the next five years. However, the Government's Rate Support Grant was going to be reduced from £1.2 million a year to zero by 2019-20 – a 15% cut in funding. Government funding was being shifted to help fund adult social care. SDDC would need to rely on Council Tax, Business Rates and the New Homes Bonus to balance its books. However, the New Homes Bonus was being 'top sliced' to help fund adult social care. By 2018-19 the projected deficit was £800,000 a year so there were two years to tackle it. Funding the deficit meant either using reserves which would not be replaced or developing a savings plan over the next two years.

A Council Tax rise of 1.9% was planned and would be discussed at Full Council on March 1. DCC was looking to raise Council Tax by 3.95%, with an extra 2% allowed by Government to help fund adult social care.

EA/27 **Date of next meeting**

The date of the next meeting would be announced in due course.

Councillor Mrs Lisa Brown
Chair

The meeting terminated at 7.56pm.

SOUTH DERBYSHIRE AREA FORUM

REPTON

January 31, 2017 at Repton Village Hall

PRESENT:-

District Council representatives

Councillor Michael Stanton (Chair), Councillor Andy MacPherson, Councillor David Shepherd.

Frank McArdle (Chief Executive), Tom Sloan (Clerk).

Derbyshire County Council representatives

Councillor Rob Davison.

Parish Council / Meeting representatives

Charles Fellows (Stenson Fields Parish Council), Richard Lisewski (Stenson Fields Parish Council), Steve Toone (Bretby Parish Council).

Members of the public

Jane Clayton, Anne Evans (Findern Footpaths Group), Heather Hall (Findern Footpaths Group), Barry Hanson (Ticknall Neighbourhood Watch), Parmjit Maskiana (Stenson Fields Neighbourhood Watch), John Orme, G Varty, Sam Watters (Willington Neighbourhood Watch).

RA/19 **Apologies for absence**

Councillor Manjit Chahal, Councillor Mrs Linda Chilton, R Cunningham, Councillor Martyn Ford, Paul Jameson, AD Lomas, Terry McGarry, Councillor Peter Smith, Clifford Warner.

RA/20 **Declarations of interest**

None.

RA/21 **Chairman's announcements**

Chairman Michael Stanton had no announcements to make.

SDDC Chief Executive Frank McArdle updated the meeting on the situation regarding DCC and Area Forum Liaison Officer Paul Jameson, who would no longer be attending on a regular basis following a review. Instead, SDDC Service Assistant Tom Sloan would report issues back to County Hall and get a response for the forum. Councillor Rob Davison added that the decision was essentially to do with budget cuts. Mr McArdle recorded his thanks to Mr Jameson for his contributions to the meetings over the years – he had been a committed, dedicated and professional officer.

RA/22 **The minutes of the meeting held on October 4, 2016**

Councillor David Shepherd proposed the minutes and Councillor Andy MacPherson seconded them.

RA/23 **Report back on issues raised at the last meeting**

Derbyshire County Council issues:

Vegetation growing over the footway in Repton Road, Willington

Works to clear the footway had taken place in October.

Drainage in Bretby Lane

No update available for the forum.

Road markings in Knights Lane

The parish council's request for road markings was still under investigation and a full response was due shortly.

Cats eyes in Stenson Lane

A decision had been taken not to replace the cats eyes following the surface dressing as they pre-dated the lower 40mph speed limit and introduction of street lighting.

Japanese Knotweed in Burton Road, Findern

Works had been issued to deal with the knotweed on the highway and the adjacent landowner had been informed of the plant on his land so he could take appropriate steps to remove it.

RA/24 **Public questions on issues raised by residents**

A Findern resident said they had reported faulty streetlights only for it to take two months for them to be fixed. DCC had said they needed the period of time to make a journey to a location worthwhile. Lights had been repaired but there were still 13 not working in the village.

A member of the public reported that 26 lights appeared to be faulty in an underpass in Crow Park Way, Findern, under the A50. Not a single light was working. Was it part of a cost-cutting measure by DCC?

Councillor Shepherd had received a complaint from a resident in Stenson ward after it took two months to get a light repaired. He said it was an important measure to discourage burglars.

Councillor Davison said that regarding street lights, there wasn't enough money to fix lights as quickly as people would like. The department was also a man short to fix faulty lights. He agreed the situation was exasperating and suggested people keep emailing faults in and contact their local county councillor.

A Willington resident said that lights were being turned off in the village at night as part of DCC's cost-cutting measure – but some lights were left on in the day. Councillor Stanton replied that it was surely unintentional. Councillor Davison asked for the issue to be reported along with a photo of the light(s) in question. The resident added that a number of street lights he had reported in December had still not been fixed despite a number of representations.

ACTION: Issues to be reported to DCC and clarity sought on how long it should take to repair streetlights

A resident said they had read that another 2,000 houses were planned for South Derbyshire and it would have a big effect on traffic in Willington as new residents drove through the village to get to the A38 and A50. They felt a bridge over Frisoms Lane, Willington, built for 18th century traffic would start having to deal with high levels of 21st century traffic, despite having barely been modernised in 200 years. Councillor Stanton replied that DCC had been happy with the road situation when the application was entered. Councillor Shepherd confirmed that the infrastructure opposition had been put forward by himself. There was a proposal for a new junction to the A38 from the A50 which would remove the need to go through Willington. Councillor Davison said that DCC was having to deal with decisions made by SDDC relating to housing welded onto the bottom of Derby. Infrastructure problems caused were passed on to DCC. Councillor Davison also felt that access to the A50 from the new developments was aspirational at this stage. He said when SDDC announced the award of Government Garden Village funding on January 3 it came as a surprise to him. Councillor Davison had entered a Freedom of Information request as the application didn't meet Government criteria and there had been no public consultation on it. He said

there was supposed to be consultation with local people and local political support – he felt there was neither.

A resident asked what work had been completed by Severn Trent at Bretby Lane. A DCC update had been due, but with Mr Jameson no longer attending it had not been possible.

ACTION: Update to be sought from Derbyshire County Council on Bretby Lane

RA/25 **County Council issues**

Councillor Shepherd reported that road works were incomplete outside a housing development opposite the Bonnie Prince. Illuminated bollards had not been put in and a resident had sustained a damaged car as a result. DCC had referred the motorist to Persimmon Homes, who in turn had passed him onto the contractor. If the bollards had been in position, the accident would not have happened.

ACTION: Report to be issued to Derbyshire County Council to see if progress could be made

Councillor Davison said that DCC's Council Tax rise was an action replay of the previous year, with a 1.99% rise plus an added 2% to help fund adult social care.

Councillor Davison reported that Chesterfield was staying in Derbyshire following a consultation. It helped to ensure the future of the county as an administrative area.

RA/26 **District Council issues**

Mr McArdle reported that SDDC's Council Tax would be fixed on March 1, with a 1.95% rise proposed. Current reserves were healthy and the budget was balanced. The Government's Revenue Support Grant would be reduced from £1.2 million a year to zero by 2019-20. SDDC needed to find alternatives to increase its income but it had a limited ability to do that. Council Tax, Business Rates and the New Homes Bonus were the available options. However, the latter two would be 'top sliced' to help fund adult social care. Other charges levied by the authority, including cemetery and licensing fees, could not be used to make a profit. SDDC would need to look for ways to reduce the deficit. Among other things, this would be achieved through efficiencies and innovation and SDDC would rise to the challenge.

A resident said the parished areas of South Derbyshire could see precepts rise while the urban areas without parish councils would not. Mr McArdle

replied that the Parish precepts were set at the sole discretion of each parish council.

A resident asked if the district council shared resources with other organisations to minimise costs. Mr McArdle replied that it did, with an example being the audit service.

A member of the public asked if the Council Tax levied by SDDC could rise by more than 2%. Mr McArdle replied that a rise of more than 2% required a referendum which would cost more than any extra revenue levied by the rise.

RA/27 **Date of next meeting**

To be announced in due course.

Councillor Michael Stanton
CHAIR

The meeting terminated at 8.30pm.

SOUTH DERBYSHIRE AREA FORUM

NEWHALL

Wednesday, February 1, 2017 at Midway Community Centre

PRESENT:-

South Derbyshire District Council representatives

Councillor Sean Bambrick (Chair), Councillor Paul Dunn, Councillor Mrs Linda Stuart, Councillor John Wilkins.

Frank McArdle (Chief Executive), Tom Sloan (Clerk).

Derbyshire County Council representatives

Councillor Sean Bambrick, Councillor Paul Dunn.

Scott Clayton (Policy Unit).

Parish Council / Meeting representatives

None.

Members of the public

J Allsopp, A Argent, A Birch, Kerrie Fletcher (CVS), H Foy, P Foy, Richard House, M Lacey, Colin Maddock, B Mulgrew, Mick Mulgrew, M Ross, R Trim.

NA/19 **Apologies for absence**

Pat Bambrick, Colin Dobson, Mr Hall, Paul Jameson, Councillor Robert Pearson, Councillor Kevin Richards, Barry Woods.

NA/20 **Declarations of interest**

None.

NA/21 **Chairman's announcements**

Councillor Sean Bambrick had no announcements to make.

NA/22 **The minutes of the meeting held on October 12, 2016**

The minutes were approved as an accurate record of the meeting.

NA/23 **Report back on issues raised at the last meeting**

MUGA at Midway Community Centre

A resident praised the fantastic facility in which the meeting was being held. However, he said it wasn't what the public had been promised viz a viz a MUGA (Multi-Use Games Area) for older children. The play area in place put toddlers, middle-aged children between six and 11 and teenagers in the same area. A like for like replacement had been promised, with 10 pieces of equipment for toddlers. He had attended every meeting since 2002 and at no point was he told there was no money for a MUGA. The situation needed sorting as there was confrontation between parents and teenagers. SDDC Chief Executive Frank McArdle said it was important to recognise that an excellent community facility had been built which had paid for itself. It had been the area of open space in South Derbyshire surrounded by the most houses and the most people which had the least facilities in the district. Former Councillor Bill Dunn had tried for 40 years to get a community centre built. What was needed was not to say the facility was not fit for purpose, but to say that it needed to be better. Mr McArdle suggested organising a further meeting at the centre for all the community to attend. A team would attend from the Community and Planning Directorate and discussions would be held to see what could be achieved to improve the facilities.

ACTION: Frank McArdle to get a letter sent out to residents with a choice of dates for a meeting at Midway Community Centre

A member of the public reported that a hearing loop had not been installed in the building.

Paul Jameson

Mr McArdle reported that DCC Area Forum Liaison Officer Paul Jameson would no longer be attending the meetings. He offered his thanks to Mr Jameson for his attendance and professionalism at the meetings. DCC had taken the view that Mr Jameson's role was in transport and his skills were better used there than at Area Forums. Any concerns would be communicated back to DCC by Service Assistant Tom Sloan and a response provided. However, there would be no DCC officer at the meetings as a matter of course.

Rose Tree Lane junction, Bretby Road, Newhall: damaged tactile paving

Councillor Bambrick reported that the paving had now been replaced. A resident said it was cars as well as lorries which were causing the damage. Could a permanent 'no parking' sign be installed?

ACTION: Request to be sent to DCC to discover if a sign could be installed

NA/24 **Public questions on issues raised by residents**

A resident reported that bins needed emptying opposite the Thorntree in Bretby Road and in Orchard Street outside Kangs. They asked for extra bins for dog mess, especially on the path between Meadow Lane and William Nadin Way, where bags of dog dirt were strewn in the field. Mr McArdle said that people had been prosecuted for dog fouling but SDDC relied on witnesses coming forward and supporting the Council. What could be useful would be the resident bringing a plan of the area with extant bins marked to decide where new bins would be best placed.

A resident of the Chestnut Avenue area said they had a problem with dog walkers not even picking up the mess. Mr McArdle reiterated that he would still need evidence of fouling taking place to secure a prosecution.

A resident said that a tenant on the Fairway, Newhall, never picked up the mess created by his dog. They had a name and address of the resident in question.

ACTION: Details of the resident to be passed onto SDDC Senior Neighbourhood Warden Dennis Bateman

A resident asked how people would know when the MUGA meeting was. When the community centre had opened they didn't know about it and had not received a leaflet. Mr McArdle apologised but said the future meeting would be advertised.

A member of the public asked about potential housing developments in Park Road, Newhall, opposite the lakes. Mr McArdle replied that there were three sites identified for housing around the golf course. Money raised by the development could be used to improve Meadow Lane playing fields.

A resident asked if solar panels were still going to be installed at the back of the Clondyke area. Councillor Bambrick replied that currently there was nothing in terms of a planning application.

A member of the public reported problems with rubbish in the Fairway, Newhall. Brown bins had not been collected because other residents had put general waste into them. The situation was a mess. Councillor Linda Stuart

said she had spoken to Linda Roberts at SDDC and been assured that the brown bins would be sorted.

ACTION: Issue to be reported to relevant SDDC department

NA/25 **County council issues**

A resident asked why half of the streetlights in Fairfield Crescent, Newhall, were not on at night. Also, lights appeared to be switched off on the A444 at night. Councillor Paul Dunn said his inbox at County was full of complaints about the subject. DCC was going to replace 98 per cent of lights with LEDs which would cut costs and maintenance. He understood residents' fears but DCC was short of resources, with only five people to look after the whole county network. To help them out, it would be useful if the serial number of faulty lights could be provided via local Members.

A resident complained about a leaking drain outside their back door which had been that way for 14 years. They had been passed from pillar to post by DCC and Severn Trent. Could something please be done?

ACTION: Issue to be reported to DCC and Severn Trent and clarity sought

NA/26 **District council issues**

Mr McArdle reported that the Council Tax levied by SDDC would be decided upon on March 1 at a meeting of Full Council. The Council was in a healthy position this year and next but after that there were challenges which would be faced. There would be a 15% reduction in Government funding and it would disappear altogether by 2019. The only revenue for SDDC would be Council Tax, Business Rates and the New Homes Bonus. However, the latter would be 'top sliced' to help fund adult social care delivered by DCC. Efficiency savings would be sought and there were a few areas where the Council could charge for services. Council Tax could only rise by a maximum of 2% annually or a referendum was needed that cost more to organise than the extra money the rise would bring in. It was also important to note that on an average Band D property, SDDC took only 11% of the total Council Tax bill to carry out a wide range of services. The district council's ability to do more with less was vital and ways were constantly sought of working with partners to cut costs. A total of £800,000 savings were needed or an extra £800,000 of income generated. Mr McArdle was confident his Council would rise to the challenge.

Despite the current climate, an extra 1% was going to be given to the voluntary sector. Kerrie Fletcher from the CVS said the support of the District Council was appreciated.

Scott Clayton from DCC's Thriving Communities Project introduced himself to the meeting. He asked anyone interested in his work to get in touch.

NA/27 **Date of next meeting**

The next meeting would be held on a date to be announced.

Councillor Sean Bambrick
CHAIRMAN

The meeting terminated at 8.40pm.

SOUTH DERBYSHIRE AREA FORUM

LINTON

Monday, February 6th, 2017 at Coton in the Elms Community Centre

PRESENT:-

District Council Representatives

Councillor Pat Murray (Chair), Councillor John Grant, Councillor Mrs Beth Hall, Councillor Bob Wheeler.

Kevin Stackhouse – Director of Finance and Corporate Services.
Tom Sloan – Clerk.

Derbyshire County Council Representatives

Councillor Mrs Kath Lauro.

Parish Council/Meeting Representatives

Claire Bradford (Coton in the Elms Parish Council), Karen Bradford (Coton in the Elms Parish Council), Mary Horne (Walton Parish Council), Alan Lees (Coton in the Elms Parish Council), Stephanie Marbrow (Rosliston Parish Council), WP Marbrow (Rosliston Parish Council), PJ McGibbon (Netherseal Parish Council), Janice Pallett (Castle Gresley Parish Council), Oliver Pallett (Castle Gresley Parish Council).

Members of the Public

Emma Simpson (Rural Action Derbyshire), Brian Wilson, Gwen Wilson.

LA/19 **APOLOGIES**

Sheila Jackson, Paul Jameson, Carole Knight, John Powell, Carol Wright.

LA/20 **DECLARATIONS OF INTEREST**

None.

LA/21 **CHAIRMAN'S ANNOUNCEMENTS**

Councillor Pat Murray had no announcements to make. Emma Simpson from Rural Action Derbyshire gave a presentation on the benefits of a community oil

and gas buying initiative run by the charity she worked for. She also detailed a scheme where funding was available to replace faulty or aging boilers.

Empty House at Stanley Close, Netherseal

Councillor Murray updated the meeting that the son of the former owner had visited the property and, in light of its condition, decided to sell it. Arrangements were being made to obtain valuations from local estate agents.

Paul Jameson

Kevin Stackhouse reported that Derbyshire County Council Area Forum Liaison Officer Paul Jameson would no longer attend any Area Forums. He was still contactable at County Hall, and any issues raised would be fed back to him through Service Assistant Tom Sloan. Mr Stackhouse put on the record South Derbyshire District Council's thanks to Mr Jameson for the excellent work he had done for South Derbyshire.

ACTION: Letter to be written thanking Paul Jameson for his efforts at South Derbyshire Area Forums

LA/22 **THE MINUTES OF THE MEETING HELD ON OCTOBER 31, 2016**

The minutes were moved with one addition – Councillor Kath Lauro to be added to the list of attendees.

LA/23 **REPORT BACK ON ISSUES RAISED AT THE LAST MEETING**

South Derbyshire District Council issues

Vegetation at Blacksmiths Close, Netherseal

Mr Stackhouse reported that SDDC had intervened and issued a formal notice to the developer on January 21 regarding the vegetation encroaching onto the footway of Dog Lane. The developer had 28 days to answer.

Sunken manhole on the A514

A manhole had been reported as sunken, but a DCC inspection did not identify any problems. Councillor Bob Wheeler said a manhole was either sunken or it wasn't! A resident said there were quite a few manholes opposite Ryder Close had been repaired but they kept on sinking periodically. Councillor Mrs Kath Lauro asked if they were in a bad state again. The resident confirmed that they were and a survey was needed to establish why they kept sinking.

and the impact would be felt in 2018-19. It was a challenge that the council would meet like it had done before, with spending closely examined. Regarding the Council Tax itself, the proposal set down was to increase it by 1.95%, which would be a rise of around £3 per year on a Band D property. That would be debated and a rise agreed on March 1. As part of the budget, it had been recommended to increase funding to voluntary organisations such as the CVS and CAB by 1%.

DCC, like other county councils, had been allowed to increase its Council Tax by more than 2% – without the need for a referendum – to help fund adult social care. Meanwhile, parish councils in South Derbyshire were also allowed to increase their share of the Council Tax bill by more than 2% without a cap being enforced.

Councillor John Grant clarified that there were many facets to the overall Council Tax bill and they all rose at different rates. Mr Stackhouse said the biggest proportion of the bill was taken up by county councils, who took around 75 to 80% of the total. They were the biggest service provider, with education and social services in their remit. SDDC and the police took around the same figure.

LA/27 **DATE OF NEXT MEETING**

The date of the next meeting would be advised in due course.

**Councillor Pat Murray
Chair**

The meeting terminated at 8.17pm.

SOUTH DERBYSHIRE AREA FORUM

SWADLINCOTE

Wednesday, February 15, 2017 at Oakland Grange, Swadlincote

PRESENT:-

District Council Representatives

Councillor Steve Taylor, Councillor Mrs Kim Coe, Councillor Robert Coe, Councillor Stuart Swann, Councillor Mrs Sandra Wyatt.

Frank McArdle – Chief Executive.
Tom Sloan – Clerk.

Derbyshire County Council Representatives

Councillor Mrs Linda Chilton.

Parish Council / Meeting Representatives

Maureen Mycock (Hartshorne Parish Council).

Members of the Public

Chris Allen, Doug Allen, Michael Barsby, Helen Kreft (Burton Mail), Eric Lummis, S Mayer, J McEwan, Dave Sharpe, Emma Simpson (Rural Action Derbyshire), Ben Stuart.

SA/19 **APOLOGIES**

Jenny Burley, Helen Davis, Colin Dobson, Councillor Paul Dunn, Paul Jameson, Alan Jones, Mick Lunn, Councillor Gordon Rhind, Dot Shuttleworth, Councillor Trevor Southerd, Councillor Neil Tilley.

SA/20 **DECLARATIONS OF INTEREST**

None.

SA/21 **CHAIRMAN'S ANNOUNCEMENTS**

Chief Executive Frank McArdle wished chairman Councillor Gordon Rhind a speedy recovery from the illness which had forced him to miss the meeting. He also told the meeting that Derbyshire County Council (DCC) was now unable to supply an officer on a regular basis for future meetings.

He recorded his thanks to Paul Jameson for the work he had done at Area Forums to serve the public.

Mr McArdle asked for nominations for temporary chair from the floor. Councillor Stuart Swann nominated Councillor Steve Taylor and Councillor Sandra Wyatt seconded the motion.

Councillor Taylor took the chair and introduced Emma Simpson from Rural Action Derbyshire to give a presentation on the benefits of her charity's community gas and oil buying scheme. It aimed to save people money through collective bargaining with big suppliers. There was also a scheme to replace faulty or aging boilers free of charge.

SA/22 **THE MINUTES OF THE MEETING HELD ON OCTOBER 3, 2017**

The minutes were agreed as a true and correct record of the previous meeting.

SA/23 **REPORT BACK ON ISSUES RAISED AT THE LAST MEETING**

Overgrown flower beds at the Tollgate Island

Councillor Taylor reported that the problem wasn't the flower beds themselves, but the condition of the brickwork planters. Another report back was needed.

ACTION: Report to be obtained into maintenance of the brickwork

SA/24 **PUBLIC QUESTIONS ON ISSUES RAISED BY RESIDENTS**

A resident said they were concerned about pedestrians crossing Castle Road near its junction with Princess Street, Castle Gresley. Visibility was poor with traffic coming at speed out of the Castleton Park estate and going up the hill. Could DCC come and have a look? Councillor Mrs Linda Chilton said DCC would ask for another refuge to be installed.

ACTION: Issue to be reported to DCC Highways

A member of the public asked if there was any further information available regarding the Woodville Regeneration Route. Councillor Taylor said he understood a capital injection from the Government was needed for the route. Specific funding could not yet be announced.

A resident complained about the flooding of the roundabout at the end of Civic Way, opposite the SDDC offices. Mr McArdle replied that to his knowledge repairs had been attempted by DCC on three occasions, but

the problem was believed to lie elsewhere and was in need of further urgent investigation by the Highways Authority.

ACTION: Issue to be reported to DCC Highways

Councillor Mrs Kim Coe reported that there was still flooding under the bridge in Occupation Lane, Woodville. Councillor Taylor added that the road had been closed for a couple of weeks and it had been expected that the flood would be sorted. However, work carried out by Leicestershire County Council (LCC) to shore up a bank had not worked. DCC was aware of the situation and a solution was being sought. The land which was causing a problem was in Leicestershire but not in LCC's ownership. A resident said drains needed clearing as they were full of silt and the problem was now worse than before. Another resident added that the issue had existed in Occupation Lane for at least 50 years. What was needed was a project to fill the dip in as the rail bridge which it used to accommodate was no longer extant.

ACTION: Issue to be reported to DCC Highways

A resident complained about the pedestrian crossing near a blind corner at the top of a steep rise on the Hepworths Retail Park. Mr McArdle said he would raise the issue with the new owners of the site. The resident also asked if a sign could be erected directing delivery lorries away from Coppice Side.

ACTION: Frank McArdle to raise issues in a meeting with Hepworths owners

Councillor Taylor reported that two developers in Woodville were choosing to use the pavement for their contractors' parking, rather than their own site. The sites affected were the White Hart site in Swadlincote Road and a site in Ashby Road adjacent to some allotments.

SA/25 **COUNTY COUNCIL ISSUES**

None.

SA/26 **DISTRICT COUNCIL ISSUES**

Mr McArdle informed the meeting that there was good news and challenging news for SDDC. Reserves were healthy but could only be used in a certain way to make sure they didn't run out when a rainy day occurred. In two years' time there would be an £800,000 deficit and efficiency savings were needed as Central Government funding was being reduced by £1.2 million by 2019-20. Council Tax could be raised and other charges levied could be increased. As one of the fastest growing districts outside the South East, South Derbyshire gained opportunities. The New

Homes Bonus brought money in, but that was going to be ‘top sliced’ to pay for DCC adult social care, as were the Business Rates. SDDC would attempt to do more with less by looking at different ways of working. Joint working with other authorities and the private sector could be considered. The new community centre in Chestnut Avenue, Midway, was a good example of working with the private sector and similar results could be achieved in other parts of the district. Houses were also being refurbished behind Swadlincote Fire Station.

On March 1, SDDC’s councillors had been recommended to increase the Council Tax by 1.95%. A rise of more than 2% would have necessitated a referendum which would have cost more than any rise in the Council Tax itself. The rise meant that SDDC took 11% of the total bill from an average Band D property in the district.

Voluntary groups in the district would get an extra 1% if members agreed on March 1.

A resident asked what happened to those who attempted to avoid paying Council Tax. Mr McArdle replied that the recovery rate in South Derbyshire was almost 99%.

Councillor Mrs Wyatt asked what the recovery rate was on SDDC property rentals. Mr McArdle replied that the figure was higher than average but not as high as for Council Tax. People’s ability to pay was considered. However, recovery was pursued on houses showing consistent non-payment.

SA/27 **DATE OF NEXT MEETING**

The date of the next meeting was to be announced.

**Councillor Steve Taylor
Chair**

The meeting terminated at 8.20pm.

REPORT TO:	ANNUAL COUNCIL	AGENDA ITEM: 14
DATE OF MEETING:	18th MAY 2017	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN PARAGRAPH NO: N/A
MEMBERS' CONTACT POINT:	ARDIP KAUR 01283 595715 Ardip.Kaur@south-derbys.gov.uk	DOC:
SUBJECT:	POLITICAL PROPORTIONALITY	REF:
WARD(S) AFFECTED:	ALL	

1.0 Recommendations

- 1.1 That, in accordance with Council Procedure Rule No. 1.1(e), the Council appoints the Committees and Sub-Committees as set out at Annexe 'A' together with the six Area Forums detailed in Article 9 of the Council's Constitution.
- 1.2 That the Council approves and adopts the recommended allocation of seats to the Political Groups for the municipal year 2017/18.
- 1.3 That the Council allocates seats between the Political Groups as set out at Annexe 'A' and invites the two Groups to make nominations to fill the seats.

2.0 Purpose of Report

- 2.1 To consider the Council's political proportionality for the municipal year 2017/18.

3.0 Detail

- 3.1 The Council's duty to determine the allocation of seats is prescribed by Section 15 of the Local Government and Housing Act 1989 ("the Act") (specifically subsections (3) to (5) as modified by The Local Government (Committees and Political Groups) Regulations 1990 ("the Regs")). A Political Group is defined as being constituted by at least two Members who have advised the proper officer of the local authority in writing that they wish to be treated as a Political Group.
- 3.2 The political composition of the Council is as follows:-
 - Conservative Group 24
 - Labour Group 12
- 3.3 The Council is required to review the representation of the different political groups on Committees and Sub-Committees at, or as soon as practicable after, the Annual Meeting of the Council; or where notice is received of a change in the composition of Political Groups.

3.4 The principles of determination are as follows:-

- (a) All the seats are not allocated to the same Group;
- (b) The majority of the seats go to the Group (if any) which has an overall majority on the Council;
- (c) Subject to the above two principles, that the number of seats on the total of all the ordinary Committees allocated to each Group bears the same proportion to the proportion on the Full Council.

3.5 The total number of Committee seats on the District Council for allocation is 98. After calculating the proportionality for the two Groups, this gives 65 seats to the Conservative Group and 33 seats to the Labour Group, as indicated on the schedule attached at Annexe 'A'.

4.0 Financial Implications

4.1 None.

5.0 Corporate Implications

5.1 The rules on political balance are covered by Sections 15 and 16 of the Local Government and Housing Act 1989 and by The Local Government (Committees and Political Groups) Regulations 1990.

6.0 Community Implications

6.1 None.

7.0 Background Papers

7.1 Local Government and Housing Act 1989
The Local Government (Committees and Political Groups) Regulations 1990

ANNEXE 'A'

POLITICAL PROPORTIONALITY 2017/18

Committee	Membership	Conservative Group	Labour Group
Finance & Management	13	9	4
Environmental & Development Services	13	9	4
Housing & Community Services	13	9	4
Planning	13	9	4
Licensing & Appeals	15	9	6
Overview & Scrutiny	8	5	3
Standards	6	4	2
Joint Consultative	5	3	2
Etwell Leisure Centre Joint Management	3	2	1
Audit Sub	5	3	2
Heritage Grants Sub	4	3	1
Seats available for allocation	98	65 (65.33)	33 (32.67)
Total number of seats on Council	36 (100%)	24 (66.67%)	12 (33.33%)

COMPOSITION OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS **2017/18**

FINANCE AND MANAGEMENT COMMITTEE (13)

Conservative Group (9)

Councillor Harrison (Chairman), Councillors Mrs Plenderleith (Vice-Chairman) and Councillors Mrs Coe, Mrs Coyle, Ford, Hewlett, Smith, Watson and Wheeler

Labour Group (4)

Councillors Rhind, Richards, Southerd and Wilkins

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE (13)

Conservative Group (9)

Councillor Watson (Chairman), Councillor Muller (Vice-Chairman) and Councillors Mrs Brown, Coe, Mrs Hall, Mrs Patten, Roberts, Tipping and Wheeler

Labour Group (4)

Councillors Chahal, Dunn, Taylor and Tilley

HOUSING AND COMMUNITY SERVICES COMMITTEE (13)

Conservative Group (9)

Councillor Hewlett, (Chairman), Councillor Smith (Vice-Chairman) and Councillors Billings, Coe, Mrs Coyle, Grant, MacPherson, Muller and Mrs Wyatt

Labour Group (4)

Councillors Rhind, Richards, Shepherd and Taylor

PLANNING COMMITTEE (13)

Conservative Group (9)

Councillor Roberts (Chairman), Councillor Mrs Brown (Vice-Chairman) and Councillors Mrs Coe, Ford, Mrs Hall, Harrison, Muller, Stanton and Watson

Labour Group (4)

Councillors Dr Pearson, Shepherd, Southerd and Tilley

LICENSING AND APPEALS COMMITTEE (15)

Conservative Group (9)

Councillor Mrs Patten (Chairman) and Councillors Atkin, Mrs Coyle, Harrison, Muller, Mrs Plenderleith, Stanton, Watson and Wheeler

Labour Group (6)

Councillors Dunn, Rhind, Richards, Mrs Stuart, Southerd, and Taylor

OVERVIEW AND SCRUTINY COMMITTEE (8)

Conservative Group (5)

Councillor Swann (Chairman), Councillor Billings (Vice-Chairman) and Councillors Atkin, Mrs Coe and Mrs Patten

Labour Group (3)

Councillors Bambrick, Dr Pearson & Mrs Stuart

STANDARDS COMMITTEE (6)

Conservative Group (4)

Councillor Harrison (Chairman), Councillor Atkin (Vice-Chairman) and Councillors Mrs Hall and Stanton

Labour Group (2)

Councillors Dunn and Dr Pearson

JOINT CONSULTATIVE COMMITTEE (5)

Conservative Group (3)

Councillors Ford, Harrison and Wheeler

Labour Group (2)

Councillors Richards and Southerd

ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE (3)

Conservative Group (2)

Councillors Billings and Mrs Plenderleith

Labour Group (1)

Councillor Shepherd

AUDIT SUB-COMMITTEE (5)

Conservative Group (3)

Councillor Grant (Chairman), Councillor Atkin (Vice-Chairman) and Councillor Mrs Wyatt

Labour Group (2)

Councillors Dunn and Shepherd

HERITAGE GRANTS SUB-COMMITTEE (4)

Conservative Group (3)

Councillors Mrs Coyle, Hewlett and Smith

Labour Group (1)

Councillor Taylor

SINGLE STATUS STEERING GROUP (3)

Conservative Group (2)

Councillors Harrison and Wheeler

Labour Group (1)

Councillor Wilkins

COMMUNITY PARTNERSHIP SCHEME ASSESSMENT PANEL (5)

Conservative Group (3)

Councillors Ford, Watson and Wheeler

Labour Group (2)

Councillors Rhind and Taylor

CORE STRATEGY WORKING PANEL (5)

Conservative Group (3)

Councillors Hewlett, Smith and Watson

Labour Group (2)

Councillors Rhind and Richards

LOCAL PLAN OFFICER/MEMBER WORKING GROUP (6)

Conservative Group (4)

Councillor Watson (Chairman) and Councillors Mrs Plenderleith, Stanton and Wheeler

Labour Group (2)

Councillors Shepherd and Taylor

SERVICE AND FINANCIAL PLANNING WORKING GROUP (5)

Conservative Group (3)

Councillors Ford, Harrison and Wheeler

Labour Group (2)

Councillors Richards and Wilkins

SUBSTITUTE PANELS 2017/18

FINANCE AND MANAGEMENT COMMITTEE

Conservative Group (9)

Councillors Billings, Mrs Brown, Coe, Mrs Hall, MacPherson, Murray, Roberts, Stanton and Tipping

Labour Group (4)

Councillors Chahal, Dunn, Taylor and Tilley

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

Conservative Group (9)

Councillors Atkin, Mrs Coyle, Grant, Harrison, Hewlett, Murray, Mrs Plenderleith, Smith and Stanton

Labour Group (4)

Councillors Rhind, Richards, Shepherd and Southerd

HOUSING AND COMMUNITY SERVICES COMMITTEE

Conservative Group (9)

Councillors Mrs Coe, Mrs Hall, Murray, Mrs Plenderleith, Roberts, Stanton, Swann, Watson and Wheeler

Labour Group (4)

Councillors Chahal, Dunn, Southerd and Wilkins

PLANNING COMMITTEE

Conservative Group (9)

Councillors Coe, Mrs Coyle, Grant, Hewlett, MacPherson, Mrs Patten, Murray, Swann and Tipping

Labour Group (4)

Councillors Rhind, Richards, Mrs Stuart and Taylor

JOINT CONSULTATIVE COMMITTEE

Conservative Group (3)

Councillors Hewlett, Mrs Patten and Watson

Labour Group (2)

Councillors Taylor and Tilley

ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE

Conservative Group (2)

Councillors Muller and Roberts

Labour Group (1)

Councillor Chahal.

HERITAGE GRANTS SUB-COMMITTEE

Conservative Group (3)

Councillors Atkin, Watson and Wheeler

Labour Group (1)

Councillors Rhind

SINGLE STATUS STEERING GROUP

Conservative Group (2)

Councillors Mrs Coyle and Mrs Plenderleith

Labour Group (1)

Councillor Richards

COMMUNITY PARTNERSHIP SCHEME ASSESSMENT PANEL

Conservative Group (3)

Councillors Atkin, Murray and Smith

Labour Group (2)

Councillors Southerd and Wilkins

**SCHEDULE OF PERSONS NOMINATED FOR SERVICES AS
REPRESENTATIVES OF THE COUNCIL
ON OUTSIDE BODIES FOR 2017/18**

Organisation	Representative(s)
1. Acre Lane, Shardlow Sand & Gravel Site Liaison Committee	Councillor P Watson Councillor Mrs H Coyle (sub)
2. Adult Care Services Board(Supporting People).	Chairman of Housing and Community Services Committee
3. Arts Derbyshire	Councillor J Hewlett
4. Association of Retained Council Houses Ltd. (ARCH)	Councillor J Hewlett Director of Housing and Environmental Services
5. Building Control Joint Working Project Board.	Chairman of Environmental & Development Services Committee
6. Burton Hospitals NHS Foundation Trust Governors	Councillor Mrs A Plenderleith
7. Central Midlands Audit Partnership Board	Chairman of Audit Sub-Committee Vice-Chairman of Audit Sub-Committee (sub)
8. Community Arts Project (“People Express”) Management Committee	Councillor Mrs M Hall Councillor Mrs K Coe
9. Community Transport (Swadlincote) Management Committee	Councillor M Hall
10. D2 Joint Committee For Economic Prosperity	Councillor R Wheeler Councillor M Ford (sub)
11. Derby Airfield Consultative Committee	Councillor M Ford
12. Derby and Derbyshire Strategic Leadership Forum	Councillor R Wheeler Councillor M Ford (sub) Chief Executive Monitoring Officer (sub)
13. Derby and Sandiacre Canal Trust Ltd	Councillor M Stanton
14. Derbyshire Hate Crime Panel	Councillor J Patten
15. Derbyshire Partnership Forum	Councillor R Wheeler
16. Derbyshire Police and Crime Panel	Councillor P Murray Councillor S Swann (sub)
17. Derbyshire Sport	Councillor P Smith
18. Donington Park Racing Circuit Liaison Committee	Councillor P Watson Councillor N Atkin (sub) Councillor J Harrison (sub)
19. East Midlands Airport Independent Consultative Committee	Councillor J Harrison Councillor N Atkin (sub)
20. East Midlands Airport Liaison Committee	Aston, Melbourne and Repton Ward Members
21. East Midlands Arts	Councillor J Patten
22. East Midlands Councils	Councillor R Wheeler

23. Elvaston Quarry Waste Disposal Site Liaison Committee	Councillor P Watson Councillor Mrs H Coyle (sub)
24. Environmental Education Project Steering Group	Councillor J Hewlett
25. Goseley Community Centre Committee	Councillor Mrs K Coe Councillor S Taylor
26. Heart of the Forest Forum	Councillor M Stanton
27. Hilton Harriers Mease Management Committee	Councillor J Patten
28. Homestart	Councillor P Smith
29. Local Government Association (London)	Councillor R Wheeler (General Assembly) Councillor M Ford (Rural Commission) Councillor P Watson (Urban Commission)
30. Local Government Information Unit	Councillor R Wheeler Councillor M Ford (sub)
31. Melbourne Sporting Partnership	Director of Community and Planning
32. New Albion Revised Liaison Committee	Councillor P Watson
33. Next Step Against Domestic Abuse	Councillor J Patten
34. Parking and Traffic Regulations (outside London) Adjudication Joint Committee	Councillor P Watson
35. Pingle Artificial Turf Pitch Management Group	Councillor P Smith
36. Relate	Councillor J Patten
37. Rosliston and Caldwell Village Hall Management Committee	Councillor R Wheeler
38. Rosliston Forestry Centre Management Executive	Councillor J Hewlett
39. Rosliston Forestry Community Group	Councillor J Grant
40. Rural Action Derbyshire	Councillor M Stanton
41. Safer South Derbyshire Partnership Strategic Group	Councillor R Wheeler Councillor J Hewlett (sub)
42. Shardlow Heritage Centre Museum Working Group	Councillor M Stanton
43. Sharpe's Pottery Heritage & Arts Trust Ltd.	Councillor Mrs H Coyle Councillor Mrs K Coe Councillor M Stanton Councillor R Wheeler
44. Sir John Port and John Osbourne Almshouses Charitable Trust	Councillor D Muller
45. Social Care Forum	Councillor P Smith
46. South Derbyshire Citizens Advice	Councillor J Hewlett Councillor Mrs K Coe

47. South Derbyshire CVS	Councillor Mrs M Hall Councillor R Tipping
48. South Derbyshire Partnership	Councillor R Wheeler Councillor M Ford Councillor K Richards Councillor T Southerd (sub) Chief Executive
49. South Derbyshire Mental Health Association	Councillor J Hewlett
50. South Derbyshire Music Trust Management Committee	Councillor P Murray
51. South Derbyshire Strategic Sports Group	Councillor P Smith Councillor J Hewlett (sub)
52. Swadlincote Shopmobility Scheme	Councillor Mrs S Wyatt Councillor N Tilley
53. Swarkestone Pit, Barrow-on-Trent Sand and Gravel Site Liaison Committee	Councillor M Ford Councillor Mrs H Coyle (sub)
54. Toyota Community Liaison Committee	Councillor R Wheeler Councillor D Muller
55. Waste Less/Save More Project	Councillor P Watson

MEMBER CHAMPIONS 2017/18

Armed Forces Covenant	Councillor Atkin
Arts & Culture	Councillor Hewlett
Consultation, Communication & Engagement	Councillor Murray
Design (Planning)	Councillor Mrs Brown
Equality & Diversity	Councillor Mrs Patten
Health & Safety	Councillor Watson Labour Group nominee
Historic Environment	Councillor Stanton
Information Technology	Councillor Billings Labour Group nominee
Older People	Councillor Coe
Performance & Data Quality	Councillor Harrison
Procurement & Business Improvement	Councillor Mrs Plenderleith
Risk Management	Councillor Watson
Safeguarding	Councillor Mrs Coe
Training	Councillor Mrs Hall Labour Group nominee
Waste & Recycling	Councillor Watson
Waste Less/Save More	Councillor Watson
Voluntary Sector	Councillor Hewlett
Young People	Councillor Mrs Coyle

REPORT TO:	ANNUAL COUNCIL	AGENDA ITEM: 20
DATE OF MEETING:	18th MAY 2017	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN PARAGRAPH NO: N/A
MEMBERS' CONTACT POINT:	DEMOCRATIC SERVICES (EXT 5848 / 5722)	DOC:
SUBJECT:	ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2016/17	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: N/A

1.0 Recommendation

1.1 That Council receives the Annual Report of the Overview and Scrutiny Committee for 2016/17.

2.0 Purpose of Report

2.1 To submit the Annual Report of the Overview and Scrutiny Committee for 2016/17.

3.0 Detail

3.1 A copy of the Overview and Scrutiny Committee's Annual Report for 2016/17 is attached at Annexe 'A'.

4.0 Financial / Corporate / Community Implications

4.1 None.

5.0 Background Papers

5.1 Annual Report 2016/17.

Overview and Scrutiny Committee Annual Report 2016-2017

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 - 1.4 Functions of Overview and Scrutiny Committee
 - 1.5 Meetings
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2. Specific Areas of Activity and Achievements
 - 2.1 The Annual Report
 - 2.2 Setting the Committee Work Programme
3. Challenges for 2016 -2017

Acknowledgement

I am pleased to present this year's Overview and Scrutiny Annual Report, which contains information about the Committee's activity over the past year.

It has been a demanding year for the Council which continues to face the challenge of delivering services to the residents of South Derbyshire. The Overview and Scrutiny Committee has been tasked with analysing and monitoring services in order to provide constructive feedback to increase efficiency as well as, where possible, reduce costs.

This Annual Report demonstrates the wide range of issues that have been considered within the scrutiny process and providing committee members the opportunity to select areas to review.

The Overview and Scrutiny Committee recognises and appreciates the valuable contributions that Elected Members, Officers and representatives of organisations have made towards its work, and acknowledges that without this support and co-operation, it could not fulfil its aim to improve services for the benefit of South Derbyshire residents.

It is also appropriate to acknowledge the hard work and commitment of Councillor Gill Farrington, the Overview and Scrutiny Committee's late Chairman.

Councillor Stuart Swann
Chairman of the Overview & Scrutiny Committee

1. Background

1.1 Purpose of the Report

This is the Annual Report to Council from Overview and Scrutiny, as required by Article 6 of the Council's Constitution.

Overview and Scrutiny plays an important part in local government decision-making and is a principal way of achieving open, democratic accountability for the provision of public services. The aim of Overview and Scrutiny is to improve public services and quality of life for local residents. Its main value is in holding the Council and other service providers to account, monitoring performance and in its capacity to inform and influence the actions of the Council and its partners. Overview and Scrutiny is a legal requirement, introduced by the Local Government Act 2000, extended in later legislation, and consolidated in the Localism Act of 2011. Overview and Scrutiny allows Councillors to examine, question and evaluate various functions of the Council and other providers of public services on behalf of the public in an open and effective way.

The report outlines how the Overview and Scrutiny Committee has discharged its functions during the municipal year 2016/17 and details the current position and outcomes of its activities.

1.2 Composition of Overview and Scrutiny Committee

The Committee consists of eight Members; five Members of the Conservative Group and three Members of the Labour Group, in accordance with the political balance of the Council. For 2016/17, the following Members were appointed to the Committee:-

Conservative Group

Councillor Mrs Farrington (Chair), Councillor Swann (Vice-Chair), Councillor Billings, Councillor Mrs Coe and Councillor Mrs Patten

Labour Group

Councillor Bambrick, Councillor Dunn and Councillor Dr Pearson

1.3 Main Purposes of Overview and Scrutiny Committee

The main purposes of the Committee are as follows:-

- (a) Write reports and/or make recommendations to Council, Policy Committees or Area Forums in connection with the formulation of policy and the discharge of any functions.
- (b) Consider any matter affecting the District or its residents.
- (c) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions.

- (d) Exercise the Call-In procedure in respect of decisions made, but not yet implemented, by any Policy Committee or Area Forum.
- (e) Oversee the appropriate processes and report findings to the relevant Policy Committee.

1.4 Functions of Overview and Scrutiny Committee

- (a) Holding the Council and its statutory partners to account in the public interest, enabling transparent and effective decision-making. This includes the power to 'call-in' a decision made by any policy committee that has not yet been implemented. (See 1.6)
- (b) Supporting effective policies and initiatives, which have a beneficial impact on the community through policy review and development.
- (c) Contributing to continuous improvement in services through monitoring quarterly departmental performance reports and the implementation of improvement plans.
- (d) Having a positive impact on the work and outcomes of external agencies and providers of public services.
- (e) Aiding Councillors in engaging with their communities and playing the role of community representatives and leaders.

1.5 Meetings

The Overview and Scrutiny Committee usually meets every six weeks, on Wednesday evenings at the Council's Civic Offices. In order to engage on a more direct level with residents, meetings can be taken out into the community. Meetings are held in Open session, unless there are Exempt items for consideration by the Committee. Additional task groups can be set-up to undertake work on the Committee's behalf, which usually happens when there is a need to review a topic in greater depth.

1.6 Call-In of Policy Committee Decisions

The Overview and Scrutiny Committee has the power to determine 'call-in' requests of any policy committee decision made but not implemented. During the year 2016/17, the Committee was not required to deal with any 'called in' decisions or requests from Policy Committees for specific investigations.

2. Specific Areas of Activity

2.1 The Annual Report

In March 2017, the Committee considered the draft Annual Report for the 2016/17 municipal year, which looks at each of the priorities in turn and provides an overview of some of the outcomes achieved by the Committee and how it has discharged its function throughout the year.

2.2 Setting the Committee Work Programme

The Committee held a workshop in June 2016 outlining suggestions on how the Committee might identify and agree possible issues to form the basis of its Work Programme during the forthcoming municipal year. Members considered a range of potential areas for the Committee to review and the specific focus of their attention.

The key areas identified were:

- (a) Section 106 Health Based NHS Contributions
- (b) Regulation of Investigatory Powers Act (RIPA) 2000
- (c) Festival of Leisure
- (d) Public Health
- (e) Trident Housing Association
- (f) Telecare Provision
- (g) Street Scene, Recycling, Bulky Waste Collections
- (h) Voluntary Sector
- (i) Member IT Provision
- (j) Member Training
- (k) Housing Revenue Account Budget (HRA) 2015/16
- (l) The Budget 2016/17

A short summary of the Committee's work during the year is set out below.

(a) Section 106 Health Based NHS Contributions

The work relating to Section 106 Contributions continued in 2016/17. The Committee invited representatives from the Clinical Commissioning Group to attend a Committee Meeting, where an update was provided by the Commissioning Manager of Primary & Community Services, of the NHS Southern Derbyshire Clinical Commissioning Group, who commented that, in relation to Section 106 matters, South Derbyshire was one of the more engaged authorities in the county. The Committee resolved that the work undertaken in conjunction with the Planning Department and Clinical Commissioning Group had made substantial progress, and allocated funds were in the process of being dispersed accordingly.

(b) Regulation of Investigatory Powers Act 2000 (RIPA)

The Committee has a standing function to monitor the Council's use of Regulation of Investigatory Powers (RIPA) on a quarterly basis, following the Council's Inspection by the Office of Surveillance Commissioners. The Committee was satisfied the Council's use of Regulation of Investigatory Powers Act 2000 Policy and Guidance during the municipal year 2016/17 had been carried out according to the Act of 2000.

(c) Festival of Leisure

This item had been requested to appear on the Work programme as some Members of the Committee felt that the original direction of the festival as a community event had perhaps changed over the last couple of years, and was now looked upon as a more commercial event. The Director of Community and Planning Services delivered an update to the Committee, emphasising the joint aims of keeping net costs to a minimum and maximising community participation. The Committee was satisfied with the proceedings relating to the Festival of Leisure and that local groups and charities had been given the opportunity to attend the event at reduced prices or at no cost.

(d) Public Health

i) Derbyshire Community Healthcare

A Derbyshire Community Health Services General Manager attended a Committee meeting presenting a comprehensive overview of the Community Nursing Service in the Swadlincote and surrounding area. This provided the Committee with a greater understanding of the issues involved, including the difficult decisions faced in facilitating the appropriate care to all service users.

ii) East Midlands Ambulance Service (EMAS)

An EMAS External Relations and Engagement Manager attended a Committee Meeting and informed Members of how the service is currently run including its call prioritisation criteria. Information regarding service improvement plans were also outlined. Ongoing updates from EMAS continue to be received and circulated.

iii) NHS Hospital Trusts

Following an initial meeting with the Chief Executives of both Derby Teaching Hospitals NHS Foundation Trust and Burton Hospitals NHS Foundation Trust, representatives from both Trusts delivered an informative presentation on the planned collaboration between the two bodies to a subsequent Committee Meeting. This provided an in-depth insight into the potential benefits of the partnership. As this collaboration develops, further updates have been promised, including a potential public meeting on the subject once further decisions have been made.

(e) Trident Housing Association

The Chairman and Vice-Chairman along with another committee member met with representatives from Trident Housing regarding a number of serious issues of concern raised by residents of Oakland Village. Feedback was provided to the Committee and it transpired that significant progress had been made on the issues for the benefit of residents. It was subsequently reported that residents had relayed positive comments as a result of this involvement

(f) Telecare Provision

A presentation was delivered to Committee by the Housing Operations Manager outlining the current and proposed telecare provision within the District. The vital

nature of this service and its importance in helping reduce hospital admissions was noted. Future funding and home alterations were explained, aimed at helping individuals return home and releasing hospital beds. Committee was advised that policies in this area are currently being reviewed, including housing allocation.

(g) Street Scene / Recycling / Bulky Waste

The Director of Housing and Environmental Services presented a report to Committee highlighting that the review of services had become crucial in order to deliver value and operate efficiently, particularly in view of the continuing growth within the district and its subsequent impact. It was clarified that a review of recycling provision at Civic Amenity sites would evaluate whether these sites are financially effective by assessing the cost of clearing dumped waste, the subsequent loss of recycling credit and the impact of waste going into landfill. Members suggested that identifying and addressing seasonal pressure points combined with educating residents through the provision of clear information on waste allowance would be of assistance in addressing these issues, particularly in relation to fly-tipping. It is expected that further reports, particularly relating to Street Scene issues, will be considered during the next municipal year.

(h) Voluntary Sector

The Committee commenced a review of funding and support granted to Voluntary and Community Sector Organisations in order to ensure that a full spectrum of organisations are represented.

(i) Member IT Provision

The Committee has worked with the Director of Finance and Corporate Services to review the current Member IT Provision specifically the use of the current iPads. This review was brought about by concerns that the iPads were not being used to their full potential and that changes to the current set-up could give Members additional functionality from the existing provision. Given the age of the existing iPads and potential conflicts with the Council's IT infrastructure that could be caused by opening up access to additional functionality; it was determined that new mobile devices would be the most effective solution and the process of evaluation and testing was instigated. This would initially take the form of a small focus group and feedback would be incorporated into the decision-making process.

(j) Member Training

The Director of Planning and Community Services presented the report to the Committee providing Members with a draft programme of training. It was agreed that the Director would liaise with the Member Champions for Training as well as this Committee in order to identify and co-ordinate any further training requirements.

(k) Housing Revenue Account Budget (HRA) 2016/17

The Committee has a specific role to assist the Finance and Management Committee with the Business Plan for the Housing Revenue Account budget (HRA) and to subject it to a detailed review of future capital investment plans to ensure that the HRA could meet commitments for debt repayment and maintain a minimum working balance in accordance with the Financial Strategy. The Committee was satisfied with the work undertaken and the outcome of the HRA review.

(I) The Budget 2017/18

The Committee has a responsibility to assist the Finance and Management Committee to review the budget proposals. The Committee considered the Budget, the General Fund and capital at two of its meetings in January and February 2017. Members were also invited to attend policy-setting meetings and Area Forums where detailed presentations were given. The Committee was satisfied with the work undertaken and the outcome of the review of the Budget 2017/18. The Vice-Chairman also delivered a verbal update to the Finance and Management Committee, noting its review of the budgetary matters presented by the Director of Finance and Corporate Services. He reported that the Committee had carefully considered the budget reports and acknowledged the potential financial challenges facing the Council, but no matters of significance from an overview and scrutiny perspective were cited for further investigation.

3 Challenges for 2017-2018

- To build on, and update, the achievements of Overview & Scrutiny.
- To ensure that Overview and Scrutiny continues to make a positive contribution to the development of policy and the continuous improvement of the Council's operations.
- To continue to ensure the Overview and Scrutiny work programme reflects concerns of service users, community and the public.
- To continue to ensure Overview and Scrutiny works with the community and key partners to respond to local concerns.
- To continue to ensure that the work of Overview and Scrutiny has a positive effect on decision-makers and provides evidence that it has made a real difference.
- To ensure Overview and Scrutiny takes a more active appropriate role respect of the work of the Policy Committees and their decisions.

Chairman, Vice-Chairman and Members of the Overview and Scrutiny Committee
March 2017

REPORT TO:	ANNUAL COUNCIL	AGENDA ITEM: 21
DATE OF MEETING:	18 th MAY 2017	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN PARAGRAPH NO: N/A
MEMBERS' CONTACT POINT:	ARDIP KAUR (ext.5715) Ardip.Kaur@south-derbys.gov.uk	DOC:
SUBJECT:	CYCLE OF MEETINGS 2017/18	REF:
WARD(S) AFFECTED:	ALL	

1.0 Recommendations

1.1 That, in accordance with Council Procedure Rule No. 1.1 (g) of the Council's Constitution, the cycle of Meetings for 2017/18 (**Appendix A** to this report) be approved.

2.0 Purpose of Report/Detail

2.1 To consider the cycle of Meetings for 2017/18 attached at **Appendix A**.

3.0 Financial Implications

3.1 None.

4.0 Corporate Implications

4.1 None.

5.0 Community Implications

5.1 None.

6.0 Background Papers

6.1 None.

COMMITTEE AND COUNCIL MEETINGS 2017/18

Committee	Day	Date
ANNUAL COUNCIL	Thursday	18.05.17
CIVIC COUNCIL	Thursday	25.05.17
Environmental & Development Services	Thursday	01.06.17
Planning	Tuesday	06.06.17
Audit Sub	Wednesday	14.06.17
Housing & Community Services	Wednesday	14.06.17
Finance & Management	Thursday	15.06.17
Overview & Scrutiny	Wednesday	21.06.17
Finance & Management (Special – Final Accounts)	Thursday	22.06.17
Planning	Tuesday	27.06.17
COUNCIL	Thursday	29.06.17
Etwell JMC	Wednesday	12.07.17
Planning	Tuesday	18.07.17
Finance and Management (Special)	Thursday	20.07.17
Planning	Tuesday	08.08.17
Environmental & Development Services	Thursday	17.08.17
Housing & Community Services	Thursday	24.08.17
Finance & Management	Thursday	31.08.17
Planning	Tuesday	05.09.17
Overview & Scrutiny	Wednesday	06.09.17
Audit Sub	Wednesday	20.09.17
Finance & Management (Special - Final Accounts) 5pm	Thursday	21.09.17
COUNCIL	Thursday	21.09.17
Planning	Tuesday	26.09.17
Etwell JMC	Wednesday	27.09.17
Environmental & Development Services	Thursday	28.09.17
Housing & Community Services	Thursday	05.10.17
Finance & Management	Thursday	12.10.17
Planning	Tuesday	17.10.17
Overview & Scrutiny	Wednesday	18.10.17
COUNCIL	Thursday	02.11.17
Planning	Tuesday	07.11.17
Environmental & Development Services	Thursday	16.11.17
Housing & Community Services	Thursday	23.11.17
Planning	Tuesday	28.11.17
Overview & Scrutiny	Wednesday	29.11.17
Finance & Management	Thursday	30.11.17
Audit Sub	Wednesday	13.12.17
Planning	Tuesday	19.12.17
Environmental & Development Services (Special - Budget)	Thursday	04.01.18
Housing & Community Services (Special – Budget)	Tuesday	09.01.18
Etwell JMC	Wednesday	10.01.18
Finance & Management (Special – Budget)	Thursday	11.01.18
Planning	Tuesday	16.01.18
Overview & Scrutiny	Wednesday	17.01.18
COUNCIL	Thursday	18.01.18

COMMITTEE AND COUNCIL MEETINGS 2017/18

Environmental & Development Services	Thursday	25.01.18
Overview & Scrutiny	Wednesday	31.01.18
Housing & Community Services	Thursday	01.02.18
Planning	Tuesday	06.02.18
Audit Sub	Wednesday	14.02.18
Finance & Management	Thursday	15.02.18
COUNCIL	Monday	26.02.18
Planning	Tuesday	27.02.18
Environmental & Development Services	Thursday	01.03.18
Housing & Community Services	Thursday	08.03.18
Finance & Management	Thursday	15.03.18
Planning	Tuesday	20.03.18
Audit Sub	Wednesday	21.03.18
Overview & Scrutiny	Wednesday	21.03.18
Planning	Tuesday	10.04.18
Etwall JMC	Wednesday	11.04.18
COUNCIL	Thursday	12.04.18
Environmental & Development Services	Thursday	19.04.18
Housing & Community Services	Thursday	26.04.18
Planning	Tuesday	01.05.18
Finance & Management	Thursday	03.05.18
ANNUAL COUNCIL	Thursday	17.05.18
CIVIC COUNCIL	Thursday	24.05.18