

CITY OF
Lincoln
COUNCIL

The Constitution of the City of Lincoln Council

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April 2018 – V1	G Watts	20 April 2018	Incorporation of changes agreed by Council and changes agreed by City Solicitor via delegated authority
July 2018 – V1	G Watts	24 July 2018	Incorporation of changes agreed by Council
November 2018 – V1	G Watts	19 November 2018	Incorporation of changes agreed by City Solicitor via delegated authority following comprehensive review
March 2019 – V1	G Watts	11 March 2019	Incorporation of changes agreed by Council and changes agreed by City Solicitor via delegated authority
March 2019 – V2	G Watts	25 March 2019	Incorporation of changes to delegated powers agreed by the Executive
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January 2023 – V1	C Evans	1 March 2023	Incorporation of changes agreed by Council (Financial Procedure Rules)
April 2023 – V2	C Evans	13 April 2023	Incorporation of changes agreed by Council (members' allowances scheme)
January 2024 – V1	C Evans	5 January 2024	Incorporation of changes agreed by Council (members' allowances scheme)

April 2024 – V2	C Evans	15 April 2024	Incorporation of changes agreed by Council (Crime and Disorder Terms of Reference)
August 2024 – V3	C Evans	9 August 2024	Incorporation of changes agreed by Council (Audit Committee Terms of Reference and changes to portfolios)
February 2025 – V1	C Evans	28 February 2025	Incorporation of changes agreed by Council (members' allowances scheme)
March 2025 – V2	C Evans	19 March 2025	Incorporation of changes agreed by Council (Procurement Procedure Rules and appointment of local Returning Officer for GLCCA)
April 2025 – V3	C Evans	9 April 2025	Incorporation of changes agreed by Council (members' allowances scheme for from 1 April 2025)

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Part 1: Summary and Explanation

The City of Lincoln Council's Constitution

The City of Lincoln Council has a Constitution, which sets out how the Council operates, how decisions are made, and the procedures that are followed to ensure that the Council is efficient, transparent, and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

This summary outlines the main features of the Constitution.

What's in the Constitution?

Part 2 of the Constitution is divided into 17 articles which set out the basic rules governing the Council's business. The Articles refer to more detailed procedures and codes of practice, which are set out in separate rules and protocols contained in other Parts of the Constitution.

Article 1 sets out the purpose of the Constitution, which is to ensure that the Council functions effectively, efficiently, transparently and accountably, in partnership with, and to the benefit of, the local community, delivering quality services and striving for continuous improvement.

Articles 2 to 17 explain the rights of citizens and how the key parts of the Council operate. The following list shows the subject matter of each of these Articles.

- | | | |
|------------|---|--|
| Article 2 | - | Members of the Council |
| Article 3 | - | Citizens and the Council |
| Article 4 | - | The Full Council |
| Article 5 | - | The Mayor and Deputy Mayor |
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| Article 16 | - | Review and Revision of the Constitution |
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How the Council Operates

The Council is comprised of 33 Councillors with one-third elected three years in four. Councillors are democratically accountable to residents of their Ward.

The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Council has appointed an Ethics and Engagement Committee that ensures members receive training and advice on the code of conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council also appoints the Executive and a number of other committees including four Scrutiny committees.

The Executive

The Executive is the part of the Council, which is responsible for most day-to-day decisions. The Leader is appointed by the Council and it is his/her responsibility to appoint members to the Executive. The Constitution provides that the Leader can appoint up to 9 members to serve on the Executive. All executive arrangements rest with the Leader who has complete discretion to allocate decision making powers to the Executive as a body or to delegate decision making to Executive members or to officers.

When major decisions are to be discussed, or made, these are published in the Executive's Work Programme in so far as they can be anticipated. Meetings of the Executive will generally be open for the public to attend, except where certain confidential matters are being discussed. The Executive's decisions must be in line with the Council's overall policies and budget. If the Executive or a member of the Executive wishes to make a decision, which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Scrutiny

There are four Scrutiny committees who scrutinise the work of the Executive and the Council as a whole and have a role in the development of policy. The four committees have been appointed as follows:

- Performance Scrutiny Committee
- Policy Scrutiny Committee
- Community Leadership Scrutiny Committee
- Select Scrutiny Committee

They can allow citizens representatives and other stakeholders to contribute to their work by involving them in reviews of the Council's policies and performance. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy. The Policy Scrutiny Committee also monitors the decisions of the Executive by considering the contents of the Executive Work Programme. The Community Leadership

Scrutiny Committee scrutinises plans, actions and decisions made by the council's partner organisations that are responsible for the services in the city. The Select Scrutiny Committee considers requests, to "call-in" a decision, which has been made by the Executive but not yet implemented. This enables the committee to consider whether the decision is appropriate, and can if necessary recommend that the Executive or Council reconsider the decision.

Planning and Licensing

Planning and Licensing decisions are not made by the Executive, but by specially appointed Committees of the Council.

The Council's Staff

The Council's staff (called Officers) give advice to members, implement decisions and manage the day-to-day delivery of the Council's services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources properly. A code of practice governs the relationship between Officers and Members of the Council.

Citizens' Rights

Citizens have rights in their dealings with the Council both under the Constitution and the general law.

Citizens have the right to:-

- vote at local elections providing their names are included on the electoral register;
- contact their local Councillor about any matters of concern to them;
- inspect and obtain a copy of the Constitution;
- attend meetings of the Council, its executive and its committees except where, for example, certain confidential matters are being discussed;
- ask questions at Council meetings;
- submit petitions to Council in accordance with the Council's Petition Scheme;
- make verbal representations at Planning Committee on planning applications;
- find out, from the Executive's Work Programme, what major decisions are to be discussed by the Executive or decided by the Executive or officers, and when;
- see reports and background papers, and any record of decisions made by the Council and Executive;
- complain to the Council about the standard of service provided by the Council;
- complain to the Ombudsman if they think the Council has not followed its procedures properly;
- complain to the Monitoring Officer if they have evidence which they think shows a Councillor has not followed the Council's Code of Conduct;

- make written representations in relation to a variety of licensing and planning applications
- complain about the standard of conduct of organisations/individuals for whom the Council has a regulatory enforcement role
- seek information which the Council must disclose under the Freedom of Information Act 2000.
- inspect the Council's accounts and make their views known to the external auditor; and
- make their views known to the Council on any matter.

Where members of the public use specific Council services, for example as Council tenants they have additional rights. These are not covered by the Constitution.

Access to Information

Except where confidential matters are to be discussed, citizens will be able to inspect agendas and reports five days before meetings of the Council, its Committees, and the Executive, and to attend those meetings if they wish. Full details of all meetings are available from Democratic Services, City of Lincoln Council, Beaumont Fee, Lincoln. Telephone 01522 873387. Democratic Services will also help you if you wish to inspect agendas and reports, or if you wish to inspect or obtain a copy of the Constitution.

Copies of all agendas, reports and minutes are also available on www.lincoln.gov.uk

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ARTICLE 1 - The Constitution

1.1 Powers of the Council

The City of Lincoln Council will exercise all of its powers and duties in accordance with the Law and this Constitution.

1.2 The Constitution

This document, and all of its appendices, is the Constitution of the City of Lincoln Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

1. Enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations in the City of Lincoln;
2. Support the active involvement of citizens in the process of local authority decision making;
3. Assist Councillors in meeting their representational roles and strengthening links with the community;
4. Enable decisions to be taken efficiently and effectively;
5. Create a powerful and effective means of holding decision-makers to public account;
6. Ensure that no-one will review or scrutinise a decision in which they were directly involved;
7. Ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. Provide a means of improving the delivery of services to the community.

1.4 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution in accordance with Article 16.

For the purposes of this constitution “working days” are defined as days on which the City of Lincoln Council’s offices are open for its normal working hours.

ARTICLE 2 - Members of the Council

2.1 Composition and Eligibility

- (a) **Composition** There are 33 members of the Council called councillors. The Council’s area is divided into 11 wards. Three councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.
- (b) **Eligibility** Only persons entered on the electoral register for the City of Lincoln or those living, working or owning land or premises in the City of Lincoln will be eligible to hold the office of councillor.

2.2 Election and Terms of Office of Councillors

Election by thirds An Election will be held to elect one councillor in each ward on the first Thursday of May in each year, except in those years when County Council elections are held eg 2017. Usually the term of office of a councillor elected at such an election will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

2.3 Filling of Casual Vacancies

Casual vacancies arising between regular elections will be filled in accordance with the requirements of the Representation of the People Act 1983, as may be amended or replaced. The term of office of a councillor elected at a by-election will be as determined by legislation.

2.4 Roles and Functions of all Councillors

- (a) **Key Roles**

All Councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;

- (iii) effectively represent the interests of their ward and of individual constituents;
 - (iv) respond to constituents' enquiries and representations, fairly and impartially;
 - (v) participate in the governance and management of the Council;
 - (vi) maintain the highest standards of conduct and ethics; and
 - (vii) be available to represent the Council on other bodies
- (b) Rights and Duties
- (i) Councillors have such rights of access as the law allows to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions
 - (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it; and
 - (iii) For these purposes "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.5 Conduct

Councillors must at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.6 Allowances

Councillors will receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

2.7 Training

(i) Councillors appointed to Planning or Licensing Committees (including sub-committees) must attend any training provided before taking part in the meetings.

ARTICLE 3 - Citizens and the Council

3.1 Citizens' Rights

Citizens' rights include those set out in this Article. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution.

(a) Voting and Petitions

Citizens on the electoral roll for the area have the right

- (i) to vote
- (ii) to sign a petition to request a referendum of all electors for the Council to have a Constitution with an elected Mayor.

All residents and other stakeholders can present petitions in accordance with the Council's Petition Scheme, which are relevant to any matter in respect of which the Council has powers and duties or which affect the City. The Petition Scheme is included within Part 8 of the Constitution.

(b) Information - Citizens have the right to:-

- (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) attend meetings of the Executive when key decisions are being considered except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (iii) find out from the Executive Work Programme what Key Decisions will be taken by the Executive and when;
- (iv) see reports and background papers and any records of decisions made by the Council and the Executive except where confidential or exempt information is likely to be disclosed; and
- (v) inspect the Council's accounts and make their views known to the external auditor.
- (vi) seek information from the Council under current disclosure rules set out in more details in the Access to Information Procedure Rules

(c) **Participation**

- (i) Citizens have the right to ask questions at meetings of the Council in accordance with Rule 11 of the Council Procedure Rules contained in Part 4 of this Constitution.
- (ii) The Council may appoint Citizens' representatives and representatives of other stakeholders to its Scrutiny Committees, and such other bodies as it considers appropriate.
- (iii) Citizens' representatives and other stakeholders who are not appointed to Scrutiny Committees may be invited to contribute to the work of those Committees.
- (iv) Citizens may make representations at Planning Committee and Licensing Sub Committee in prescribed circumstances in accordance with the relevant public speaking protocol.

(d) **Complaints**

Citizens have the right to complain to:-

- (i) the Council itself under its complaints procedures;
- (ii) the Ombudsman in respect of any alleged mal-administration; and
- (iii) the Monitoring Officer if it is a breach of the Councillors' Code of Conduct.
- (iv) the Council's auditor on the legality of expenditure of Council finances.
- (v) the Information Commissioner in respect of suspected breaches of the Data Protection Act and the Freedom of Information Act.
- (vi) the Police in respect of any acts of suspected corruption on the part of person connected with the Council.

3.2 Citizens' Responsibilities

Citizens must not be violent, abusive or threatening towards Councillors, Officers or any members of the public on Council land or premises and must not wilfully harm things owned by the Council, Councillors or Officers.

ARTICLE 4 - The Full Council

4.1 Meanings

- | | | |
|-----|-----------------------|--|
| (a) | Policy Framework | <p>The policy framework means the following plans and strategies together with any further plans and strategies which the Council expressly resolves should form part of the policy framework:</p> <ul style="list-style-type: none">• Council Strategic Plan and delivery plan• Strategic Plan Annual Report• Lincoln Growth Strategy• Crime and Disorder Reduction Strategy• Licensing Authority Policy Statement• Local Development Framework• Workforce Development Strategy• Equality Objectives |
| (b) | Financial Framework | <p>The Financial Framework means the following plans and strategies:-</p> <ul style="list-style-type: none">• Medium Term Financial Strategy• Capital Strategy• Asset Management Plan• Treasury Management Strategy <p>The setting of the budget includes the allocation of financial resources to different services, projects, and contingency funds, calculating the council tax base, setting the council tax, setting the housing rent levels and decisions relating to the control of the Council's borrowing requirements, the control of its capital expenditure, and the setting of virement limits.</p> |
| (c) | Housing Land Transfer | <p>Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purpose where approval is required under Sections 32 or 43 of the Housing Act 1985.</p> |

4.2 Functions of the Council

The following functions can only be exercised by the Council at a properly convened meeting to which all of its members have been summoned:

- (a) adopting and changing the Constitution (minor amendments to the Constitution, such as changes in officer responsibilities or job titles and mandatory legislative changes, have been delegated to the City Solicitor);
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, resolving any matter which is an Executive function where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to, or not wholly in accordance with, the budget;
- (d) appointing the Leader;
- (e) agreeing and/or amending the terms of reference for committees, (other than Committees of the Executive);
- (g) adopting or amending an allowance scheme as prescribed for in Article 2;
- (h) changing the name of the area and conferring the freedom of the borough on Citizens of the City of Lincoln;
- (i) approving the appointment or the dismissal of the Head of Paid Service, the Monitoring Officer, or the Chief Finance Officer;
- (j) making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;
- (k) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive; and
- (l) all other matters which, by law, must be reserved to Council.

4.3 Council Meetings

There are three types of Council meeting:-

- (a) the annual meeting;
- (b) ordinary meetings; and
- (c) extraordinary meetings.

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.4 Responsibilities for Functions

The City of Lincoln Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions.

ARTICLE 5 - The Mayor and Deputy Mayor

5.1 Election of Mayor and Deputy Mayor

- (i) A Mayor and a Deputy Mayor will be elected by the Council at its annual meeting.
- (ii) The Mayor and Deputy Mayor will be appointed in accordance with the list of Seniority maintained by the Democratic Services Team.

5.2 Role and Functions of the Mayor

The Mayor and in their absence the Deputy Mayor will act as First Citizen of the City and will chair meetings of the Council. They should at all times and regarding all matters act impartially, notwithstanding that they may be members of a political group.

(a) Ceremonial Role

The Mayor will take a leading role in all ceremonial and public affairs of the City, including:-

1. acting as host on behalf of the Council and the Citizens of Lincoln at civic functions organised by the Council, and receiving members of the Royal Family and important visitors to the City;
2. representing and promoting the City at functions held within Lincoln, the United Kingdom and abroad to which an invitation is received.

(b) Chairing the Council Meeting

The Mayor or Deputy Mayor will have the following responsibilities:-

1. to uphold and promote the purposes of the Constitution, and to interpret it when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;

3. to ensure that Council meetings are conducted in accordance with Council Procedure Rules in a manner conducive to the proper debate of matters of concern to the local community; and to ensure that the Council functions as a forum in which the Executive can be held to account;
4. to promote public involvement in the Council's activities.

ARTICLE 6 - Scrutiny Committees

6.1 Appointment and Remit

At its Annual Meeting each year the Council will appoint the four scrutiny committees listed below to review and scrutinise the discharge of the executive's functions and the effectiveness of the Council's policies.

- Performance Scrutiny Committee
- Policy Scrutiny Committee
- Community Leadership Scrutiny Committee
- Select Scrutiny Committee

6.2 Role

Scrutiny committees will carry out their duties in accordance with the terms of reference set out in Rule 1 of the Scrutiny Procedure Rules contained in Part 4 of this Constitution.

6.3 Finance

Scrutiny Committees will have responsibility for any budget made available to them for the discharge of their responsibilities.

6.4 Annual Report

Scrutiny Committees (with the exception of Select Scrutiny Committee) must report annually to full Council on their work and make such recommendations as they consider appropriate for future work programmes and changes in working methods.

6.5 Proceedings of Scrutiny Committees

Scrutiny Committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution.

ARTICLE 7 - The Executive

7.1 The Role of the Executive

The Leader will appoint an Executive to carry out all of the local authority's functions which are not the responsibility of any other part of

the local authority, whether by law or under this Constitution.

The allocation of seats to the Executive shall be to the political group with an overall majority of seats on the Council (under the “exceptions to proportionality” provisions of section 17 of the Local Government and Housing Act 1989). However, in the event of the Council being balanced and therefore no single group having the overall majority the allocation of seats on the Executive shall be proportional as required by Section 15 of the Local Government and Housing Act 1989.

7.2 Form and Composition

The Executive shall consist of up to 10 Members including the Leader. The Mayor and Deputy Mayor cannot be members of the Executive.

7.3 Leader

The Leader will be a councillor elected to the position of Leader by the Council. The Leader will hold the office for the period of their term of office unless:-

- (a) He/she resigns from the office; or
- (b) He/she is no longer a councillor; or
- (c) By resolution of the Council.

The Leader shall be responsible for:-

- (a) Appointing the Deputy Leader
- (b) Appointing, removing and replacing members of the Executive;
- (c) Allocating decision making powers to the Executive and individual members of the Executive.
- (d) Allocate members of their political group to Council committees and Outside Bodies.

7.4 Deputy Leader

The Deputy Leader will exercise all the functions of the Leader in their absence.

7.5 Other Executive Members

Other Executive members shall hold office from Annual meeting to Annual meeting unless:-

- (a) they resign from office; or

- (b) they are no longer councillors; or
- (c) they are removed from office, either individually or collectively, by the Leader of the Council.

7.6 Executive Portfolios

- (a) Each Member of the Executive will, in accordance with the Terms of Reference for Executive Members set out in the Schedule of Responsibilities, have special responsibility for the exercise of a portfolio of Executive's functions as agreed by the Leader.
- (b) The Leader will determine which Executive member is to be responsible for which portfolio.
- (c) Members of the Executive may not be Members of any of the Scrutiny committees detailed in Article 6.

7.7 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

7.8 Responsibility for Functions

The Council will maintain a list in Part 3 of this Constitution setting out which individual members of the Executive, committees, officers or joint arrangements are responsible for the exercise of particular Executive functions (Portfolios).

ARTICLE 8 - Regulatory and other Committees/Panels

8.1 Regulatory and other Committees

The Council will appoint the following committees to discharge the responsibilities set out in Table IA of the Tables of Responsibility for Council functions in part 3 of this Constitution :-

- Planning Committee
- Licensing Committee

8.2 Proceedings of Regulatory and other Committees

- (i) Regulatory and other Committees must conduct their proceedings in accordance with Rules 6-8, 12.3 to 12.7, 14-17 and 18-28 (but not Rule 23.1 or 26) of the Council Procedure Rules set out in Part 4 of this Constitution.

- (ii) The Planning Committee will also be subject to the City of Lincoln Council Probity in Planning: Code of Practice which is set out in Part 5 of this Constitution.
- (iii) The Licensing Committee and Licensing Sub Committee when acting in accordance with the Licensing Act 2003 and Gambling Act 2005 shall conduct the proceedings in accordance with their own hearing procedure.

8.3 Appeals Panels

The Council will appoint the following Appeals Panels to discharge the responsibilities set out in Table IA of the Tables of Responsibility for Council functions in part 3 of the Constitution:

- Personnel Appeals Panel
- Housing Appeals Panel
- Member Investigating Committee

8.4 Proceedings of Appeals Panels

Appeals Panels must conduct their proceedings having regard to Article 14.8 and in accordance with such procedures applicable to the matter under consideration as the Council shall determine.

8.5 Public Speaking at Planning Committee

Applicants and objectors to proposals for development shall be entitled to address the Committee in accordance with the Protocol for Public Speaking at Planning Committee contained in Part 5 of the Constitution.

8.6 Member Investigating and Disciplinary Committee

The Council's Member Investigating and Disciplinary Committee will meet as required in accordance with the Local Authority (Standing Orders) (England) (Amendment) Regulations 2015.

ARTICLE 9 – Audit Committee (Revised on 17 July 2024)

1 Audit Committee

- 1.1 The Audit Committee is directly accountable to Full Council. It is independent of both the executive and the scrutiny functions and is a key advisory Committee providing independent oversight, recommendations, opinions and influence on the matters for which it is responsible. To assist the Audit Committee in fulfilling its role, it has a right of access to and is expected to engage constructively with other committees and functions, and has the right to request reports and seek assurances from relevant officers.

1.2 The Audit Committee must conduct its proceedings in accordance with Rules 6-8, 12.3 to 12.7, 14 -17 and 18-28 (but not Rule 23.1 or 26) of the Council Procedure Rules set out in Part 4 of the Constitution.

1.3 The Council will appoint an Audit Committee as follows:-

Number of Members	8 – 7 Councillors and at least 1 Independent member
Substitute Members permitted	Yes, provided they have met the training requirements
Restrictions on membership	Executive members or the mayor may not be a member of this Committee.
Quorum	3 Councillors
Number of ordinary meetings per Council year	At least 4 per year

2 Statement of purpose

2.1 The Audit Committee is a key component of the City of Lincoln's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

2.2 The purpose of the Audit Committee is to provide independent assurance to the Council members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the City of Lincoln's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

2.3 To decide upon and authorise allowances to the Committee's Independent Member.

3 Governance, risk and control

3.1 To review the Council's arrangements for corporate governance, including the local Code of Corporate Governance and agreeing necessary actions to ensure compliance with best practice (the good governance framework, including the ethical framework).

3.2 To monitor the effectiveness of the Authority's risk management arrangements (development and operation).

3.3 To monitor progress in addressing risk-related issues reported to the Committee.

- 3.4 To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- 3.5 To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code.
- 3.6 To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- 3.7 To monitor the Council's anti-fraud and anti-corruption arrangements (including an assessment of fraud risks and potential harm from fraud and corruption).
- 3.8 To monitor the counter-fraud strategy, actions and resources.
- 3.9 To review the governance and assurance arrangements for significant partnerships or collaborations.
- 3.10 To consider reports on customer complaints against service provision and monitor the effectiveness of the arrangements for managing these complaints.
- 3.11 To appoint the Chair as the Lead Member of the Information Governance Board and to monitor and oversee Information Governance practices within the Council.
- 3.12 To maintain an overview of the Council's constitution in respect of contract procedure rules and financial procedure rules.
- 3.13 To review any issue referred to it by the Chief Executive, a Strategic Director, Monitoring Officer, Chief Financial Officer or any Council body as the Chair considers appropriate within the general Terms of Reference of the Committee.
- 3.14 To consider the Council's compliance with its own and other published standards and controls.
- 3.15 To report and make recommendations to Executive or Council on major issues and contraventions.
- 3.16 To support ethical values and reviewing arrangements to achieve those values as appropriate.

4 Financial Reporting

Governance Reporting

- 4.1 To review the Authority's assurance statements, including the Annual Governance Statement prior to approval, ensuring it properly reflects the risk environment and supporting assurances (including internal audit's annual opinion on governance, risk and control).
- 4.2 To consider whether the annual evaluation for the AGS fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives.
- 4.3 To consider whether any non-conformance is significant enough that it must be included in the AGS.

Financial Reporting

- 4.4 To monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met.
- 4.5 The Audit Committee, as the Committee "Charged with Governance" should consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
- 4.6 To review the annual statement of accounts. The Committee should consider whether appropriate accounting policies have been followed and whether there are any concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- 4.7 To receive on an annual basis a report on the Treasury Management Strategy before approval by the Executive and Full Council.
- 4.8 To be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

5 Arrangements for audit and assurance

- 5.1 To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.

External Audit

- 5.2 To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and

review of any issues raised by PSAA (Public Sector Audit Appointments) or the authority's auditor panel as appropriate.

- 5.3 To consider the reports of external audit and inspection agencies, including the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- 5.4 To consider specific reports as agreed with the external auditor.
- 5.5 To comment on the scope and depth of external audit work and to ensure it gives value for money.
- 5.6 To commission work from internal and external audit, as required, and as resources allow.
- 5.7 To advise and recommend on the effectiveness of relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
- 5.8 To provide free and unfettered access to the Audit Committee Chair for the auditors, including the opportunity for a private meeting with the Committee.
- 5.9 Monitor management action in response to any issues raised by external audit.

Internal Audit

- 5.10 To approve the Internal Audit Charter.
- 5.11 To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- 5.12 To approve (but not direct) internal audit's risk-based annual audit plan including resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those sources.
- 5.13 To approve significant interim changes to the risk based internal audit plan and resource requirements.
- 5.14 To make appropriate enquiries of both management and the Head of internal audit (Audit Manager) to determine if there are any inappropriate scope or resource limitations.
- 5.15 To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of internal audit. To approve and periodically review safeguards to limit such impairments.

- 5.16 Consider reports from the Head of internal audit concerning internal audit activity including internal audit reports on the effectiveness of internal controls (key findings and issues of concern) and seeking assurance that action has been taken where necessary on the implementation of agreed actions.
- 5.17 To monitor audit performance, including QAIP (Quality Assurance and Improvement Program) results and any non-conformance with PSIAS (Public Sector Internal Audit Standards) and LGAN (Local Government Application Notes).
- 5.18 Receive and consider the annual report and opinion of the Head of internal audit including conformance with PSIAS.
- 5.19 To consider summaries of specific internal audit reports as requested by the Audit Committee.
- 5.20 To receive reports outlining the action taken where the Head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- 5.21 To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- 5.22 Consider the regular review of effectiveness of internal audit to support the AGS, where required to do so by the Accounts and Audit Regulations.
- 5.23 To provide free and unfettered access to the Audit Committee Chair for the Head of internal audit, including the opportunity for a private meeting with the Committee.
- 5.24 To have the right to call any Officers or Members of the Council as required to offer explanation in the management of internal controls and risks.

6 Accountability arrangements

- 6.1 To report to Full Council on an annual basis the Committee's performance in relation to meeting their Terms of reference and the effectiveness of meeting their purpose. The report to include findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions.

- 6.2 To publish an annual report on the work of the Committee, including a conclusion on the compliance with the CIPFA position Statement.

ARTICLE 10 – Ethics and Engagement Committee

10.1 Ethics and Engagement Committee

The Council will appoint an Ethics and Engagement Committee.

10.2 Composition

- The Ethics and Engagement Committee will comprise nine councillors appointed annually from among their number.
- The Leader of the Council shall be excluded from taking part in matters directly relating to complaints made against members of the Council, but shall be allowed to be appointed and to act as a member of the Committee in all other matters.
- The Ethics and Engagement Committee will be appointed in accordance with political proportionality rules.
- The Ethics and Engagement Committee and/or Monitoring Officer must consult the Independent Person on matters relating to the Members' Code of Conduct and dispensations.
- The Ethics and Engagement Committee can invite the Independent Person to attend Ethics and Engagement Committee meetings and meetings of the Assessment and Hearing Sub-Committees. The Committee may also invite the Independent Person to speak at the Committee's meetings but he or she will not be entitled to vote on any matters.
- The Committee shall meet at least quarterly unless otherwise agreed.
- The quorum for the Committee shall be three councillors.

10.3 Role and Function

The Ethics and Engagement Committee will have the following roles and functions:-

- (a) promoting and maintaining high standards of conduct by elected and Co-opted members;
- (b) assisting Councillors in observing the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;

- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train Councillors on matters relating to the Members' Code of Conduct;
- (f) assess and hear any cases of an alleged breach of the Members' Code of Conduct
- (g) granting dispensations to members on the following grounds:-
 - (1) that so many members of the decision making body have Disclosable Pecuniary Interests (DPI's) or Personal and Pecuniary Interests in a matter that it would "impede the transaction of the business". In practice this means that the decision making body would be inquorate as a result.
 - (2) that without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.
 - (3) that the authority considers that the dispensation is in the interests of persons living in the authority's area.
 - (4) that, without a dispensation, no member of the Executive would be able to participate on the matter, or
 - (5) that the authority considers that it is otherwise appropriate to grant a dispensation.
- (h) to decide upon and authorise allowances for Independent Person(s)
- (i) to consider matters relating to the governance of the Council and ethical conduct by councillors, and propose relevant guidance if appropriate
- (j) to monitor councillor development and offer guidance intended to improve its efficacy, value or delivery
- (k) to develop innovative and effective proposals to improve democratic engagement

10.4 Proceedings of the Ethics and Engagement Committee

- (1) The Ethics and Engagement Committee must conduct its proceedings in accordance with Rules 6-8, 12.3 to 12.7, 14 - 17 and 18-28 (but not Rule 23.1 or 26 of the Council Procedure Rules set out in Part 4 of this Constitution.
- (2) Code of Conduct Hearings must conduct their proceedings in accordance with the adopted hearing procedure.

10.5 Quorum

The quorum for any meeting of the Ethics and Engagement Committee shall be three members.

10.6 Code of Conduct Hearings

The following panels will be appointed as and when required:

The Assessment Sub–Committee which will:-

- (a) assess any alleged breach of the member code of conduct, which has been referred to them by the Monitoring Officer, in consultation with the Independent Person.

The Hearing Sub–Committee which will:-

- (a) hear any cases against an alleged breach of the Member Code of Conduct
- (b) be authorised to impose one or more of the following sanctions, if thought appropriate;
 - 1. reporting its findings to Council
 - 2. recommending to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub – Committees of the Council
 - 3. recommending to the Leader of the Council that the member be removed from Executive or removed from particular portfolio responsibilities
 - 4. instructing the Monitoring Officer to arrange training for the member
 - 5. removing the member from all outside bodies to which they have been appointed
 - 6. withdrawing facilities provided to the member by the Council, such as computer, website and/or email or internet access
 - 7. excluding the member from Council offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committees or Sub - Committee

ARTICLE 11 - Area Committees/Forums

Role of Area Committees

The Council may appoint area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

ARTICLE 12 - Joint Arrangements

12.1 Arrangements to Promote Well Being

The Council or the Executive, in order to promote the economic, social or environmental well-being of its area, may:

- enter into arrangements or agreements with any person or body;
- co-operate with; or facilitate or co-ordinate the activities of, any person or body; and
- exercise on behalf of that person or body any functions of that person or body.

12.2 Joint Arrangements with Other Local Authorities

- (a) In order to promote the economic social or environmental well-being of its area or otherwise in the interests of the effective economic and efficient discharge of its functions
- (i) the Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities or to advise the Council. Such arrangements may involve the appointment of a joint committee with those other local authorities.
 - (ii) the Executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with those other local authorities.

12.3 Appointments to Joint Committees

- (a) Where joint arrangements involve a joint committee to discharge functions which are the sole responsibility of the Executive, a committee of the Executive, or an individual member of the Executive, that body or individual is responsible for appointing the Council's representatives on the joint committee. The political balance requirements do not apply to such appointments.
- (b) Except as set out below, the Executive, a committee of the Executive, or an individual executive member, may only appoint Executive members to a joint committee and those members need not reflect the political composition of the Council as a whole.
- (c) The Executive may appoint members from outside the Executive to a joint committee in the following circumstances:

- where the joint committee is discharging a function in relation to five or more local authorities. In this case, the executive may appoint to the joint committee any member of the Council; or
- where the function which the joint committee is discharging is a function which is required by statute to be discharged by a joint committee. In this case, the executive may appoint to the joint committee any member of the Council; or
- where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Executive may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area;

In all of these cases the political balance requirements do not apply to such appointments.

- (d) Where joint arrangements involve a joint committee to discharge a number of functions on behalf of the Council some of which are the responsibility of the Executive and some of which are the responsibility of the Council as a whole, the Council will appoint its members of the joint committee, with the agreement of the Executive Committee of the Executive or executive member (as the case may be) having responsibility for any of these functions. The political balance requirements will apply to appointments made in those circumstances.
- (e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's Statement of Responsibility for Functions in Part 3 of this Constitution.

12.4 Access to Information

The Access to Information Rules in Part 4 of this Constitution apply. The following arrangements will apply:

- If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to the executive.
- If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act, 1972 will apply.

12.5 Delegation to and from other Local Authorities

Delegation arrangements between the Council and other local authorities are as follows:

- The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local

authority

- The executive may delegate executive functions to another local authority or the executive of another local authority in certain circumstances
- The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council.

12.6 Contracting Out

The Council and the Executive, with regard to their respective functions, may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

ARTICLE 13 - Officers of the Council

13.1 Terminology

“Officers” means all employees engaged by the Council to carry out its functions.

13.2 Management Structure

(a) General

The Council may engage such officers as it considers necessary to carry out its functions

(b) Chief Officers

The Council will engage persons for the following posts who will be designated chief officers:-

Post	Functions and areas of responsibility
Chief Executive and Town Clerk	Head of Paid Service, having ultimate responsibility for all staff and corporate management, and departmental responsibility for legal, electoral services, democratic services, procurement, human resources (including work based learning) civic and twinning, finance, insurance, creditors/debtors, risk management, audit, commercialism, communications, business strategy and performance, strategic information provision, social policy and partnership management, business

	development and ICT, revenues and benefits, customer services and corporate property.
Strategic Director – Communities and Environment	Public protection, CCTV, Parks, open spaces and allotments, cleansing, grounds maintenance, waste, public conveniences, car parks, bus station, environmental protection, pollution control, food, health and safety, licensing, private sector housing, community centres, sport and leisure, crematorium and cemeteries, events culture and tourism, neighbourhood working and planning (including development management, building control and heritage).
Strategic Director – Housing and Investment	HRA/Landlord Services, housing needs, property shop, homelessness, control centre, city maintenance services, housing investment, housing strategy, safeguarding and the commissioning of Council new build.
Strategic Director – Major Developments	Western Growth Corridor, Central Lincoln Transport Hub, Public Realm Strategy, Cornhill Area Redevelopment, Lincoln Science and Innovation Park, Lincoln Smart City Group, Delivery of the Southern Bypass, Partner in the A15 improvements, delivery of new build and any other major developments considered appropriate by the Chief Executive and Town Clerk.
Chief Finance Officer	Individual responsibilities as listed in the management structure and detailed elsewhere in the Constitution.
City Solicitor	Individual responsibilities as listed in the management structure and detailed elsewhere in the Constitution.

(c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer.**

The following posts will have the designated responsibilities shown:

Post	Designation
Chief Executive and Town Clerk	Head of Paid Service
Chief Finance Officer	Chief Finance Officer (S.151)
Financial Services Manager	Deputy Chief Finance Officer

City Solicitor

Monitoring Officer

Legal Services Manager

Deputy Monitoring Officer

Democratic Services and Elections
Manager

Deputy Monitoring Officer

(d) Structure

The Council will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out in Part 9 of this Constitution.

13.3 Functions of the Head of Paid Service

(a) Discharge of functions by the Council.

The Head of Paid Service will have overall responsibility for:-

- (i) the manner in which the discharge of the Council's functions is co-ordinated;
- (ii) the provision of professional advice to all parties in the decision making process, that is to say the Council, the Executive, Scrutiny Committee's and all other committees and sub-committees of the Council;
- (iii) ensuring that all decisions of the Council, the Executive and all Committees are implemented; and
- (iv) the management of all staff.

(b) Restrictions on functions.

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

13.4 Functions of the Monitoring Officer

(a) Maintaining the Constitution.

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.

(b) Ensuring lawfulness and fairness of decision-making.

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Full Council or Executive

in relation to an Executive function as the case may be if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) Supporting the Ethics and Engagement Committee.

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Ethics and Engagement Committee.

(d) Conducting investigations.

The Monitoring Officer

(1) will receive complaints in writing regarding allegations of failure to comply with the Code of Conduct

(2) after consultation with the Independent Person, has the power to determine whether a complaint merits formal investigation and to arrange such investigation and to report quarterly to the Ethics and Engagement Committee on the discharge of this function

(3) will try to seek local resolution of complaints, without formal investigation wherever practicable, and have the discretion to refer decisions on investigation to the Ethics and Engagement Committee where he/she considers that it is inappropriate to take the decision, and to report quarterly to the Ethics and Engagement Committee on the discharge of this function

(4) has the power to close a code of conduct complaint if the investigation finds no evidence of failure to comply with the Code of Conduct and will report quarterly to the Ethics and Engagement Committee on the discharge of this function

(e) Register of Interests

The Monitoring Officer

(1) shall prepare and maintain a register of members' interests and ensure that the register is available for inspection

(2) shall inform all members of their duty to register interests

(f) Proper Officer for access to information.

The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible. For the purpose of duties in respect of the Freedom of Information Act 2000 the Monitoring Officer is “The Qualified Person”.

(g) Providing advice.

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and officers in consultation with the Chief Finance Officer. In the event of a difference of opinion between the Monitoring Officer and the Chief Finance Officer the advice of both officers shall be taken into account in making any relevant decisions.

(h) Dispensations

The Monitoring Officer shall have the power to grant dispensations on the following grounds:-

- (1) that so many members of the decision making body have DPI's in a matter that it would “impede the transaction of the business”. In practice this means that the decision making body would be inquorate as a result; or
- (2) that, without a dispensation, no member of the Executive would be able to participate on the matter.

(i) Restrictions on posts.

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

13.5 Functions of the Chief Finance Officer

(a) Ensuring lawfulness and financial prudence of decision making.

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council or to the Executive in relation to an Executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) Administration of financial affairs.

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

- (c) Contributing to corporate management.

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

- (d) Providing advice.

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and officers in consultation with the Monitoring Officer. In the event of a difference of opinion between the Chief Finance Officer and the Monitoring Officer the advice of both Officers shall be taken into account in making any relevant decision.

- (e) Giving financial information.

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

13.6 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their statutory duties to be performed.

13.7 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

13.8 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

ARTICLE 14 - Decision Making

14.1 Responsibility for decision making

The Council will issue and keep up-to-date in part 3 of this Constitution a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions.

14.2 Principles of decision making

All decisions of the Council, whoever takes them, will be made:

- in accordance with this Constitution
- within the Council's legal powers
- having regard to all relevant considerations and only those considerations
- having regard, in particular, to the Council's main aims and core values and its strategic plan, unless the decision in question involves any alteration to them
- having concluded that the desired outcome merits the action or expenditure involved
- with clearly defined aims and outcomes
- following appropriate consultation with the public and other stakeholders
- with due regard to the professional advice of officers
- openly, unless the Constitution or the law provides otherwise
- accountably

14.3 Decision making by the Full Council

Subject to Article 14.8, the Council meeting will follow the procedure rules relating to the Council set out in Part 4 of this Constitution when considering any matter.

14.4 Decision making by the Executive

Subject to Article 14.8, the Executive will follow the procedure rules relating to the Executive set out in Part 4 of this Constitution when considering any matter.

14.5 Decision making by scrutiny committees

Scrutiny committees will follow the Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

14.6 Decision making by Regulatory or other Committees and Sub-Committees established by the Council

Subject to Article 14.8, the Council's Committees and Sub-Committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution which apply to them. In addition, the Planning Committee will follow the procedure laid down in the planning probity code. Where the code is silent on any matter the Council Procedure Rules will apply.

14.7 Decisions by Officers

Subject to Article 14.8 Officers making decisions must follow the Officer Code of Conduct in Part 5 and act in accordance with the Council's Financial Regulations and Contract Procedure Rules set out in Part 4 in all circumstances to which they apply.

14.8 Decision making affecting civil rights and obligations

Any person or body charged with determining the civil rights and obligations of any person on behalf of the Council will follow a proper procedure which accords with the requirements of natural justice and safeguards the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

ARTICLE 15 - Finance, Contracts and Legal Matters

15.1 Audit

The Council must provide for an independent annual audit of all Council accounts and may provide for more frequent audits as it deems necessary.

15.2 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

15.3 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 4 of this Constitution.

15.4 Legal Proceedings

The City Solicitor is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he/she considers that such action is necessary to protect the Council's interests.

15.5 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the City Solicitor or other persons authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given the requisite authority to some other person.

15.6 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the City Solicitor. A decision of the Council, or of any person or body authorised to make such a decision, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the City Solicitor should be sealed. The affixing of the Common Seal will be attested by the City Solicitor or the Legal Services Manager or some other person authorised by either of them.

ARTICLE 16 - Review and Revision of the Constitution

16.1 Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

16.2 Protocol for monitoring and review of the Constitution by Monitoring Officer

It will be the duty of the Monitoring Officer to make such recommendations for changes as may be necessary in order to better achieve the purposes set out in Article 1. In undertaking this duty the Monitoring Officer will have regard to any legislative changes affecting the Constitution and may

1. observe meetings of different parts of the member and officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
4. compare practices in this authority with those of other authorities or national examples of best practice.

16.3 Changes to the Constitution

Changes to this Constitution may only be made by the Full Council, subject to minor changes, such as changes in job titles/responsibilities or mandatory changes in legislation, which are delegated to the City Solicitor.

16.4 Changes in the arrangements for discharging the Council's functions

Any proposal to change the arrangements for discharging the Council's functions to any other form of executive arrangements or alternative

arrangements as defined in the Local Government Act 2000, Local Government Public Involvement in Health Act 2007 and the Localism Act 2011 will be dealt with in consultation with local electors and other interested parties and in accordance with the procedures laid down in that Act and all relevant subordinate legislation made and guidance issued under it.

ARTICLE 17 - Suspension, Interpretation and Publication of the Constitution

17.1 Suspension of the Constitution

- (a) Articles not to be suspended

The Articles of this Constitution may not be suspended.

- (b) Rules Capable of Suspension

All Rules of the Council contained within Part 4 of the Constitution may be suspended by Full Council to the extent permitted by law.

- (c) Procedure for Suspension of Rules by Council

A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking into account the purposes of this Constitution set out in Article 1.

17.2 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to the proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

17.3 Publication

- (a) The Monitoring Officer shall arrange for a copy of this Constitution to be made available for each member of the City of Lincoln Council upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.
- (b) The Monitoring Officer will ensure that copies are available for inspection at City Hall and can be purchased by members of the local press and the public on payment of a reasonable fee. In addition, the Constitution will be made available for viewing via the Council's website.

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Section I: Functions Reserved to the Council

Table 1A : Functions for Which the Council Must Be Responsible by Law

1. This table sets out those functions, which the Council must be responsible for by law. It shows
 - which functions it will carry out itself
 - which of its functions are the responsibility of committees
 - which of its functions are delegated to officers to exercise
2. Where a function is the responsibility of a committee but is to be exercised by an officer
 - the committee may determine to take such action in the exercise of the function as it deems fit in relation to any particular matter at any time before any such action has been taken by the officer but the Committee may not rescind the officers delegation generally
 - the officer shall be accountable to the Committee for any action taken in accordance with his or her delegated authority
3. Where a function is to be exercised by any officer in consultation with any other person, the responsible officer's decision shall be final
4. Where any function is delegated to two or more officers or members acting jointly, no action shall be taken unless they are unanimous. If they are not unanimous, the matter shall be referred to the responsible committee for determination.

Function	Responsible Committee	Delegation to Officer
Adopting and changing the Constitution	--	City Solicitor (minor amendments such as changes in job titles/responsibilities or mandatory changes in legislation)
Approving or adopting the policy framework, the budget and any application for Housing Land Transfer	--	--
Appointment of the Leader	--	--
Agreeing and/or amending the terms of reference for committees	--	--
<p>To be responsible in so far as such powers can lawfully be discharged by an officer of the authority under section 101 of the Local Government Act 1972</p> <p>(1) all non – executive powers currently delegated to any committee or sub – committee of the Council and</p> <p>(2) allocates to the Chief Executive under Section 15 (2) of the Local Government Act 2000 all executive powers which are currently reserved to the Leader, the Executive or any member of the Executive.</p> <p>Such delegation and allocation to only continue until the Council appoints a Leader, an Executive and/or Committee capable of discharging those functions.</p>		Chief Executive and any officer authorised by the Chief Executive who can discharge such functions following consultation with relevant members of the authority
Appointing representatives to outside bodies	--	--
Adopting an allowance scheme as prescribed for in Article 2	--	--

Function	Responsible Committee	Delegation to Officer
Changing the name of the area	--	--
Conferring the freedom of the borough on Citizens of the City of Lincoln	--	--
Confirming the appointment of the Head of Paid Service	--	--
Duty to designate officer as the monitoring officer and to provide staff, etc	--	--
Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be)	--	--
Making, amending, revoking, re-enacting or adopting byelaws	--	--
Promoting or opposing the making of local legislation or personal Bills in Parliament	--	--
Appointment of Review Boards	--	--
Passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply to the area	--	--
Duty to appoint an electoral registration officer	--	--
Power to assign officers in relation to requisitions of the registration officer	--	Chief Executive
Duty to appoint returning officer for local government elections	--	--
Duty to divide constituency into polling districts		Chief Executive
Power to pay expenses properly incurred by electoral registration officers	--	Chief Executive
Duty to declare vacancy in office in certain cases	--	Chief Executive

Function	Responsible Committee	Delegation to Officer
Duty to give public notice of a casual vacancy	--	Chief Executive
Power to determine fees and conditions for supplies of copies, or extracts from, election documents	--	Chief Executive
Power to submit proposals to the Secretary of State for an order under Section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	--	--
Power to appoint staff	--	All Chief Officers in accordance with the General Delegations set out in Section 4 except where the Officer Employment Procedure Rules provide otherwise
Power to determine the terms and conditions on which staff hold office (including procedures for their dismissal) but excluding remuneration	--	
Power to sign off Local Agreements in relation to Terms and Conditions	Employee JCC	-
Power to delete vacant established posts of employment.	Executive	Chief Executive in consultation with the Leader and the relevant Portfolio Holder
Power to make procedure rules as to contracts	--	--

Function	Responsible Committee	Delegation to Officer
Power to make payments or provide other benefits in cases of maladministration, etc	--	--
Power to appoint proper officers	--	--
Duty to make arrangements for proper administration of financial affairs, etc	--	--
Power to appoint Independent Person(s) in relation to Ethics and Engagement Committee and member code of conduct	--	--

Function	Responsible Committee	Delegation of Function
<p>Power to approve planning and related applications (planning, listed building, conservation area consent and advertisement applications).</p>	<p>Planning Committee</p>	<p>Strategic Director – Communities and Environment and Planning Manager except where the application –</p> <ul style="list-style-type: none"> • is a significant departure from the Local Plan or conflicts with the policies and proposals of that Plan, unless the principle of such development has been accepted. • Materially conflicts with Council or national policies and guidelines. • Has resulted in a request being received from a Member of the Council for the matter to be referred to the Planning Committee. • Has resulted in four or more objections from separate addresses being received in writing (for clarification, a petition and/or a bundle of standard

Function	Responsible Committee	Delegation of Function
		<p>letters shall be regarded as one objection) unless the matters raised have been satisfied by the imposition of conditions or receipt of amended plans or relate only to non-planning matters.</p> <ul style="list-style-type: none"> • Has resulted in a significant objection from a technical consultee. • Is for development by the local authority (this does not include prior approval applications and certificate of lawfulness applications when the application relates to land owned by the City of Lincoln Council)

Function	Responsible Committee	Delegation of Function
		<p>OR,</p> <ul style="list-style-type: none"> Strategic Director – Communities and Environment or Planning Manager decide not to exercise the delegation eg because the application site has a significant or controversial planning history or previous Committee consideration.
Power to refuse planning and related applications where the information submitted is inadequate for the merits of proposals to be properly considered and determined.	Planning Committee	Strategic Director – Communities and Environment or Planning Manager
Power to refuse planning and related applications which are, in the opinion of the Planning Manager, contrary to the Council's adopted policies or SPD	Planning Committee	<p>Strategic Director – Communities and Environment and Planning Manager except where an application:</p> <ul style="list-style-type: none"> Has resulted in four or more letters of support from separate addresses (for clarification, a petition and/or a bundle of

Function	Responsible Committee	Delegation of Function
		<p>standard letters shall be regarded as one objection);</p> <ul style="list-style-type: none"> • Has resulted in a request being received from a Member of the Council for the matter to be referred to the Planning Committee • Is for development by the local authority <p>OR</p> <ul style="list-style-type: none"> • Strategic Director – Communities and Environment or Planning Manager decide not to exercise the delegation.
<p>In respect of agricultural and telecommunications development permitted by the Town and Country Planning (General Permitted Development) Order 1995, the power:</p> <ul style="list-style-type: none"> • To determine whether to request further details of proposals. • The approval of submitted details, provided that if objections have been received, consultation is undertaken with the Chairman and Vice-Chairman of the Planning Committee. • Refusal of submitted details, whether or not objections have been received from third parties. 	Planning Committee	Strategic Director – Communities and Environment and Planning Manager

Function	Responsible Committee	Delegation of Function
To make determinations as to whether planning permission is required, subject to consultation with the Legal and Democratic Services Manager	Planning Committee	Strategic Director – Communities and Environment and Planning Manager
To issue certificates of lawful use, subject to consultation with the Legal and Democratic Services Manager.	Planning Committee	Strategic Director – Communities and Environment and Planning Manager
To agree and adopt screening opinions with regard to the need for Environmental Impact Assessments and scoping opinions with regard to matters to be included in Environmental Statements.	Planning Committee	Strategic Director – Communities and Environment and Planning Manager
To decline to determine applications for planning permission where a previous application has been dismissed on appeal and there has been no change in circumstances.	Planning Committee	Strategic Director – Communities and Environment and Planning Manager
To determine applications for hazardous substances consent and related powers	Planning Committee	Strategic Director – Communities and Environment and Planning Manager
To determine submissions for approval in respect of planning conditions	Planning Committee	Strategic Director – Communities and Environment and Planning Manager
To determine applications for minor material amendments and non – material amendments	Planning Committee	Strategic Director – Communities and Environment and Planning Manager

Function	Responsible Committee	Delegation of Function
To agree or refuse to accept amendments to planning applications prior to determination.	Planning Committee	Strategic Director – Communities and Environment and Planning Manager
To give observations upon proposals for developments by Government Departments, Statutory Undertakers, the Health Authority, Regional Water Company and other local authorities.	Planning Committee	Strategic Director – Communities and Environment and Planning Manager
To enter into agreements (including amendments to existing agreements) regulating development or use of land under Section 106 Town and Country Planning Act 1990 (joint delegation with Legal and Democratic Services Manager), to take enforcement action against a breach of a Section 106 agreement, subject to consultation with Legal and Democratic Services Manager and agreement of the Chairman of Planning Committee, to agree the appropriate spend of any monies received under a Section 106 agreement and to implement the Council's Community Infrastructure Levy Charging Schedule.	Planning Committee	Strategic Director – Communities and Environment and Planning Manager in consultation with the Legal and Democratic Services Manager.
To authorise the making, but not confirmation (this lies with Planning Committee), of provisional Tree Preservation Orders.	Planning Committee	Strategic Director – Communities and Environment and Planning Manager
To determine applications for works to trees included in a Tree Preservation Order or in a Conservation Area or protected by a planning condition.	Planning Committee	Strategic Director – Communities and Environment and Planning Manager

Function	Responsible Committee	Delegation of Function
To determine applications under the Hedgerow Regulations	Planning Committee	Strategic Director – Communities and Environment and Planning Manager
<p>Authority to :</p> <ul style="list-style-type: none"> • Issue a Planning Contravention Notice • Issue a Section 16 and Section 330 Request for Information • Carry out Formal Cautions • Issue a Breach of Condition Notice <p>Authority to :</p> <ul style="list-style-type: none"> • Issue a Temporary Stop Notice • Prosecution for non-compliance with a temporary Stop Notice • Issue a Stop Notice <p>Authority to serve or institute</p> <ul style="list-style-type: none"> • Fly posting prosecutions • Prosecution for non – return of Planning Contravention Notice • Prosecution for non – compliance with a Breach of Condition Notice • An Enforcement Notice 	<p>Planning Committee</p> <p>Planning Committee</p> <p>Planning Committee</p>	<p>Strategic Director – Communities and Environment and Planning Manager following consultation and agreement with the Chair of the Planning Committee and the Legal and Democratic Services Manager.</p> <p>Strategic Director – Communities and Environment and Planning Manager following consultation and agreement with the Chair of the Planning Committee and the Legal and Democratic Services Manager.</p> <p>Strategic Director – Communities and Environment and Planning Manager following consultation and agreement with the Chair of the Planning Committee and the Legal and Democratic Services Manager.</p>

Function	Responsible Committee	Delegation of Function
<ul style="list-style-type: none"> • A Section 215 Notice • Prosecution for non – compliance with a Section 215 Notice • Prosecution for Unauthorised Display of Advertisement • Notice for the removal of posters and placards and any structures displayed in contravention of the Advertisement Regulations • Prosecution for unauthorised work to a Conservation Area tree • Prosecution for unauthorised work to a tree covered by a Tree Preservation Order • Prosecution for unauthorised work to a Listed Building • Replanting tree notice • Prosecution for non-compliance with Section 16 and Section 330 Request for Information <p>To determine not to take enforcement action, either:</p> <ul style="list-style-type: none"> • Where there is no breach of planning control or, • Where the breach has not been regularised by submission of a planning application, but no or insufficient harm is considered to be caused by the unauthorised development to justify formal enforcement action. 	<p>Planning Committee</p>	<p>Strategic Director – Communities and Environment and Planning Manager except where it has resulted in a request being received from a Member of the Council for the matter to be referred to the Planning Committee.</p>

Function	Responsible Committee	Delegation of Function
Power to authorise entry onto land	Planning Committee	Relevant Chief Officer
All powers delegated to the Planning Committee and to the Planning Manager shall be delegated to the Planning Team Leader in the absence of the Planning Manager.	Planning Committee	Planning Team Leader
To determine the content of the Brownfield Land Register (Parts 1 and 2)	Planning Committee	--
Power to issue licences authorising use of land as a caravan site ("site licences")	Licensing Committee	Strategic Director – Communities and Environment
Power to licence the use of moveable dwellings and camping sites	Licensing Committee	--
Power to licence Hackney Carriages and Private Hire vehicles	Licensing Committee	Strategic Director – Communities and Environment
Power to licence drivers of Hackney Carriages and Private Hire vehicles	Licensing Committee	Strategic Director – Communities and Environment
Power to licence operators of Hackney Carriages and Private Hire vehicles	Licensing Committee	Strategic Director – Communities and Environment
Power to licence sex shops and sex cinemas	Licensing Committee	Strategic Director – Communities and Environment
Power to licence performances of hypnotism	Licensing Committee	
Power to licence premises for acupuncture, tattooing, ear-piercing and electrolysis	Licensing Committee	

Function	Responsible Committee	Delegation of Function
Power to licence pleasure boats and pleasure vessels	Licensing Committee	
Power to grant consent for street trading	Licensing Committee	Strategic Director – Communities and Environment
Power to register and licence premises for the preparation of food	Licensing Committee	Strategic Director – Communities and Environment
Registration of premises for the preparation of fish	Licensing Committee	Strategic Director – Communities and Environment
Power to register scrap metal dealers	Licensing Committee	Strategic Director – Communities and Environment and Legal and Democratic Services Manager
Power to determine applications under the Building Regulations	Licensing Committee	Strategic Director – Communities and Environment
Power to enforce the Building Regulations	Licensing Committee	Strategic Director – Communities and Environment

Function	Responsible Committee	Delegation of Function
Power to issue dangerous structure notice	Licensing Committee	Strategic Director – Communities and Environment
Power to issue demolition notices	Licensing Committee	Strategic Director – Communities and Environment
Power to issue, amend or replace safety certificates (whether general or specific) for sports grounds	Licensing Committee	Strategic Director – Communities and Environment
Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Licensing Committee	Strategic Director – Communities and Environment
Power to issue fire certificates	Licensing Committee	Strategic Director – Communities and Environment
Power to licence pet shops	Licensing Committee	Strategic Director – Communities and Environment
Power to licence establishments where animals are bred or kept for the purposes of carrying on a business (Dogs, cats and horse riding establishments)	Licensing Committee	Strategic Director – Communities and Environment
Power to register animal trainers and exhibitors	Licensing Committee	Strategic Director – Communities and Environment

Function	Responsible Committee	Delegation of Function
Powers to licence zoos	Licensing Committee	Strategic Director – Communities and Environment
Power to licence dangerous wild animals	Licensing Committee	Strategic Director – Communities and Environment
Power to licence persons to collect for charitable and other purposes	Licensing Committee	Strategic Director – Communities and Environment
Power to grant consent for the operation of a loudspeaker	Licensing Committee	Strategic Director – Communities and Environment
Power to approve meat product premises	Licensing Committee	Strategic Director – Communities and Environment
Power to approve premises for the production of minced meat or meat preparations	Licensing Committee	Strategic Director – Communities and Environment
Power to approve dairy establishments	Licensing Committee	Strategic Director – Communities and Environment
Power to approve egg product establishments	Licensing Committee	Strategic Director – Communities and Environment

Function	Responsible Committee	Delegation of Function
Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready to eat foods	Licensing Committee	Strategic Director – Communities and Environment
Power to approve fish products premises	Licensing Committee	Strategic Director – Communities and Environment
Duty to keep register of food business premises	Licensing Committee	Strategic Director – Communities and Environment
Power to register food business premises	Licensing Committee	Strategic Director – Communities and Environment
Health and Safety and welfare functions in connection with work, and control of dangerous substances to the extent that those functions are discharged otherwise than in the authority's capability as an employer	Licensing Committee	Strategic Director – Communities and Environment
The promotion and maintenance of high standards of conduct within the Council in accordance with Article 9	Ethics and Engagement Committee	
To make recommendations on any policy or other matters affecting the terms and conditions on which staff hold office including disciplinary and grievance procedures	Employee JCC	
To monitor and review the effectiveness of the Council's health and safety at work policies and to make recommendations on any matters relating to health and safety at work in respect of employees of the City Council	Employee JCC	

Function	Responsible Committee	Delegation of Function
To consider appeals against dismissal grading and grievances by employees of the Council	Personnel Appeals Panel	
To determine appeals from any decision of the Director of Housing and Regeneration taken under powers delegated to him/her under Table IIC below (other than any decision to issue a notice of seeking possession or to take any subsequent steps in the County Court.	Housing Appeals Panel	
Power to grant Premises Licences/Club Premises Certificate	Licensing Committee	Strategic Director – Communities and Environment
Power to grant Personal Licences	Licensing Committee	Strategic Director – Communities and Environment
Power to grant Temporary Licences	Licensing Committee	Strategic Director – Communities and Environment
Power to register societies or individuals wishing to promote lotteries	Licensing Committee	Strategic Director – Communities and Environment
Power to grant Premises Licences under the Gambling Act 2005	Licensing Committee	Strategic Director – Communities and Environment
Power to grant Gaming Machines Permits	Licensing Committee	Strategic Director – Communities and Environment

Function	Responsible Committee	Delegation of Function
Power to grant Club Gaming Permit	Licensing Committee	Strategic Director – Communities and Environment
Power to grant Club Gaming Machine Permit	Licensing Committee	Strategic Director – Communities and Environment
Power to grant Prize Gaming Permit	Licensing Committee	Strategic Director – Communities and Environment
Power to grant Family Entertainment Centre Gaming Permit	Licensing Committee	Strategic Director – Communities and Environment
Power to grant Temporary Use Notice	Licensing Committee	Strategic Director – Communities and Environment
Power to determine minor variations made under Sections 41A and 86A of the Licensing Act 2003	Licensing Committee	Strategic Director – Communities and Environment

NB. Powers under the Licensing Act 2003 and Gambling Act 2005 are the responsibility of the Licensing Committee created under the Licensing Act 2003.

Table 1B: Functions Which May by Law Be the Responsibility of the Executive but Which Are Reserved to the Council

FUNCTION	DELEGATION TO COMMITTEE	DELEGATION TO OFFICER
<p>The following functions under the Lincoln City Council Act 1985</p> <ul style="list-style-type: none"> • Grazing of horses on the Commons • Parking on the Commons 	<p>Licensing Committee</p>	<ol style="list-style-type: none"> 1. Strategic Director – Communities and Environment in consultation with the Portfolio Holder for Recreational Services and Health be authorised to increase parking charges; 2. Strategic Director – Communities and Environment be authorised to agree the level of costs to be offset against income. 3. Strategic Director – Communities and Environment be authorised to issue licences to graze horses on the Commons

Section II: Executive Functions

Table 2A: Functions Which May by Law Be the Responsibility of the Council but Are the Responsibility of the Executive

Function	Delegation of Function
Functions relating to contaminated land	Strategic Director – Communities and Environment
Functions relating to pollution management and air quality	Strategic Director – Communities and Environment
Service of Abatement Notices	Strategic Director – Communities and Environment
Detection of Statutory Nuisance	Strategic Director – Communities and Environment
Obtaining information in respect of interest in land	All Chief Officers

Table 2B: Functions for Which the Executive Must Be Responsible by Law

All functions of the Council EXCEPT :

- 1. those set out in Table I AND**
- 2. the following functions in the following circumstances:**

FUNCTION	CIRCUMSTANCES
1. The adoption of any strategy or plan, other than a plan or strategy of a description referred to in regulation 4 (1) (b) or Schedule 3	The authority determines that the decision whether the plan or strategy should be adopted or approved should be taken by them
2. The determination of any matter in the discharge of a function which: <ol style="list-style-type: none"> (a) is the responsibility of the executive; and (b) is concerned with the authority's budget, or their borrowing or capital expenditure 	<p>The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made:</p> <ol style="list-style-type: none"> (a) is minded to determine the matter contrary to, or not wholly in accordance with: <ol style="list-style-type: none"> (i) the authority's budget; or (ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and (b) is not authorised by the authority's executive arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms
3. The determination of any matter in the discharge of a function— <ol style="list-style-type: none"> (a) which is the responsibility of the executive; and (b) in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the authority 	The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made, is minded, to determine the matter in terms contrary to the plan, or, as the case may be, the strategy adopted or approved by the authority.

Table 2C: Delegations of Responsibility for Executive Functions to Officers

This table sets out the functions of the Executive which are delegated to officers. The Officer to whom the power is delegated is accountable for the exercise of those powers the primary responsibility in relation to the functions assigned to him or her, but a delegation may also be exercised by any officer designated as the other authorised officer in respect of that function.

CHIEF EXECUTIVE		Authorised Officer
1	To be the Head of Paid Service under Section 4 of the Local Government and Housing Act 1989	Chief Executive (CX)
2	To be the Returning Officer (including Acting and Deputy) for local, County, (combined county authority) mayoral, and parliamentary elections	CX
3.	To be the Electoral Registration Officer for the City of Lincoln	CX
4	In accordance with the provisions of the Local Government (Committees and Political Groups) Regulations 1990, to determine the overall allocation of seats to Groups resulting from the application of rounding.	CX or the Council's Monitoring Officer
5	To take all such action and proceedings and to sign all such directions, notices applications or other process in relation to Sections 77, 78 and 79 of the Criminal Justice and Public Order Act 1994 as deemed to be necessary and appropriate on behalf of the Council.	City Solicitor
6	To take all such action and proceedings and to sign all such directions, notices, applications or other process in relation to obtaining possession of any part of the Council's land holding from unauthorised campers, travellers and other trespassers as are deemed to be necessary and appropriate on behalf of the Council.	City Solicitor
7	To agree Building Society variations to mortgage of property subject to "Right to Buy" provisions.	City Solicitor in consultation with the Chief Finance Officer
8	To postpone the discount charge for all organisations specified by Section 156 of the Housing Act 1985 and any other financial organisation where the mortgagor account has not been conducted satisfactorily.	City Solicitor in consultation with the Chief Finance Officer

CHIEF EXECUTIVE		Authorised Officer
9	To approve the transfer of mortgaged property in circumstances covered by the exemption provisions of the Housing Act 1985 or as a result of family circumstances	City Solicitor in consultation with the Chief Finance Officer
10	To be responsible for the sealing of legal documentation.	City Solicitor / Legal and Democratic Services Manager
11	To make and account for appropriate deductions from pay and to make appropriate employer contributions in respect of income tax, national insurance and the superannuation fund.	HR/WBL Manager

		Other Authorised Officer
12	To exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972, Section 141 of the Local Government Finance Act 1988 and Section 6 of the Local Government and Housing Act 1989.	Chief Finance Officer
13	To report on apparent unlawful expenditure, unlawful action causing loss or deficiency, or unlawful items of account in accordance with Section 114 of the Local Government Finance Act 1988.	Chief Finance Officer in consultation with the Monitoring Officer
14	To operate the Council's bank account(s) including confirmation of alterations to authorised signatory lists of agents.	Chief Finance Officer
15	To exercise the Council's statutory borrowing powers to finance capital and revenue expenditure pending the receipt of income and the lawful investment of surplus cash and external funds.	Chief Finance Officer
16	To sign all necessary claim forms and certificates in respect of any grants or other funds payable to the Council under any statutory or other powers.	Chief Finance Officer
17	To negotiate with the Council's external auditor on the level and type of audit resources required to carry out the statutory and management of the audit requirements of the Council.	Chief Finance Officer
18	To maintain adequate insurance cover on behalf of the Council and to negotiate the settlement of any claims arising either with the Council's insurers or their appointed agents.	Chief Finance Officer
19	To write off irrecoverable amounts below £5000 in respect of outstanding Council Tax, Business Rates, the Business Improvement District Levy, Sundry Debtors, Housing Benefit Overpayments. Current Rent and Former Tenants Arrears for any of the following reasons:- <ul style="list-style-type: none"> a) bankruptcy, liquidation or insolvency b) whereabouts of the debtor unknown c) the debtor has deceased and there are no funds available to pay the outstanding debt d) debts are out of time e) small balances which are uneconomic to collect 	All Assistant Directors within the Chief Executive's Directorate

		Other Authorised Officer
20	To accept interest only payments in respect of outstanding mortgage loans where not to do so would cause undue hardship; such arrangements to run for a period of one year at a time, until the property is sold or until the mortgagor is no longer in receipt of income support benefit, whichever is the sooner.	Chief Finance Officer
21	To terminate leases and licences, including issuing Notices to Quit and Notices under the provisions of the Landlord and Tenant Act 1954, where possession is required by the Council for an approved purpose	City Solicitor/Legal and Democratic Services Manager
22	To make Ex Gratia payments in respect of claims for compensation	Chief Finance Officer
23 (a)	In the absence of the Chief Finance Officer, to undertake any of the powers delegated to the Chief Finance Officer by the Council or another related body.	Financial Services Manager
23 (b)	To nominate another postholder to carry out the duties of Chief Finance Officer in the absence of the Financial Services Manager.	Chief Finance Officer
23 (c)	In the absence of the Chief Finance Officer, to nominate another postholder to carry out the duties of the Chief Finance Officer and the Financial Services Manager.	Financial Services Manager
24	To authorise applications to the Magistrates' Court before the provisions of the Regulation of Investigatory Powers Act 2000 can be used to access: <ul style="list-style-type: none"> • Communications data; or • Authorise directed surveillance; or • A Covert Human Intelligence Source 	City Solicitor or Legal and Democratic Services Manager
25	To be the Council's Corporate Property Officer.	Strategic Property Manager
26	To dispose of land provided that: <p>(a) The relevant land has been declared surplus to the Council's requirements by the Executive or a sub committee thereof</p>	Strategic Property Manager or Chief Finance Officer

		Other Authorised Officer
	(b) the disposal is certified by a Fellow or Associate of the R.I.C.S. as being for the best consideration	
	(c) the disposal is carried out in accordance with the requirements of the Contracts Procedure Rules	
27	To approve requests for the assignment of Leases and changes of use of land or premises	Strategic Property Manager or Chief Finance Officer
28	To negotiate and settle Rent Reviews	Strategic Property Manager
29	To negotiate and agree terms for Annual Grazing Rights	Strategic Property Manager
30	To agree terms for Licences and Wayleaves affecting Council land	Strategic Property Manager
31	To approve miscellaneous short-term lettings	Strategic Property Manager
32	To negotiate and agree terms for the renewal of leases and licences	Strategic Property Manager
33	To approve or refuse requests for variations in and the surrender of leases	Strategic Property Manager
34	To negotiate terms to take a lease or licence of land or premises where a service need has been identified and budgetary provision made	Strategic Property Manager
35	To submit, offer and negotiate terms to acquire the freehold of land or premises relating to the General Fund or Housing Revenue Account, in consultation with the City Solicitor, Chief Finance Officer, Leader of the Council, Deputy Leader of the Council and Portfolio Holder for Economic Growth	Strategic Property Manager
36	To submit applications for planning permission, listed building consent and other necessary consents in respect of any works on Council land included in the approved capital or revenue programme	Strategic Property Manager
37	To enter into Agreements relating to the adoption of sewers on Council land	Strategic Property Manager

		Other Authorised Officer
38	To approve or refuse requests for variations in and the surrender of leases	Strategic Property Manager

STRATEGIC DIRECTOR – COMMUNITIES AND ENVIRONMENT

In the absence of the named authorised officer listed in the table below, the Strategic Director has authority to carry out all listed functions:

	<u>Other Authorised Officer</u>
<p>1 To authorise persons, whether employed by the Council or not, to act in a statutory role as appropriate to undertake duties and responsibilities, including Proper Officer, Alternative Proper Officers and Powers of Entry, under the following statutes and regulations and orders made thereunder, except where otherwise provided in this Constitution.</p> <p>Public Health Act 1936 Public Health Act 1961 Prevention of Damage by Pests Act 1949 Clean Air Act 1993 Local Government (Miscellaneous Provisions) Act 1976 Local Government (Miscellaneous Provisions) Act 1982 Rag, Flock and other Filling Materials Act 1951 Control of Pollution Act 1974 Building Act 1984 Food & Environment Protection Act 1985 Environment Act 1995 Water Act 1989 Water Industry Act 1991 Food Safety Act 1990 Public Health (Control of Diseases) Act 1984 Public Health (Infectious Diseases) Regulations 1988 Slaughter of Poultry Act 1967 National Assistance Act 1948 (as amended) The Agriculture (Miscellaneous Provisions) Act 1968 Natural Mineral Waters Regulations 1985 Health & Safety (Enforcing Authority) Regulations 1989 Sunday Trading Act 1994 Zoo Licensing Act 1981 Performing Animals Act 1925 The Control of Pesticides Regulations 1986 Criminal Justice and Public Order Act 1994 Health and Safety at Work Act 1974 Control of Asbestos Regulations 2012 Food Safety & Hygiene (England) Regulations 2013 The Energy Act 2011 Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015</p>	<p>Assistant Director (Health and Environmental Services)</p>

	<u>Other Authorised Officer</u>
<p>2 To appoint named Officers as Inspectors to exercise the powers of an inspector in:</p> <p>(i) Section 20 (2)(a) to (m) inclusive, Sections 21, 22 and 25 of the Health and Safety at Work Act 1974.</p> <p>(ii) Any Health and Safety Regulations.</p> <p>(iii) Any of the appropriate provisions of the Acts mentioned in Schedule 1 of the 1974 Act which are specified in the third column of the Schedule and of the Regulations, Order or other instruments of a legislative character made or having effect under any provisions so specified which may be in force from time to time.</p>	Assistant Director (Health and Environmental Services)
<p>3 To maintain a register of buildings with cooling towers and evaporative condensers.</p>	Assistant Director (Health and Environmental Services)
<p>4 To appoint named Officers to exercise the powers of an inspector under the Food Safety Act 1990 ('the Act') and the Food Safety & Hygiene (England) Regulations 2013:</p> <ul style="list-style-type: none"> • Section 9 of the Act (Inspection and Seizure of Suspected Food) • Regulation 6 hygiene improvement notices • Regulation 7 hygiene prohibition orders • Regulation 8 hygiene emergency prohibition notices and orders • Regulation 9 remedial action plans • Regulation 10 detention notices • Regulation 14 procurement of samples • Regulation 15 analysis etc of samples • Regulation 16 powers of entry • Regulation 29 food which has not been produced, processed or distributed in accordance with the Hygiene Regulations 	Assistant Director (Health and Environmental Services)
<p>5 To appoint such persons as necessary to act as inspectors within the provisions of Part 1 of the Environmental Protection Act 1990.</p>	Assistant Director (Health and Environmental Services)

	<u>Other Authorised Officer</u>
<p>6 To appoint named Officers to act under the provisions of Part III of the Food and Environmental Protection Act 1985 and Control of Pesticides Regulations 1986 in respect of the advertisement, supply, sale, storage and use of pesticides except where the Health and Safety Executive (Enforcing Authority) Regulations 1989, and the use of pesticides in domestic premises by the occupier of those premises, provided such use does not form part of a work activity.</p>	Assistant Director (Health and Environmental Services)
<p>7 Subject to the availability of budgetary provisions to appoint in writing:</p> <p>(i) Under Section 19 of the Health and Safety at Work Etc Act 1974, any Specialist or Consultant as may be required as an inspector and to authorise such appointee to exercise such powers under Section 20 as may be required.</p> <p>(ii) any Specialist or Consultant as may be required to accompany an inspector pursuant to Section 20 (2) (c) (i) and to authorise such appointee to exercise such powers as may be required.</p>	Assistant Director (Health and Environmental Services)
<p>8 To act under the Water Act 1989 and Water Industry Act 1991.</p>	Assistant Director (Health and Environmental Services)
<p>9 To act under the Public Health (Control of Disease) Act 1984 and to carry out in appropriate circumstances the functions detailed in paragraph 3 of Schedule 3 and paragraph 3 of Schedule 4 of the Public Health (Infectious Disease) Regulations 1988.</p>	Assistant Director (Health and Environmental Services)
<p>10 To exercise the discretionary powers of the Council contained in the Control of Asbestos Regulations 2012.</p>	Assistant Director (Health Environmental Services)
<p>11 To agree that any notice required to be given by the Sunday Trading Act 1994 should take effect within a shorter period than that provided by the Act.</p>	Assistant Director (Health and Environmental Services)

	<u>Other Authorised Officer</u>
12 To act and be responsible for the implementation of the procedures prescribed in Section 47 of the National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951 in consultation with the Director of Housing and Investment.	Assistant Director (Health and Environmental Services)
13 To give a direction under Section 77 of the Criminal Justice and Public Order Act 1994 and to give notice of such a direction to those persons to whom the direction applies.	Assistant Director (Health and Environmental Services)
14 To make arrangements for the disposal of the remains of the deceased under Section 46 of the Public Health (Control of Diseases) Act 1984.	Assistant Director (Health and Environmental Services)
15 To obtain particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and information under Section 19 of the Environmental Protection Act 1990.	Assistant Director (Health and Environmental Services)
16 In accordance with Section 140 of the Public Health Act 1936, to apply to the Magistrates Court for an Order to close or restrict the use of water from a polluted source of supply.	Assistant Director (Health and Environmental Services)
17 To determine, in accordance with Section 61 of the Control of Pollution Act 1974, applications for prior approval of noise control measures from persons intending to carry out construction work etc.	Assistant Director (Health and Environmental Services)
18 To determine the requirement for providing sanitary appliances at places of public entertainment (either permanently or on occasions) in accordance with the provisions of Section 20 of the Local Government (Miscellaneous Provisions) Act 1976.	Assistant Director (Health and Environmental Services)
19 To determine the standards of hygiene in accordance with: (a) Food Safety & Hygiene (England) (General) Regulations 2013 and (b) EU Hygiene Regulations.	Assistant Director (Health and Environmental Services)
20 To determine standards and requirements regarding the sale of food etc in accordance with the Food Safety Act 1990.	Assistant Director (Health and Environmental Services)

	<u>Other Authorised Officer</u>
21 To determine applications to install boilers in accordance with the provisions of the Clean Air Act 1993.	Assistant Director (Health and Environmental Services)
22 To record notifications of aerial crop spraying in accordance with the provisions of the Control of Pesticides Regulations 1986.	Assistant Director (Health and Environmental Services)
23 If no objections are raised from the keepers of takeaway food shop premises, to make Closing Orders under Sections 4 and 5 of the Local Government (Miscellaneous) Provisions Act 1982.	Assistant Director (Health and Environmental Services)
24 To revoke or modify any relaxation of the provision of Part II of the Private Water Supplies Regulations 1991 regarding the wholesomeness of private water supplied.	Assistant Director (Health and Environmental Services)
25 To consider applications for authorisations, transfers, variations and renewals of authorisations in connection with air pollution control and to issue authorisations with appropriate conditions as considered necessary in accordance with the provisions of Sections 6,7,9,10 and 11 of the Environmental Protection Act 1990.	Assistant Director (Health and Environmental Services)
26 To determine confidential matters for exclusion from public registers in accordance with Section 22 of the Environmental Protection Act 1990.	Assistant Director (Health and Environmental Services)
27 To determine which samples of water or any land or articles shall be considered appropriate in any circumstances under Section 59(2) of the Water Act 1989.	Assistant Director (Health and Environmental Services)
28 To require the provision of an alternative supply of water by a water undertaker under Section 79 of the Water Industry Act 1991 and to recover the costs from the owner or occupier of the premises so served or from any other relevant person.	Assistant Director (Health and Environmental Services)
29 To exercise the powers contained in Sections 1, 2, 4, 5, 8, 9, 12, 14, 20, 23, 33, 36, 51 and 57 of the Clean Air Act 1993.	Assistant Director (Health and Environmental Services)

	<u>Other Authorised Officer</u>
30 To appoint casual/temporary manual workers.	Assistant Director (Health and Environmental Services)
31 To serve notices to remedy the condition of watercourses under Section 18 of the Land Drainage Act 1976	Assistant Director (Health and Environmental Services)
32 To exercise the powers concerned in Section 25 of the Land Drainage Act 1991 relating to powers to require works for maintaining flow of watercourses	Assistant Director (Health and Environmental Services)
33 To appoint staff as authorised persons in accordance with Section 64 of the Land Drainage Act 1991	Assistant Director (Health and Environmental Services)
34 To deal with all matters relating to the grant of exclusive rights of burial and to agreements for the maintenance of graves	Assistant Director (Health and Environmental Services)
35 To administer the provisions of the Refuse Disposal (Amenity) Act 1978 in respect of the Regulations (as amended) relating to the removal and disposal of abandoned vehicles and the recovery of costs.	Assistant Director (Communities and Street Scene)
36 To release CCTV footage in accordance with the Council's current protocol for the release/use of CCTV footage.	Assistant Director (Communities and Street Scene)
37 To waive fees and charges for an allotment plot or plots, at a level and for a duration of his choosing, where he is satisfied that an individual or group is prepared to undertake work so as to bring a plot or plots into allotment cultivation.	Assistant Director (Communities and Street Scene)
38 To make decisions on lettings for the following purposes: (a) use of sports pitches (b) use of parks, recreation grounds and other land or premises for special events provided that if no fee has been fixed for such the fee shall be determined by the relevant portfolio holder.	Assistant Director (Communities and Street Scene)

	<u>Other Authorised Officer</u>
<p>39 To undertake the following actions and to authorise persons, whether employed by the Council or not, to act in a statutory role as appropriate to undertake duties and responsibilities, including but not limited to:</p> <p>Public Health Act 1936 Caravan Sites and Control of Development Act 1960 Local Government (Miscellaneous Provisions) Act 1982 Building Act 1984 Housing Act 1985 Local Government and Housing Act 1989 Environmental Protection Act 1990 Housing Act 2004 Housing, Grants, Construction and Regeneration Act 1996 Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 Enterprise and Regulatory Reform Act 2013: The Redress Scheme for Lettings Agency Work and Property Management Work and Property Management Work (Requirement to Belong to a Scheme etc)(England) Order 2014 Energy Act 2013: Smoke and Carbon Monoxide Alarm (England) Regulations 2015 Housing and Planning Act 2016 Protection from Eviction Act 1977</p>	<p>Assistant Director (Health and Environmental Services)</p>
<p>40 To approve financial grants to property owners and tenants to assist in the improvement, adaptation, conversion and renovation of dwellings and houses in multiple occupation.</p>	<p>Assistant Director (Health and Environmental Services)</p>
<p>41 To take action in respect of the repair, closing or demolition of dwellings unfit for human habitation or otherwise in a state of disrepair, the designation and treatment of clearance and renewal areas, the abatement of overcrowding and the control of houses in multiple occupation.</p>	<p>Assistant Director (Health and Environmental Services)</p>
<p>42 To decide on applications for home improvement grants and for home repairs assistance.</p>	<p>Assistant Director (Health and Environmental Services)</p>
<p>43 To serve notices for execution of repairs to privately owned dwellings, including houses in multiple occupancy and, if necessary, to exercise the Council's powers to institute or secure the institution of works in default of compliance with such notices.</p>	<p>Assistant Director (Health and Environmental Services)</p>

	<u>Other Authorised Officer</u>
44 To serve notices requiring abatement of overcrowding of dwellings and houses in multiple occupation.	Assistant Director (Health and Environmental Services)
45 Apply for a Rent Repayment Order.	Assistant Director (Health and Environmental Services)
46 Set Civil Penalties.	Assistant Director (Health and Environmental Services)
47 To waive any unpaid Fixed Penalty Notices and Penalty Charge Notices issued under the Clean Neighbourhood and Environment Act and the Dogs Fouling of Land Act.	Assistant Director (Health and Environmental Services)
48 To waive any unpaid Fixed Penalty Notices and Penalty Charge Notices issued under the Road Traffic Act.	Assistant Director (Communities and Street Scene)
49 To authorise persons, whether employed by the Council or not, to act in a statutory role as appropriate to undertake duties and responsibilities, including Proper Officer, Alternative Proper Officers and Powers of Entry, under the following statutes and regulations and orders made thereunder, except where otherwise provided in this Constitution: Refuse Disposal (Amenity) Act 1978 Pet Animals Act 1951 Riding Establishments Act 1964 and 1970 Animal Boarding Establishments Act 1963 Breeding of Dogs Act 1973 Dangerous Wild Animals Act 1976 Environmental Protection Act 1990 Dangerous Dogs Act 1991 Dogs Fouling of Land Act 1996 Animal Health Act 1981 Noise and Statutory Nuisance Act 1993 Noise Act 1996 Controlled Waste Regulations 1992 Parts 1, 2, 3 and 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.	Assistant Director (Health and Environmental Services)

		<u>Other Authorised Officer</u>
50	To review applications following the request for a review of the way in which an application for a Community Trigger has been dealt with.	Assistant Director (Health and Environmental Services)
51	To appoint inspectors in relation to the Animal Welfare Act 2006.	Assistant Director (Health and Environmental Services)

STRATEGIC DIRECTOR – HOUSING AND INVESTMENT

In the absence of the named authorised officer listed in the table below, the Strategic Director has authority to carry out all listed functions:

		Other Authorised Officer
1	To approve applications to be placed on the Council's Housing Register which fall within the criteria for acceptance.	Assistant Director (Housing)
2	To determine housing applications, including registration and priority rehousing.	Assistant Director (Housing)
3	To grant and determine Introductory, Secure, Demoted and Intervention Tenancies	Assistant Director (Housing)
4	To make nominations to RSLs and other agencies in accordance with the Council's approved housing allocation policies.	Assistant Director (Housing)
5	To authorise transfers and exchanges.	Assistant Director (Housing)
6	To authorise applications to the County Court for the possession of dwellings and for enforcing judgements obtained and garages.	Assistant Director (Housing) or the Tenancy Services Manager
7	To grant or refuse applications for aids and adaptations.	Assistant Director (Housing)
8	To approve or refuse tenants' proposals for improvements.	Assistant Director (Housing)
9	To promote energy efficiency measures within the District's housing stock.	Assistant Director (Housing)
10	To negotiate and approve the disposal of landlocked areas of land on Council Estates provided that: a) there is no potential for development for Affordable Housing; b) the land is incorporated into existing, and used for garden purposes; and c) the disposal is done subject to legal and planning guidance.	Assistant Director (Housing)

		Other Authorised Officer
11	To administer the provisions of the Refuse Disposal (Amenity) Act 1978 in respect of the Regulations relating to anything (other than motor vehicles) abandoned without lawful authority and the recovery of costs.	Assistant Director (Housing)
12	<p>To undertake the following actions and to authorise persons, whether employed by the Council or not, to act in a statutory role as appropriate to undertake duties and responsibilities in accordance with the housing law framework, including but not limited to:</p> <p>Parts 1, 2, 3 and 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 Environmental Protection Act 1990 Public Health Act 1936</p>	Assistant Director (Housing)
13	To appoint Consultants where necessary within the budget to ensure compliance with the Council's Capital Works Programme, or to provide technical advice on work of a specialist nature.	Assistant Director (Housing) and Assistant Director (Growth and Regeneration)

PROVIDED THAT a tenant dissatisfied with any decision taken under items 1, 2, 3, 4, 5, 7 and 8 will be entitled to appeal against it to the Housing Appeals Panel.

URGENCY PROVISIONS

To act on behalf of the Council in cases of urgency in discharge of any function of the Council for which his/her Directorate or service has responsibility other than those:-

- (i) which are already delegated to an Officer under this Scheme of Delegation; or
- (ii) which by law can be discharged only by the Council.

To be exercised in consultation with the appropriate Executive Member or the Chairman of the appropriate Committee.

Cases of urgency are limited to instances where the failure to act immediately would lead to foreseeable and imminent loss of life or serious injury and or foreseeable and imminent significant financial loss to the Authority

In the absence of the relevant Chief Officer this delegated power shall be exercised by the relevant Assistant Director.

Any action taken under this power shall be reported by the Chief Officer or Assistant Director who took the decision to the Executive or appropriate Committee.

Table 2D: Terms of Reference and Delegations to Executive Members

All Executive Members shall:

- Individually and collectively, ensure the implementation of corporate priorities as agreed by Council.
- Provide effective leadership and clear political guidance to members and officers.
- Have a clear understanding of the portfolio, the scope and range of services for which they are responsible and council policies in respect of those services and the role of officers relevant to that portfolio.
- Ensure the delivery of best practice and continuous improvement in services and implementation of best practice in the authority.
- Ensure an appropriate consultation programme is developed for their area of responsibility, to involve local people and communities in the decisions of the Council as fully as possible.
- Respond within agreed timescale to the recommendations of relevant scrutiny panel(s), setting out what action is proposed, if any, and giving full reasons for decisions taken.
- Meet with Chairs of relevant scrutiny panel(s) on a regular basis to discuss progress in their area of responsibility, responses to concerns raised by the scrutiny panel(s) and future programmes of work.
- Ensure that members are briefed at the appropriate time on significant issues ie those that may:
 - Result in a change to established policy
 - Have major resource implications
 - Be contentious or politically sensitive
- Seek to involve and consult non-executive members in the area of work for which they have responsibility, particularly lead members and members of relevant scrutiny panel(s).

Inclusive Economic Growth

1. Building Control
2. Car Parks
3. Commercial Development
4. Contaminated Land
5. Cultural and Events Activities Including:
 - Christmas Lights
6. Economic Development and Growth, including:
 - Western Growth Corridor
 - Sustainable Urban Extensions
7. Heritage
8. Innovation and Inward Investment including:
 - Lincoln Science and Innovation Park
 - Smart City initiatives
9. Markets
10. Planning, including:
 - Central Lincolnshire Local Plan
 - Regional and National Planning Policies
11. Public Realm including:
 - City Centre Masterplan
 - Cornhill Area Redevelopment
12. Regeneration Including:
 - Neighbourhood Revitalisation
 - Community Planning
13. Small Business Support
14. Tourism and Marketing
15. Transport including:
 - Transport Hub
 - Connectivity
 - Infrastructure

Reducing Inequality

1. Anti-Poverty Strategy
2. Asylum Seekers
3. Benefits Advice and take-up, including:
 - Housing Benefit
 - Council Tax Support
4. Community Cohesion Strategy
5. Community Strategies and Policies
6. Corporate Social Responsibility including:
 - Hate Crime
 - Lincolnshire Safer Communities
7. Discretionary Rate Relief Policy
8. Financial Inclusion, including:
 - Adult Learning;
 - Young People.
9. Prevent
10. Public Protection including:
 - Antisocial Behavior
 - Noise Nuisance
 - CCTV
 - Domestic Violence
11. Skills and Training, including The Network;
12. Social Value Policy
13. Universal Credit
14. Welfare Advice
15. Welfare Reform

Quality Housing

1. Affordable Housing
2. Discretionary Housing Payments
3. Estate Management
4. Fleet Management
5. Health and Wellbeing, particularly its links to good quality housing
 - Physical and Mental Health
 - Suicide
6. Homelessness Prevention
7. House Building
8. Housing Investment and Decent Homes
9. Housing Repairs and Maintenance
10. Housing Revenue Account and Landlord Services including:
 - Tenant Engagement
 - Housing Stock Options
11. Lettings and Allocations including:
 - Rogue Landlords
 - Trusted Landlord Accreditation Scheme
12. Rough Sleepers
13. Strategic Housing
14. Supported Housing

Remarkable Place

1. Allotments
2. Cemeteries and Crematorium
3. Community Centres
4. Environmental Contracts including:
 - Refuse Collection and Recycling
 - Highways
 - Open Space and Grounds Maintenance

- Public Conveniences
 - Cleansing
5. Food Health and Safety
 6. Licensing
 7. Parks and Recreation
 8. Pollution Control
 9. Sport and Leisure facilities to promote physical activity

Climate and Corporate Strategy

1. Climate Change (linkage to Local Plan)
2. Low Carbon Agenda
3. Equality and Diversity: Employer perspective
4. Corporate Communications and Media Relations
5. Corporate Strategy including:
 - Strategic Plan (Vision 2020)
 - Annual Report
 - Strategic Partnerships
6. Human Resources including:
 - People Strategy
 - Apprenticeships
 - Trade Union Liaison
 - Organisational Culture and Core Values
7. Regional and Sub-Regional Governance Arrangements including Devolution
8. Legal (excluding Electoral and Democratic Services)

Customer Experience, Review and Resources

1. Audit
2. Central Support Services
3. Complaints Handling
4. Corporate Reviews
5. Customer Engagement including:
6. Customer Services
7. Contact Centre
8. Democratic and Electoral Services including:
 - Voter Registration
 - Democratic Engagement
9. ICT
10. Performance including Systems and Process
11. Strategic Information including:
 - Corporate Evidence Bases
 - Lincoln City Profile

12. Asset Management
13. Civic and Twinning
14. Corporate Health and Safety
15. Emergency Planning
16. Finance including:
 - Financial Strategy
 - Financial Position
17. Procurement (excluding social value)
18. Revenues
19. Risk Management and Governance including:
 - Insurance
20. Specific Major Projects (Excluding Major Developments)
21. Towards Financial Sustainability including Commercialisation
22. Equality and Diversity:
 - Service user perspective

All functions of the Executive will be discharged by the Executive as a body except those delegated to a Committee of the Executive, an individual member of the Executive, or an officer

1. General Delegations to Executive Members

- 1.1 In relation to any matter within the ambit of his or her portfolio as defined in Article 7.5 of the Constitution each member of the executive is authorised:
 - 1.1.1 to respond or approve any response to any consultation by any national, regional or local government or other body, organisation or individual in accordance with Council policy (if any) relating to the subject matter of the consultation.
 - 1.1.2 to exercise the functions of the Executive under rules 3 to 6 of the Budget and Policy Framework Procedure Rules.
 - 1.1.3 to approve where necessary any submission for external funding or support for any project or proposal calculated to deliver any objective within the Council's budget and policy framework or which is otherwise in pursuance of its Main Aims and Core Values.

- 1.1.4 to approve when necessary the contents of any press release, or any information or advisory leaflet, or other document publicising Council services.
- 1.1.5 to approve fees and charges for any service or item for which no fee or charge has been fixed by the Council.
- 1.1.6 To approve any exemption to contract procedure rules in agreement with the monitoring officer.
- 2. Where any matter falls within the ambit of more than one portfolio, action may only be taken under paragraph 1.1 with the unanimous agreement of all the executive members holding the relevant portfolios. In the event of any difference of opinion the matter shall be referred to the Executive for determination.
- 3. In the absence or indisposition of the Executive member holding the relevant portfolio, the Leader is authorised to discharge any of the functions delegated to him or her under paragraph 1.1 above.
- 4. For the avoidance of doubt, a member of the Executive having delegated authority to take action in relation to any matter under paragraphs 1-3 above may elect to refer the matter to the Executive for consideration.

Section III: Proper Officers

Table 3: Designation of Proper Officers and Authorised Deputies

The Officers specified in Column 3 of this Table are the Officers appointed by the Council to carry out the statutory functions specified in Columns 1 and 2, and the officers specified in column 4 are authorised to deputise for the relevant proper officer in his or her absence. Furthermore, the Chief Executive and Town Clerk has the following powers in relation to the delegation of powers on a temporary basis:

1. To exercise any power delegated by the Council, Executive or a subordinate body to another officer provided that the following criteria are met:
 - a) That one or more of the following criteria apply to the post to which the powers were originally delegated
 - The post is vacant; or
 - The postholder has been absent for a continuous period of one calendar month; or
 - The postholder has authorised the Chief Executive and Town Clerk to exercise the delegation during a period of anticipated absence.
 - b) The delegated power is not being exercised in the postholder's capacity as either the Monitoring Officer or the Chief Finance Officer.
 - c) The delegated power has no alternative nominated postholder who is able to exercise the power.
 - d) The delegated power is not being exercised as part of a shared services agreement with another local authority.
 - e) The Chief Executive and Town Clerk has any qualification or prerequisite skill or knowledge which the proper exercise of the delegated power requires.
 - f) There is no other substantial reason which would make the exercise of the power by the Chief Executive and Town Clerk instead of the original postholder inappropriate.
2. To empower another officer to exercise a relevant delegation provided that the criteria above are met.

LOCAL GOVERNMENT ACT 1972

Section of Local Government Act 1972	Proper Officer Functions	Proper Officer	Authorised Deputy
Section 83 (1) to (4)	Witness and receipt of declaration of acceptance of office	Chief Executive	Monitoring Officer
Section 84	Receipt of declaration of resignation of office	Chief Executive	Monitoring Officer
Section 88 (2)	Convening of meeting of Council to fill casual vacancy in the office of Chairman	Chief Executive	Monitoring Officer
Section 89 (1) (b)	Receipt of notice of casual vacancy from two local government electors	Chief Executive	Democratic Team Leader and Elections Manager
Section 100 (B) (2)	Excluding from public inspection documents which relate to items likely to be considered in private	Monitoring Officer	Legal and Democratic Services Manager and Democratic Team Leader and Elections Manager
Section 100 (B) (7) (c)	Supplying to the press copies of documents supplied to Members of the Council	Monitoring Officer	Democratic Team Leader and Elections Manager
Section 100 (C) (2)	Summarising business considered in private	Monitoring Officer	Democratic Team Leader and Elections Manager
Section 100 (D) (1) (a)	Compiling lists of background papers	Monitoring Officer	Democratic Team Leader and Elections Manager
Section 100 (D) (5)	Determining which documents constitute background papers	Monitoring Officer	Legal and Democratic Services Manager and Democratic Team Leader and Elections Manager
Section 100 (F) (2)	Deciding where documents should be withheld from Members on the grounds that they disclose exempt information	Monitoring Officer	Chief Executive

Section of Local Government Act 1972	Proper Officer Functions	Proper Officer	Authorised Deputy
Section 115 (2)	Receipt of money due from officers	Chief Finance Officer	Financial Services Manager
Section 146 (1) (a) and (b)	Declarations and certificates with regard to securities	Chief Finance Officer	Financial Services Manager
Section 191	Functions with respect to ordnance survey	Strategic Director – Housing and Investment	Assistant Director (Growth and Regeneration)
Section 210 (6) and (7)	Charity function of holders of offices with existing authorities transferred to holders of equivalent office with new authorities or if there is no such office to proper officers	City Solicitor	Legal and Democratic Services Manager
Section 225 (1)	Deposit of documents	City Solicitor	Legal and Democratic Services Manager
Section 229 (5)	Certification of photographic copies of documents	City Solicitor	Legal and Democratic Services manager
Section 234 (1) and (2)	Authentication of documents	City Solicitor	Legal and Democratic Services Manager
Section 236 (10)	Byelaws – Receipt and despatch of copies	City Solicitor	Legal and Democratic Services Manager
Section 238	Certification of Byelaws	Chief Executive	City Solicitor
Section 248	Keeping of Roll of Freemen	Chief Executive	Civic and Executive Office Manager
Schedule 12 para 4 (2) (b)	Signature of Summonses to Council meetings	Chief Executive	City Solicitor
Schedule 12 para 4 (3)	Receipt of notices of address to which summons to meetings is to be sent	Chief Executive	Democratic Team Leader and Elections Manager
Schedule 14 para 25 (7)	Certifying copy resolution of	City Solicitor	Legal and Democratic Services

Section of Local Government Act 1972	Proper Officer Functions	Proper Officer	Authorised Deputy
	the Council as a true copy in connection with legal proceedings		Manager
Schedule 16 para 28	Receipt on deposit of list of protected buildings	Strategic Director – Communities and Environment	Planning Manager

LOCAL GOVERNMENT ACT 1974

Section of Local Government Act 1974	Proper Officer Functions	Proper Officer	Authorised Deputy
Section 30 (5)	Publication of reports of Local Commissioner	Chief Executive	Monitoring Officer

LOCAL LAND CHARGES ACT 1975

Section of Act	Proper Officer Functions	Proper Officer	Authorised Deputy
Section 3	Registrar of Local Land Charges	Strategic Director – Housing and Investment	Assistant Director (Growth and Regeneration)

LOCAL GOVERNMENT [MISCELLANEOUS PROVISIONS] ACT 1976

Section of Act	Proper Officer Functions	Proper Officer	Authorised Deputy
Section 41	Certification of copies of resolutions, minutes and other documents	City Solicitor	Legal and Democratic Services Manager

REPRESENTATION OF THE PEOPLE ACT 1983

Section of Act	Proper Officer Functions	Proper Officer	Authorised Deputy
Section 10ZE	To undertake hearings after a person has been advised that they are not eligible to be registered and have requested a Hearing.	Legal & Democratic Services Manager (acting as Deputy Electoral Registration Officer)	N/A

BUILDING ACT 1984

Section of Act	Proper Officer Functions	Proper Officer	Authorised Deputy
Section 78	Dangerous buildings – emergency measures	Strategic Director – Communities and Environment	Building Control Services Manager

HOUSING ACT 1985

Section of Act	Proper Officer Functions	Proper Officer	Authorised Deputy
Section 351	Authentication of copies of registration schemes in connection with legal proceedings	City Solicitor	Legal and Democratic Services Manager

LOCAL GOVERNMENT & HOUSING ACT 1989

Section of Act	Proper Officer Functions	Proper Officer	Authorised Deputy
Section 2	Receipt of list of politically restricted posts	Chief Executive	HR/WBL Manager
Sections 15 to 17	Receipt of various notices relating to political groups under relevant regulations	Chief Executive	Democratic Team Leader and Elections Manager
Section 18	Implementation of Scheme of Members' Allowances	Chief Executive	Democratic Team Leader and Elections Manager

ENVIRONMENTAL PROTECTION ACT 1990

Section of Act	Proper Officer Functions	Proper Officer	Authorised Deputy
Section 149	Discharging the functions in the section for dealing with stray dogs	Strategic Director – Communities and Environment	Assistant Director (Health and Environmental Services)

SHARED REVENUES AND BENEFITS – Functions to be delegated

The following functions are delegated to the Head of Shared Revenues and Benefits by Lincoln and North Kesteven to be carried out on behalf of those Member Authorities the delegations of these services are as set below:-

No	Function
1.1	<p>To take all decisions relating to the entitlement of any claimant to Council Tax, Housing Benefit or Discretionary HOUSING Payment, including:</p> <ul style="list-style-type: none">• The award of any benefit• Calculation of the amount of any benefit awarded• Suspension of benefit where a doubt arises to entitlement• Withdrawal of benefit on cessation of a claimant's entitlement• Determination of any request for the first review of any decision taken in relation to any claim for or withdrawal of benefit• Recovery of any benefit overpaid and Administrative Penalties• Sanctions in relation to benefit fraud• Taking action where necessary in relation to any offence or suspected offence under the Social Security Act 1997 in accordance with the Council's adopted policy.
1.2	<p>To act on behalf of either Council on matters relating to National Non Domestic Rates/Council Tax as follows:</p> <ul style="list-style-type: none">a) Making proposals for alterations to the rating/banding listb) Objections to proposals to amend the rating/banding listc) Agreeing to alterations to the rating/banding listd) Ensuring there is appropriate representation at a Valuation Tribunal on behalf of either Council in respect of appeals against National Non Domestic Rate/Council Tax
1.3	<p>To agree the apportionment of rateable values as determined by the Valuation Office Agency on application, in accordance with Section 44a of the Local Government Finance Act 1988.</p>
1.4	<p>To ensure appropriate representation on behalf of either Council at a Benefit Appeal Tribunal</p>
1.5	<p>To impose penalties in accordance with Section 14(2) and Schedule 3 of the Local Government Finance Act 1992 on persons failing to supply information on request.</p>
1.6	<p>To determine applications for the remittance or reduction of Council Tax payable in accordance with Section 13A of the Local Government Finance Act 1992 and that the applicant shall have the right to have the matter referred to the Joint Committee.</p>

- 1.7 Within the area of responsibility for local taxation, to institute proceedings by way of:
- (a) applying a signature or facsimile of a signature to a complaint to the Magistrates' in respect of non-payment of Council Tax or National Non Domestic Rates, requesting issue of a liability order,
 - (b) applying a signature or facsimile of a signature to a complaint to the Magistrates' regarding non-payment of Council Tax or National Non Domestic Rates, requesting issue of a committal warrant
 - (c) applying a signature or facsimile of a signature to Attachment of Earnings Orders, Applications for Deductions from Income Support, Job Seekers Allowance or Guaranteed Pension Credit, in respect of non-payment of Council Tax.
- 1.8 In accordance with the provisions of Section 101 and 223 of the Local Government Finance Act 1972 to prosecute and defend on behalf of either Council, or to appear on the Councils' behalf in proceedings before a Magistrates' Court or County Court relating to all and/or any of the matters referred to in the sub – paragraphs below:-
- a) Proceedings relating to the obtaining of Liability Orders in respect of unpaid Council Taxes and National Non Domestic rates;
 - b) Proceedings relating to the collection and recovery of penalties;
 - c) Committal proceedings relating to unpaid Council Taxes and National Non Domestic rates;
 - d) Proceedings relating to the recovery of monies due to either Council either directly or under agency arrangements;
 - e) Proceedings relating to benefit fraud.
- 1.9 To determine applications for National Non Domestic rate mandatory relief in accordance with Section 43 and Section 45 of the Local Government Finance Act 1988.
- 1.10 Responding to all requests for information in accordance with the Freedom of Information Act 2000 in respect of the functions delegated to the Joint Committee or the Head of Shared Revenues and Benefits (whether such requests are addressed to the Joint Committee or any Member Authority).
- 1.11 Responding to all requests for information in accordance with the Data Protection Act 1998 in respect of the functions delegated to the Joint Committee or the Head of Shared Revenues and Benefits (whether such requests are addressed to the Joint Committee or any Member Authority)

- 1.12 To determine applications for national non-domestic rate relief on hardship grounds in accordance with Section 49 of the Local Government Finance Act 1988, with reference to the Council's approved guidance, and that an applicant shall have the right to have the matter referred to the Joint Committee.
- 1.13 To determine applications for national non-domestic rate discretionary relief in accordance with Section 47 of the Local Government Finance Act 1988, with reference to the Council's approved policy, and that applicant shall have the right to have the matter referred to the Joint Committee.
- 1.14 To provide data as required to other agencies – including statutory information as required by the Department for Work and Pensions.
- 1.15 Any other matter delegated to the Head of Shared Revenues and Benefits in accordance with the Constitution of each Council.
- 1.16 Administrative and other support services required to ensure that functions set out in **paragraphs 1.1 to 1.14** are carried out.

The following functions are delegated to the Joint Committee by the City of Lincoln and North Kesteven to be carried out on behalf of those Member Authorities the delegations of these services are as set out in the Constitution of each Council.

- 1.17 Determining management structures and any associated redundancies in relation to those employees of the Host Authority who wholly or mainly carry out the functions set out in **paragraphs 1.1 to 1.14** above.
- 1.18 The appointment of a Head of Shared Revenues and Benefits with responsibility to report to the Joint Committee (such officer to be employed by the Host Authority) who shall be authorised to engage such employee (to be employed by the Host Authority) as may be required in connection with the functions delegated in **paragraphs 1.1 to 1.14** above and in respect of which budget provision has been made by the Joint Committee/Member Authorities
- 1.19 Awarding contracts for ICT and other supplies required by the service to carry out the functions delegated in **paragraphs 1.1 to 1.14**
- 1.20 Any other matter delegated to the Joint Committee in accordance with the Constitution of each Council.

2. The functions delegated to the Joint Committee shall be exercised subject to any proposed expenditure being contained in the annual Revenues and Benefits budget approved by the Member Authorities and any proposed activities being within the Business Plan approved by the Member Authorities provided that:
- 2.1 the Finance Officer to the Joint Committee may agree virement in between budget heads up to a maximum of £50,000 in any year provided that the overall approved budget is not exceeded and the expenditure does not occur in future years.
- 2.2 Any virement above £50,000 will be dealt with by the Joint Committee provided that the overall approved budget is not exceeded.
3. The following functions and matters shall be reserved to and decided by each Member Authority from time to time; all decisions and policies on such matters shall be notified to the Joint Committee as necessary as soon as reasonably practicable after such decision is made and the Joint Committee shall give effect to all such policies and decisions of the Member Authorities in the exercise of the functions delegated to it:
- Collection of payments of Council Tax and national non – domestic rates (“NNDR”)
 - Calculation of Council tax base
 - Council tax setting
 - Collection fund accounting
 - Submission of benefit subsidy claims
 - Submission of statutory information/data – for example, as required by the Department for Work and Pensions
 - Determination of the policy for discretionary Council tax reductions and housing payments
 - Determination of applications for discretionary NNDR relief
 - Determination of applications for NNDR hardship relief
 - Determination of policy for second homes
 - Determination of policy for local war pension and associated schemes
 - Determination of the policy for and authorisation of write off/unrecoverability of debts

Section IV: Terms of Reference of Committees

This section contains terms of reference for the following bodies appointed to by the City of Lincoln Council.

- City of Lincoln Council and Employee Joint Consultative Committee
- Commons Advisory Panel
- Community Leadership Scrutiny Committee
- Equality and Diversity Group
- Historic Environment Advisory Panel
- Housing Appeals Panel
- Housing Scrutiny Sub-Committee
- Performance Scrutiny Committee
- Policy Scrutiny Committee
- Select Scrutiny Committee

Further terms of reference are also available in other parts of the Constitution, as follows:

Body	Relevant Part of Constitution
Audit Committee	Part 2: Article 9
Council	Part 2: Article 4
Ethics and Engagement Committee	Part 2: Article 10
Executive	Part 2: Article 7

City of Lincoln Council and Employee Joint Consultative Committee (forms part of the Collective Consultation and Communication Agreement last revised on 6 December 2016)

Joint Consultative Committee Constitution

1. Membership

1.1 The Management side of the JCC will consist of:

- Eight elected members of the council
- A member of the Corporate Management Team
- The Human Resources Manager or Human Resources Associate
- And any other senior manager as relevant to the agenda items to be discussed who will attend in an advisory capacity.

The Staff side will consist of two nominated representative from each of the following unions:

- Unison
- GMB
- Unite

These representatives will be accredited members of the trade union and employed by the Council

All members of the Employee joint consultative committee will retire annually; new appointments or re-appointments will be confirmed at the beginning of each municipal year.

7.2 If a JCC management side member ceases to be an elected member or a staff side member ceases to be employed by the Council their membership will stop with immediate effect and the Council or Trade Union will fill the vacant position.

7.3 Full time Trade Union Officers of recognised Trade Unions may attend JCC meetings by reason of their office. Their attendance must be notified to Committee Services prior to the meeting.

7.4 Other local Trade Union Representatives may attend JCC with the agreement of the chair in relation to a specific agenda item. Their attendance must be notified to Committee Services prior to the meeting.

7.5 The quorum for the JCC will be at least three councillors and at least three staff side representatives from different trade unions. Regional Trade Union Representatives and senior officers will not count. Should the meeting not be quorate, the body can still meeting informally and act in an advisory capacity to the Executive.

7.6 Voting rights will be restricted to elected members and those elected local representatives of the recognised Trade Unions

7.7 The Chair of the JCC will alternate between the management side and the staff side each year. The management side chair will be appointed by the Council. It will be the responsibility of the staff side to appoint one of its representatives as chair. The vice chair will always be from the other side to that of the chair.

7.8 Any substitute members / Trade Union Representatives will be allowed to attend meetings as long as their names are provided to Committee Services at least 7 days before the meeting. Committee Services will then provide them with a copy of the agenda and reports.

2. Meetings

2.1 Meeting dates for the year will be published along with the dates for submission of agenda items and reports by Democratic Services and circulated to all JCC members

2.2 Attendance of JCC, and pre meetings by employees of the Council elected to JCC will be recognised as appropriate paid time off.

2.3 Each side will make its own arrangements for pre-meetings which will be appropriate to the business to be discussed.

2.4 Either side may call a special meeting in the following circumstances:

- Where an item is considered by the chair and vice chair, to be sufficiently urgent that it cannot wait for the next scheduled meeting
- A request for a special meeting containing the reasons why it is required is received and agreed by the chair

2.5 Items of business from either side must be communicated to Democratic Services in line with the published agenda list. Reports must be in writing and on the corporate template. Democratic services will support officers and trade union representatives with report formatting. Where possible reports should be sent to the relevant officers for their comments before being placed on the agenda.

2.6 Copies of the agenda, including a forward plan of items of business which are outstanding, and reports will be circulated to members of the JCC at least five clear days before the meeting. Any requests for additional items to be added after this date will only be permissible with the agreement of the chair in exceptional circumstances, and details must be made available 24 hours before the meeting. No additional items of business will be admissible after the meeting has begun.

2.7 Minutes of the meeting will be taken by a member of Democratic Services. The minutes will be circulated to all members with the agenda for the next meeting.

3. Procedure for recommendations for approval

3.1 The JCC has delegated decision making powers in respect of signing off local collective agreements.

3.2 In the event of a failure to agree the matter will be referred to the Executive Committee of the Council for a recommendation. The Executive committee can also refer the matter back to JCC with guidance, or a recommendation to seek conciliation or binding arbitration through ACAS if both sides agree, in accordance with the national terms and conditions.

Commons Advisory Panel (last revised on 19 December 2016)

1. Adoption

This Constitution was approved by the Executive on 19 December 2016..

2. Name and Definitions

The name of the Panel is the City of Lincoln Commons Advisory Panel afterwards referred to as the "Panel".

"City of Lincoln Council" shall be referred to as "the City Council"

"Members of City of Lincoln Council" shall be referred to as "Councillors"

"Council Executive" means the Council's Executive as defined in the City Councils Constitution.

"The Commons" (West Common, South Common, and Cow Puddle Common) referred to are those tracts of land defined by the Lincoln City Council Act 1985.

"Members" shall refer to all those given formal membership of the committee without distinction.

"Nominated substitute/representative" shall mean a person who is representing a group, with the express authorisation as a group. The person replacing a representative. (see below)

"Representative". A person who represents a Member Group on the Panel. "The undertaking" is the agreement to meet with specified bodies as described in the document between the City Council and the Open Spaces society et al dated 22nd March 1985

"Standing Orders" shall mean the guidance notes as to the expected conduct of members, and associated sanctions

3. Objectives

The Panel's specific objectives are as follows:

- a) To Advise the City Council in the care, maintenance, protection and preservation of the Commons.
- b) To represent and protect the interests of all lawful users of the Commons, having in mind the well being of the commons in general.
- c) To take due regard to previous undertakings (including the undertaking given to the Open Spaces Society on 22nd March 1985)

4. Membership

The Panel shall have one membership; Full Members. From here forth the term Members refers to Full Members.

Members shall be those identified in the Undertaking to the Open Spaces Society in 1985, as well as those voted onto The Panel following submission of a request for inclusion from any group pertaining to have an interest in the Commons. Additional requests shall be considered by the full Panel. All Members hold decision-making responsibilities in relation to recommendations for membership.

Each community or user group or other organisation whose members use one or more of The Commons shall be entitled to nominate a representative to serve on The Panel as a Panel Member. The Panel shall not be responsible for notifying groups of this entitlement. All Panel Members shall be entitled to vote. Recommendation of entitlement of a group to representation shall be determined by The Panel by way of vote, the Chair taking advice with regards to eligibility as appropriate and having a vote and additional casting vote if required. Recommendations for membership will only take effect with the final approval of the council Executive. The expectation shall be that all groups represented will have a Constitution and be able to demonstrate good governance.

If a Member's representative is absent from three consecutive meetings of the Panel, without prior notification to the Secretary, he or she shall be deemed to have resigned. It will be permissible for a substitute to be nominated by a representative Group. Details of the person attending must be provided to the Secretary prior to the commencement of the meeting.

5. Councillor Members and Chair of the Panel.

The Chair of the Panel and a Vice-Chair shall be appointed by City of Lincoln Council, which will also provide a Secretary. The Council shall have a total of five Council members on the Panel, with each Councillor being a Member and entitled to a vote.

6. Voting

Members and Councillors shall be entitled to vote. However many groups a Member may represent, he or she shall only be entitled to a single vote. The Chair shall have a vote, and also a casting vote in the event of a tie.

Any member of the Panel may request a recorded vote being taken provided that they have the support of one third of the non councillor members in attendance.

7. Funds

The Panel shall not hold funds. The council shall not reimburse Members' expenses

8. Committees

Sub committees may be formed with the approval of the chair. Sub committees shall report to meetings of the Panel. The membership and terms of reference of such Subcommittees shall be voted upon by the Panel. The Panel shall not have an Executive Committee

9. Meetings

The Panel shall meet at least four times per year, with an additional 'tour of inspection' of The Commons. Meetings shall be open to members of the public, however they will not be entitled to speak unless with the prior agreement of the Chair. The Chair may invite Council officials to attend and take part in discussions. Notice of meetings shall be published on the City Council's website.

Notice of meeting shall be issued by Secretary to Members in a timely manner together with an invitation to submit agenda items. The Secretary shall send out an agenda not less than five working days (not including the day of the meeting) prior to the day of the meeting.

Meetings shall be quorate if the Chair (or Vice Chair) and three of the non-Council members are present'

Meetings shall take the following form:

- i. Confirmation of minutes of previous meeting.
- ii. Review of matters arising.
- iii. Submitted agenda items

Minutes of meetings shall be circulated by the Secretary as soon as practicable after the meeting.

10. Procedures at meetings

Motions may be proposed by Members or the Chair (or Vice-Chair), they must be seconded. They shall be voted on by those entitled to vote. The conduct at meetings shall be in accordance with the Standing Orders detailed below.

11. Amendment of the Constitution

Recommendations for amendments to this Constitution can only be by majority vote of the Members of the Panel. Any such recommended amendments can only be put into effect with the agreement of the Chair, and with ratification from the Council's Executive.

12. Dissolution

The Panel can be dissolved by recommendation of the Executive of the City Council after consultation with the Open Spaces Society having reference to the obligations contained in the Undertaking.

Standing Orders

The meeting should start on time.

It should follow the agenda unless there is a good reason for the chairman to revise it.

Members should follow the chair's reasonable requests and instructions for the conduct of the meeting.

The chair should have the power to exclude a member who unreasonably persists in interrupting or disrupting the meeting

If the problem occurs again at the next meeting the member may be asked to stand down from CAP, either permanently or for a fixed period of time at the Chair's discretion.

Any member who is deemed to have breached the rules will have the right to appeal. Appeal will be by letter to the Executive Portfolio Holder, who will respond within one month of receipt. If the member remains unhappy with the outcome from this appeal, they will have the right to have the appeal reviewed by the Chief Executive. The Chief Executive will consider the appeal in consultation with the representatives named in the Undertaking, and respond within one month of receipt.

Community Leadership Scrutiny Committee (last revised on 17 May 2016)

Purpose of the Committee:

To actively promote and strengthen the City of Lincoln Council's community leadership role of speaking up for the people of Lincoln on any matters which affect their well being

Terms of Reference:

- 1** To engage and consult with Lincoln residents to assist the Council in being fully aware of their issues concerns and aspirations so these inform the policies and decision making of the Council, giving particular attention to the needs of disadvantaged groups.
- 2** To engage with all relevant stakeholders including all public, private and third sector organisations, seeking to promote effective partnerships for meeting the needs of the City
- 3** To exercise the powers granted to the Council by Parliament for the scrutiny of the decisions of external organisations or groups whose decisions appear to have an impact on the people of the City of Lincoln and seek to influence these in the interests of local people
- 4** To enhance the transparency of local decision making by enabling elected members to have the opportunity to hold service providers to account for their performance
- 5** To scrutinise any emerging legislation which directly impacts on people in Lincoln, seeking to exert influence on behalf of local people
- 6** To respond, in collaboration with the Council's Executive to any Government or other external consultation process ensuring that the Council's voice is heard on all matters affecting the well being of the City

Membership:

The Committee will consist of 11 Elected Members

Equality and Diversity Advisory Panel (last revised in October 2020)

The Equality and Diversity Advisory Panel is a working group comprising members and officers of the City of Lincoln Council. The panel will report to Full Council and operate in accordance with the key functions set out below. The panel's role within the decision-making structure of the Council is that of an advisory group.

Key Functions

- 1)** To recommend strategic direction and provide community leadership on equality and diversity issues relating to City of Lincoln Council services and their impact on all members of our local communities.
- 2)** To keep under review the City of Lincoln Council's interface with equality and diversity across Lincolnshire and seek to influence partner organisations.
- 3)** To monitor the embedment of equality and diversity issues within the authority, particularly through the service planning and risk management processes.
- 4)** To monitor progress and compliance with the Council's duties under the Equality Act 2010 and the Public Sector Equality Duty.
- 5)** To contribute to and subsequently monitor delivery of the corporate Equality Objectives and supporting action plan.
- 6)** To champion equality and diversity issues at all levels within each directorate, at Corporate Management Team level, and amongst Members.
- 7)** To contribute to the review of key equality and diversity related strategies, including the Equality and Diversity and Human Rights Policy.
- 8)** To authorise major consultation by the Council with relevant representative organisations on strategic equality and diversity issues once considered and debated by the core panel.
- 9)** To refer proposed amendments to City of Lincoln Council strategies and action plans relating to equality and diversity to Executive for approval.
- 10)** To receive regular reports from officers and to debate solutions to emerging issues prior to seeking authority to proceed from the Corporate Management Team, Executive and others.

Membership

1) The advisory panel will consist of:

- The Chairperson
- The Leader of the City Council
- The Portfolio Holder for Reducing Inequality
- A representative from the Policy Team
- The Customer Services Manager
- The Legal Services Manager
- The Democratic Services and Elections Manager
- The Human Resources and Work Based Learning Manager
- The Corporate Management Team Equality Champion
- A minimum of two councillors

2) In addition to the two councillors, the panel would be happy to invite other members to attend and, while an advisory group, will still seek to appoint in accordance with political proportionality rules. Officers may send a deputy if they are unable to attend and other officers may be asked to attend for specific issues.

3) The panel may also call upon relevant representatives of organisations to assist on particular issues. All organisations so invited are seconded to debate and contribute to the issue of concern. Once such support has been provided the secondment will end, thereby relieving such organisations of the burden to attend every ongoing meeting.

Frequency of Meeting

1) The advisory panel will meet twice each year (unless determined otherwise by Council or the Equality and Diversity Advisory Panel) to make sure progress is maintained.

2) Additional meetings may be required and will be called at the discretion of the chair with at least five working days' notice to all members.

Secretarial Support

The Equality and Diversity Advisory Panel will benefit from secretarial support from Democratic Services.

Historic Environment Advisory Panel (last revised on 14 October 2008)

1. Objectives:

- i. **To advise on, promote and assist in the protection of the City of Lincoln's historic environment.**

This to be achieved through assisting in and supporting the development of a Heritage Strategy as a framework for the work of the Heritage Team within the Directorate of Communities and Environment; The Heritage Strategy would represent a vehicle for engaging with both the private and public sector and would provide advice internally within the Council on heritage matters, ensuring that the historic environment is embodied in emerging Council policies and management practices and ensuring that the historic environment is seen as integral in supporting restoration and regeneration proposals as well as employment and education opportunities.

- ii. **To place the historic environment high on the Council's agenda and link up historic environment policy across directorates.**

Ensure that heritage issues are prominent in the authority's agenda and taken into account in the development of future policies and strategies.

- iii. **To engage with and support partners in the delivery of heritage projects.**

This to be achieved through working with and supporting the work of partnerships entered into by the City of Lincoln Council and Lincolnshire County Council for the promotion of Lincoln and to receive from them reports and presentations; to advise and support the procurement of grants, trigger restoration and renewal and boost the City's culture and tourism.

- iv. **To engage with the community and community groups in fostering a better understanding of the historic environment as part of their cultural and natural heritage.**

This to be achieved through engaging with and receiving reports from community and heritage groups in connection with both the natural and built environment and associated cultural matters.

- v. **To support the role of the Council's Heritage Advocate.**

Assist in the promotion of the City's built and natural heritage and to foster joined-up thinking within the Council's group of Advocates and Champions.

Housing Appeals Panel (last revised on 5 December 2017)

THE HOUSING APPEALS PANEL PROTOCOL AND PROCEDURE

Terms of Reference	<p>To determine appeals from any decision of the Director of Housing and Investment taken under powers delegated to him on housing matters by resolution or decision of the Council or any competent body or Executive member or under the Constitution. Primarily any decisions to issue a notice of seeking possession or to take any subsequent steps in the County Court and to review his decisions to extend the trial period of or determine (as the case may be) introductory tenancies pursuant to requests made under the provisions of section 125B or 129 of the Housing Act 1996 respectively.</p> <p>To also review decisions to seek possession of dwelling-houses on the absolute ground for anti-social behaviour as required by section 85ZA of the Housing Act 1985 and to review decisions to seek possessions of dwelling-houses following a Demoted Tenancy under section 82A Housing Act 1985.</p>
Composition	<p>The Appeals Panel shall consist of a minimum of 3 members which shall be made up from those members appointed to the Panel by the Council.</p>
Meetings	<p>Meetings of the Appeals Panel shall be called as and when required so as to determine appeals and/or review requests within statutory or the Council's own laid down time limits</p>
Independence	<p>No member shall sit on the Appeals Panel where he/she has had some direct personal involvement in a matter to be determined</p> <p>In particular, in accordance with the Allocation of Housing (Procedure) Regulations 1997, no member shall sit on the Appeals Panel in respect of an appeal against an allocation decision, when either:</p> <ul style="list-style-type: none">(a) the unit of housing accommodation concerned is situated in his/her electoral ward; or(b) the person subject to the decision has their sole or main residence in the member's ward

RIGHT OF APPEAL/REVIEW

1. Decisions which may be reviewed or appealed

- 1 (a) Any decision on housing matters made by the Director of Housing and Investment, or his officers, in exercise of delegated powers conferred under the Constitution or by resolution or decision of the Council or any competent body or Executive member

2. Method and Time Limits for Appeal/Review Request

- 2 (a) **EXCEPT** for a review request made under paragraph 2 (b) below, a person wishing to exercise the right of appeal or review request **MUST** do so in writing within 14 days of receipt of the decision from the Director of Housing and Investment.
- 2 (b) **A request for a review of the landlord's decision**
- to extend a trial period of or
 - to seek an order for possession of a dwelling-house let under an introductory tenancy or under a demoted tenancy must be made before the end of the period of 14 days beginning with the day on which either the notice of extension or proceedings is served.
 - to seek possession on the absolute ground for anti-social behaviour must be made before the end of 7 days beginning with the day on which the notice is served.
- 2 (c) **For the purpose of determining the date of receipt of any written decision or appeal or review request any communication:**
- (i) sent by 1st class post shall be deemed received the second day after it was posted,
 - (ii) sent by 2nd class post shall be deemed received the fourth day after it was posted,
 - (iii) delivered to or left at the address on the communication shall be deemed received the day after it was delivered or left at the address,
 - (iv) sent by fax shall be deemed received on that day if transmitted before 4pm or otherwise on the day after the day upon which it was transmitted
 - (v) sent by other electronic method shall be deemed received the day after the day on which it was transmitted.

3. *Receipt of Appeal/Review Request*

- 3 (a) **Upon receipt, the Director of Housing and Investment shall arrange for the appeal/review request to be referred to the Housing Appeals Panel for determination.**

4. Determination Date

- 4 (a) **Requests for review of a decision**
- (i) to seek an order for possession of a dwelling-house let under an introductory tenancy or a demoted tenancy shall be carried out and the tenant notified before the date specified in the notice of proceedings as the date after which possession proceedings may be begun and
 - (ii) to extend the trial period of an introductory tenancy shall be carried out and the tenant notified before the original expiry date of the trial period.
 - (iii) to seek possession on the absolute ground for anti-social behaviour shall be carried out and the tenant notified before the date specified in the notice under section 83ZA of the Housing Act 1985 as the day after which proceedings for possession of the dwelling-house may be begun.
- 4 (b) Following receipt of a request for a review hearing the Appellant will be notified of the time, date and place of the hearing no less than 5 days after the receipt of the review request.

4 (c) All review hearings will be heard by the panel within 6 weeks of the date of receipt of the review request unless an adjournment has been granted.

5. Procedure

- 5 (a) **The procedure contained within the Introductory Tenants (Review) Regulations 1997 or the Introductory Tenancies (Review of Decisions to Extend a Trial Period) (England) Regulations 2006 or The Absolute Ground for Possession for Anti-social Behaviour (Review Procedure) (England) Regulations 2014 (as appropriate) shall be followed in respect of any review conducted into a decision by the Director of Housing and Investment to seek an order for possession of a dwelling-house let under, an introductory tenancy or a demoted tenancy, or to extend a trial period of an introductory tenancy or to seek possession of a dwelling-house on the absolute ground for anti-social behaviour and the remaining paragraphs hereof shall not apply except in so far as they are consistent with those Regulations**
- 5 (b) **In respect of all other decisions, including all tenancy matters, housing applications, discretionary renovation grant matters and other operational decisions, the procedure for dealing with appeals will be as follows:**
- (i) an officer will be appointed to review the decision who will have had no prior involvement in the matter**
 - (ii) the Appellant will be given a written explanation of the decision taken within 15 working days**
 - (iii) if the Appellant remains dissatisfied with the decision he/she will have the right to appeal to the Housing Appeals Panel and will be notified of that right with the written explanation**
 - (iv) for the purpose of paragraph 2 (a) above the period of 28 days shall be calculated from the date of receipt of the written explanation**
- 5 (c) (i) **There shall be a presumption that all appeals or review requests shall be by way of an oral hearing (the provisions within the aforementioned Regulations notwithstanding) **UNLESS** the appellant informs the Director of Housing and Investment that he/she wishes the matter to be determined by way of written representations**
- (ii) **Such notice **MUST** be given by the Appellant in writing when submitting his/her appeal/review request**

6. Appeals/Reviews by written representations

- 6 (a) **Where the appeal/review request is by way of written representations the Housing Appeals Panel shall consider all properly submitted representations and the appellant shall be notified by the Council of the date by which such representations must be received which cannot be earlier than 5 clear days after receipt of such notification**
- 6 (b) **When any appeal or review request is dealt with by written representations the Appellant will receive a copy of the written representations to be submitted by the Director of Housing and Investment with the notice of hearing as provided for in paragraph 8 below. The Appellant will also be invited to submit supplementary written representations for consideration by the Housing Appeals Panel. Written representations must be received 5 working days before the appeal date.**

7. The Hearings

- 7 (a) The Housing Appeals Panel shall follow the procedure set out in the Appendix hereto and the Appellant has the right to:-
- (i) be heard, to be accompanied and may be represented by another person whether that person is professionally qualified or not and for the purpose of the appeal proceedings any representative shall have the same rights and powers as the Appellant given in paragraphs 7 (ii) – (v) below
 - (ii) call persons to give evidence
 - (iii) put questions to any person who gives evidence at the hearing; and
 - (iv) Make representations in writing
 - (v) To assist you during the hearing a translator may be appointed

Director of Housing and Investment will be represented during the review by a duly Authorised Officer and where possible this should be the Housing Officer for the Appellant.

A Clerk will be present throughout the hearing and the decision making process. The Clerk will be a member of Legal or Democratic Services and will give legal advice to the Panel. The Clerk will record the decision of the Panel and notify the Appellant of the decision in writing.

8. Notice of Hearings

- 8 (a) The Council shall give an Appellant written notice of the date, time and place of the meeting of the Housing Appeals Panel that shall determine his/her appeal/review request
- 8 (b) The date for the Appeal will be sent to the Appellant no more than 5 days after receipt of the appeal/review request
- 8 (c) If no, or inadequate, notice of the date of the meeting is given the matter may only proceed with the consent of the Appellant or his/her representative

9. Absence of Appellant/Tenant

- 9 (a) Where an Appellant requests an oral hearing and fails to appear, the Housing Appeals Panel, being satisfied proper notice has been given, may, having regard to all the circumstances including any explanation offered for the absence, proceed with the hearing notwithstanding his/her absence or adjourn the hearing or give such directions as to the further conduct of the appeal/review request as it may think proper

10. Postponement of Hearing

- 10 (a) The Appellant may apply to the Housing Appeals Panel requesting a postponement of the hearing, any such request will be considered by the Clerk to the panel in consultation with the Chair. The application may be granted or refused but reasons must be given in writing for any refusal. Any postponement will not be granted for longer than 14 days.

10 (b) The Director of Housing and Investment or an Authorised Officer may apply to the Housing Appeals Panel requesting a postponement of the hearing, any such request will be considered by the Clerk to the panel in consultation with the Chair. Such a request will only be granted where it is considered that there will be no prejudice to the Appellant and a postponement will not be granted for more than 14 days. Once a postponement under this subsection has been granted the Appellant must be notified in writing within 3 days. Requests

for postponement of a hearing made by an Authorised Officer will not be considered if they are simply that the Applicant's Housing Officer is not available on the date of the Panel as it would be expected that another Housing Officer could take conduct of the Appeal.

10 (c) a review hearing can only be postponed once unless exceptional circumstances have been presented to the Clerk and the Chair.

10 (d) Where no request for a postponement has been made but information has come to light that could lead to an application for a postponement the Clerk, in consultation with the Chair, may consider a postponement.

11. Adjournment of Hearing

- 11 (a) The Housing Appeals Panel may, at any time, adjourn the hearing of any appeal/review request on the application of either party
- 11 (b) If a matter is adjourned part heard the authority will, wherever possible endeavour to reconvene the same panel to sit on the reconvened panel. This will ensure that the reconvened panel is quicker and that evidence already given does not have to be repeated. Where the same panel cannot be reconvened for whatever reason the Clerk to the panel will summarise the evidence already heard by the panel at the previous hearing.
- 11 (c) In the case of a review of a decision to seek possession on Absolute Grounds for anti-social behaviour, where the hearing is adjourned for more than one day, the Housing Appeals Panel must specify a date on which the hearing is to be resumed by sending a notice in writing to that effect to the Appellant and any other person whose attendance is required at the resumed hearing

12. The Decision

- 12(a) The Housing Appeals Panel after considering the written representations and/or the evidence may:
 - 1. Uphold the Director of Housing and Investment decision to serve Notice of Proceedings on the Tenant and authorise court proceedings for possession of the dwelling-house.
 - 2. Uphold the Director of Housing and Investment decision to serve Notice of Proceedings on the Tenant but to stay the application for possession to the court pending a further review of the case by the Panel.
 - 3. Uphold the Director of Housing and Investment decision to serve Notice of Proceedings on the Tenant but to stay the application for possession to the court pending monitoring by officers of a consistent and acceptable pattern of payment of the rent arrears.
 - 4. Extend the period of the introductory tenancy by six months and either options 2 or 3 above apply.
 - 5. N.B this is only an option if the Appeal hearing is at least eight weeks before the twelve month introductory tenancy period ends.
 - 6. Rescind the Notice of Proceedings.

- 2(b) The Council will notify the Appellant in writing of the Housing Appeal Panel's decision, including (where appropriate) the reasons for reaching that decision, within 7 working days of the date the decision is made. The decision letter will include a copy of the decision notice signed by the Chair or Vice Chair of the Panel.

13. Procedure for Oral Hearings

- (a) The Chair will introduce himself/herself and state the nature of the matter to be considered.
- (b) The Chair will then introduce the other members of the Appeals Panel, the Clerk, the officers present to advise the Panel and any witnesses.
- (c) The Chair will confirm that none of the members sitting on the Appeals Panel were involved in the decision the subject of appeal/review.
- (d) The Chair will take the details of the authority's representative and the appellant's representative (if any) who will both state their name and position and the names and positions of any witnesses they intend to call.
- (e) The Chair will ask the officers to confirm whether or not the requisite notice has been given to the appellant of the date, time and place of the hearing.

If the requisite notice has not been given the Chair will enquire of the appellant or his/her representative whether it is agreed that the hearing proceed.

If it is not agreed, the hearing will be adjourned to a future suitable date.

- (f) If there is no appearance by the appellant the Appeals Panel shall, on being satisfied proper notice has been given, and having regard to all the circumstances including any explanation offered for the absence, decide whether the hearing shall proceed notwithstanding the appellant's absence, or give such directions with a view to the conduct of the appeal/review request as it may think proper.
- (g) Witnesses shall be present from the start of the hearing **ONLY** if **BOTH** parties agree and the Chair retains the right to request that witnesses give their evidence without the other witnesses being present even when both parties are in agreement. The Authority's representative and the Appellant and his/her representative will be present throughout the presentation of the case.
- (h) The Chair will then outline the procedure for the hearing, which shall be as follows:
 - (i) The authority's representative summarises his/her case.
 - (j) The authority's representative may then call witnesses to give evidence. (Hearsay evidence of witnesses is admissible although direct evidence shall carry more weight).

Where witnesses are called each in turn:-

- (i) gives evidence;
- (ii) may be questioned by the Appellant or the Appellant's representative;
- (iii) may be questioned by members of the Appeals Panel;
- (iv) may, if necessary, be re-questioned by the authority's representative.

- (k) The Appellant or the Appellant's representative summarises his/her case.
- (l) The Appellant or the Appellant's representative may then call witnesses to give evidence which may include the Appellant. Each witness in turn:-
 - (i) gives evidence;
 - (ii) may be questioned by the authority's representative;
 - (iii) may be questioned by members of the Appeals Panel;
 - (iv) may, if necessary, be re-questioned by the Appellant or the Appellant's representative.
- (m) Upon completion of all or any oral evidence from the Appellant and/or the Appellant's witnesses the Appellant or the Appellant's representative may submit any written representations
- (n) On completion of the evidence each party will be given the opportunity of summing up his/her case; firstly the authority's representative, secondly the Appellant or the Appellant's representative.
- (o) Members of the Appeals Panel may ask the parties or any witness for any additional information or clarification required.
- (p) The Chair should ask the Housing Officer for their recommendation in each case. The Appellant will then be afforded the opportunity to express their views on this recommendation and make their own request of the Panel.
- (q) The Chair will then
 - (i) advise the parties that the Appeals Panel will consider its decision;
 - (ii) advise the appellant that he/she will be notified of the Appeals Panel's decision in writing, and, where appropriate, the reasons for the decision;
 - (iii) advise the appellant he/she will receive the notification within 7 working days;
 - (iv) invite the parties, their representatives and witnesses to withdraw.
- (r) The Appeals Panel will consider its decision. The decision of the majority of the Appeals Panel shall be the decision of the Panel, and where the Panel consists of an even number, the Chair shall have a second or casting vote.
- (s) It is at the discretion of the Chair of the Appeals Panel to announce the Appeals Panel's decision together, where appropriate with the reasons, for the decision. Where the Chair of the Appeals Panel chooses the Appellant will not be notified on the day but will receive notification in writing from the Clerk to the Panel.
- (t) A written record of the Appeals Panel's decision including a statement of the reasons for its decision signed by the Chair shall be retained by the Authority.
- (u) The appellant will be notified of the Appeals Panel's decision by written notice given by the Chief Executive, under the hand of the Clerk to the Panel. This will be given as soon as possible after the hearing and, in any event, to reach the Appellant within 7 working days.

- (v) Where the decision of the Panel is to uphold the decision of the Director of Housing and Investment but stay the proceedings pending a further review or monitoring by Officers the further review should (where possible) be conducted by the same Panel. The Panel should restrict themselves to only considering new evidence (things that have happened since the first review) presented by the Appellant or the Authorised Officer as all pertinent evidence should have been presented at the first review hearing. Evidence that pre-dates the panel's decision for a review hearing will only be heard under exceptional circumstances. Evidence already heard should not be reheard except where 11b applies.

14. POINTS TO NOTE RELATING TO HEARINGS

- (a) Members must remain throughout all of the hearing.
- (b) Members must confine themselves to questions and **NOT** embark on discussions upon the merits or otherwise of the application or evidence until they consider their decision.
- (c) An Appellant may apply to the Appeals Panel requesting a postponement of the hearing and the Appeals Panel may grant or refuse the application as it sees fit.
- (d)
 - (i) A hearing may be adjourned by the Appeals Panel at any time during the hearing on the application of the Appellant, his/her representative or at the motion of the Appeals Panel. If a hearing is adjourned part heard and after the adjournment the persons constituting the Appeals Panel differ from those appearing at the first hearing, proceedings shall be by way of a complete rehearing.
 - (ii) Where the Appeal is quorate any hearing may, with the consent of the Appellant or his/her representative but not otherwise, be proceeded with in the absence of one of the persons who is to determine the review providing that there are still 3 members of the Panel.

Housing Scrutiny Sub-Committee (last revised on 17 May 2016)

The Terms of Reference of the Housing Scrutiny Sub Committee are:

- 1) To inform Elected Members and Tenant Representatives on the development and implementation of the Housing Revenue Account Business Plan.
- 2) To monitor the performance and delivery of the Council's landlord services and functions.
- 3) To enable the Portfolio Holder and housing officers to brief and consult on any proposed policy and procedural changes that might affect the Council's housing scrutiny functions.

The Sub-Committee was established as a sub-committee of the Council's Performance Scrutiny Committee and be chaired by the Chair of the Performance Scrutiny Committee and that membership of the Group comprise:

- Up to 6 elected members
- Up to 4 tenant representatives (to be nominated by the Tenant Advisory Panel)

Whilst the Housing Portfolio Holder and any other Member of the Executive Committee cannot legally be a member of the sub-committee, they may be invited to the meetings when appropriate to ensure effective liaison and consultation.

In order to avoid duplication between the Housing Scrutiny Sub-Committee and the other three Scrutiny Committees it will be necessary for the three scrutiny committees to refer any specific housing landlord issues to this Sub Committee with the exception of the right to call-in decisions of the Executive Committee (in respect of any decisions relating to housing management functions) which should be retained by the Select Scrutiny Committee.

However any report or recommendations of the Sub Committee will be reported directly to the referring Scrutiny Committee before going to the Executive for consideration.

The sub-committee should meet on an 8 weekly cycle.

Performance Scrutiny Committee (last revised in September 2014)

Function:

1. To scrutinise the authority's key performance measures and draw areas of concern to the attention of individual portfolio holders, the Executive or the Council.
2. To monitor on a quarterly basis the progress of the Council's budget programme, and draw areas of concern in performance to the attention of individual portfolio holders, the Executive or the Council.
3. To advise on the performance implications of service reviews including lean reviews.
4. To monitor the implementation of service improvement action plans and draw areas of concern to the attention of individual portfolio holders, the Executive or the Council recommending alternative time or resource needs.
5. To consider and make recommendations on the Council's Annual Report prior to publication.
6. To monitor the progress of all key projects as reported by the Strategic Plan Implementation Team and draw areas of concern to the attention of individual portfolio holders, the Executive or Council.
7. To scrutinise the use of Council's budgets, including Treasury Management, and draw any areas of concern to the attention of the Executive or Council.
8. To monitor complaints originating from the Council's complaints system to determine if there are patterns which would identify areas of poor performance.
9. To consider the CMS Annual Report.
10. To prepare an annual work programme for approval by the Council having regard to any recommendations by the Council or the Executive.
11. To ensure that all matters provided within the work programmes are carried out efficiently including reporting to Council or the Executive.
12. To respond, in consultation with the Executive to any Government or external consultation concerning any issues within their remits.
13. To appoint any Panels as is considered appropriate to fulfil their functions.
14. To question members of the Executive, Chairs of Committees and Panels and appropriate officers about their decisions where necessary subject to any applicable codes of conduct.
15. To monitor the performance of the authorities risk management arrangements and make recommendations to the Executive on any matters arising
16. To consider the annual income/arrears monitoring report.
17. To receive update reports from Housing Scrutiny Committee on housing matters
18. To request that each Portfolio Holder attends on an annual basis to present a complete overview of performance across their portfolio.
19. To identify thematic reviews for scrutiny according to need for alternate Performance Scrutiny Committee meetings.

Membership:

1. The Committee will consist of 9 Members.

Policy Scrutiny Committee (last revised on 19 April 2016)

1. To ensure that needs and aspirations of the citizens of Lincoln are recognised through our community.
2. To assist the Council and the Executive in the reviewing of policy by analysing the communities unmet needs and wants and evaluating areas by:-
 - Undertaking consultation within communities to assist in policy development/review.
 - Recommending mechanisms to encourage and enhance community participation in the development of policy options
3. To establish gaps in policy and any unmet policy issues facing the authority and make recommendations to the Executive and/or Council on their development.
4. To act as a consultation forum for the development of the Council's budget and policy framework.
5. To scrutinise and monitor the development of the Local Plan.
6. To prepare an annual work programme for approval by the Council having regard to any recommendations by the Council, or the Executive and Select Scrutiny Committee.
7. To ensure that all matters provided within the work programmes are carried out efficiently including reporting to Council or the Executive.
8. To respond, in consultation with the Executive to any Government or external consultation concerning any issues within its remits.
9. To appoint any Panels as is considered appropriate to fulfil its functions.
- 10 To look at areas of concern in the Council where policies or processes are not enabling the authority to meet its targets and objectives, or where objectives have changed and policy needs to reflect those changes. To recommend to the Executive and or Council changes in policy or process.
- 11 To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive, whether taken by the Executive itself, any committee of the Executive, any individual member of the Executive or any officer.
- 12 To hold the Executive to account by reviewing the Executive Work Programme.

- 13 To liaise on significant emerging issues to ensure common understanding on their impact within the authority.
- 14 To report to Full Council on any decision made by the Executive which the Committee is of the opinion that the decision was a key decision, as defined in the Access to Information Rules as contained in the Constitution, but was not dealt with by the Executive as a key decision
- 15 To consider Councillor Calls for Action.

Membership:

The Committee will consist of 7 Elected Members.

Shared Revenues & Benefits Joint Committee (two documents comprising part of the Delegation and Joint Committee agreement with the North Kesteven District Council last revised in December 2015)

SCHEDULE 2 - CONSTITUTION OF THE JOINT COMMITTEE

- 1 Each Council shall appoint two Members (being elected members of that Council) as its nominated Members of the Joint Committee. The Members appointed shall have full voting rights and shall be appointed in accordance with each Council's Constitution.
- 2 Each Council may nominate one or more named substitute Members to attend any meeting in place of an appointed Member from that Council, subject to notification being given to the Secretary to the Joint Committee before the start of the meeting. The Member appointed as a substitute shall have full voting rights where the member for whom they are substituting does not attend. If a Council's nominated Members attend a meeting of the Joint Committee, any named substitute may also attend as an observer but shall not be entitled to vote.
- 3 Each Member of the Joint Committee shall comply with the Code of Conduct of their Council when acting as a Member of the Joint Committee.
- 4 Each Council may remove any of its nominated Members or substitute Members of the Joint Committee and appoint a different Member or substitute to the Joint Committee by giving written notice to the Secretary to the Joint Committee.
- 5 Each Member of the Joint Committee shall serve upon the Joint Committee for as long as he or she is appointed to the Joint Committee by the relevant Council but a Member shall cease to be a member of the Joint Committee if he or she ceases to be a Member of the Council appointing him or her or if the relevant Council removes him or her as a Member of the Joint Committee.
- 6 Any casual vacancies howsoever arising shall be filled by the Council from which the vacancy arises by notice in writing sent to the Secretary to the Joint Committee.
- 7 Meetings of the Joint Committee shall be held at the venue or venues as agreed by both Councils.
- 8 The Council hosting the first meeting shall appoint one of its nominated members as Chairman and that member shall remain Chairman until the first meeting taking place after the elapse of one year from the time of his or her appointment unless he or she ceases to be a Member of the Joint Committee. On the expiry of the first Chairman's term of office as Chairman, the Council which did not appoint the first Chairman shall appoint one of its nominated members as Chairman for a period of one year from the time of his or her appointment. The same procedure shall be followed for the appointment of Chairman in subsequent years.

- 9 The Council which has not appointed the Chairman of the Joint Committee in any year shall appoint one of its nominated members as Vice Chairman.
- 10 The Joint Committee shall meet at least once every two months unless otherwise determined by the Joint Committee.
- 11 The Secretary to the Joint Committee may call additional meetings by providing at least five clear days' notice to Members of the Joint Committee, for the purposes of resolving urgent matters arising between the bimonthly meetings of the Joint Committee. The Secretary to the Joint Committee must call a meeting of the Joint Committee if at least one Member of the Joint Committee from each Council requests it or the Head of Paid Service of both Councils requests it.
12. Meetings shall be notified to Members of the Joint Committee by the Secretary to the Joint Committee.
13. The Secretary to the Joint Committee shall send electronically to all members and relevant officers of each Council the agenda for each meeting of the Joint Committee no later than five clear working days before the date of the relevant meeting. The Secretary to the Joint Committee shall send to all Members of the Joint Committee, to the Political Group Leaders of each Council and relevant officers of each Council printed copies of the agenda for each meeting of the Joint Committee no later than five clear working days before the date of the relevant meeting.
14. The Secretary to the Joint Committee shall arrange for written minutes to be taken of each meeting of the Joint Committee and shall present them to the Joint Committee at its next meeting for approval as a correct record. If the Joint Committee confirms that the minutes contain an accurate record of the previous meeting, those minutes shall be signed by the Chairman or Vice-Chairman.
15. Meetings of the Joint Committee will commence at a time to be agreed by the Joint Committee.
16. A meeting of the Joint Committee shall require a quorum of one Member of each Council who are entitled to attend and vote. If there is a quorum of members present but neither the Chairman nor the Vice Chairman is present, the Members present shall designate one Member to preside as Chairman for that meeting.
17. Subject to the provisions of any enactment, all questions coming or arising before the Joint Committee shall be decided by a majority of the Council Members of the Joint Committee immediately present and voting thereon. Subject to the provisions of any enactment, in the case of an equality of votes the Chairman shall have a second or casting vote but before exercising this, the Chairman shall consider whether it is appropriate to defer the matter to the next meeting of the Joint Committee.
18. Any Member of the Joint Committee may request the Joint Committee to

record the votes of individual Members of the Joint Committee on a matter for decision.

19. Any member of either Council who is not a Member of the Joint Committee is entitled to attend the Joint Committee but he/she shall not be entitled to vote, shall not take part in the consideration or discussion of any business, save by leave of the Chairman and comments will be recorded only on the direction of the Chairman.
20. Meetings of the Joint Committee will be open to the public except to the extent that they are excluded under paragraph 21.
21. The public may be excluded from a meeting of the Joint Committee during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during that item, confidential information as defined in section 100A(3) of the Local Government Act 1972 or exempt information as defined in section 100I of the Local Government Act 1972 would be disclosed to them.
22. Any key decisions relevant to the Joint Committee shall be recorded in each Council's Forward Plan. Each Council may call in any decision of the Joint Committee in accordance with the scrutiny arrangements of that Council's Constitution. Should a decision of the Joint Committee be called in appropriate members of the other Council will be invited to attend the scrutiny meeting. If any decision of the Joint Committee is subject to call in by a Council, the Joint Committee shall take no action to implement that decision until call in procedure is completed.
23. The Joint Committee may delegate a function to an officer.
24. Any contractual arrangements that relate to the Shared Service will be undertaken by the host Council and that Council will apply its own financial regulations and contract procedure rules.
25. The Secretary to the Joint Committee shall provide governance and secretarial support services to the Joint Committee. The host Council shall make available committee officers to provide administrative services at the meetings of the Joint Committee.
26. The host Council shall provide legal advice and support services to the Joint Committee on such terms as may be agreed from time to time between the Councils.
27. The Finance Officer to the Joint Committee shall provide financial support services to the Joint Committee on such terms as may be agreed from time to time between the Councils.
28. The Joint Committee shall establish a working group of senior officers representing each partner authority and Shared Revenues and Benefits Service to be known as the Operational Board.

29. The members of the Operational Board shall comprise the following officers:
- Director of Resources, City of Lincoln Council;
 - Deputy Chief Executive, North Kesteven District Council;
 - Head of Shared Revenues and Benefits Service; and,
 - such other officers of as the Joint Committee or Operational Board may decide are required.
30. The responsibilities of the Operational Board shall be to:
- Manage the performance of the shared revenues and benefits services to be in relation to the Joint Committee Functions so as to ensure, so far as is possible and practicable, ensure the delivery of such services in accordance with the delivery plan approved by the Joint Committee and the progress and performance targets set by the Joint Committee.
 - To report to the Joint Committee meetings on the progress and performance of the services provided in connection with the performance of functions delegated to the Shared Service against the delivery plan and targets set by the Joint Committee.
 - Strive to ensure that the services provided are delivered equitably between both Councils, so far as may be practicable.
 - Prepare and submit to the Joint Committee for its approval on or before 30th November in each year an annual business plan, annual budget and annual delivery plan for the next Financial Year.
 - To report to the Joint Committee on the income and expenditure of the shared service against the approved budget.
 - To seek to ensure so far as is practicable that the functions delegated to the shared service are performed within the budget approved by the Joint Committee and to notify the Joint Committee of any material divergence from the annual budget and the reasons therefore.
 - To recommend to the Joint Committee the resources required to perform the functions delegated to the shared service to the requisite performance standards and any changes required in such resources to maintain such performance standards.
 - To make appropriate recommendations to the Joint Committee on any matter of relevance to the business of the Joint Committee and of the shared service

JOINT COMMITTEE TERMS OF REFERENCE

1. To approve and monitor the Shared Revenues and Benefits Service Delivery Plan for each Financial Year.
2. To approve the annual budget for the Joint Committee and the Shared Revenues and Benefits.

3. To approve the annual report of the Joint Committee and the Shared Revenues and Benefits.
4. To monitor expenditure and income of the Joint Committee and Shared Revenues and Benefits Service against the agreed annual budget.
5. To set progress and performance targets for the functions delegated to the shared service, approve the delivery plan for the performance of such functions and monitor and review the performance of such functions against such targets and delivery plan.
6. To approve changes to staffing structures and any associated management of change procedures including redundancies.
7. To recommend to the two Councils any amendment of the terms of reference of the Committee or Constitution.
8. To appoint one or more sub-committees of the Committee (in accordance with Regulation 11(4) of the 2000 Regulations*) as it may consider to be required and to delegate specific functions to such sub-committees. Any sub-committee shall comprise a majority of Joint Committee Members (one of whom shall chair the subcommittee) but may include non-Joint Committee Members or officers of the Committee or of the Shared Revenues and Benefits Service and the Committee shall determine terms of reference of each sub-committee, the term of office of each sub-committee member and the quorum for meetings of each sub-committee and the financial limits within which it shall operate.
9. To delegate specific functions to officers of the Committee or of the Shared Revenues and Benefits Service in accordance with the provisions of section 101 of the Local Government Act 1972 and Regulation 11(4) of the 2000 Regulations*.

* “The 2000 Regulations” means the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 as amended by the Local Authorities (Arrangements for the Discharge of Functions) (England) (Amendment) Regulations 2001

Select Scrutiny Committee (last revised on 27 February 2024)

1. To action all requests for Call-In of an Executive decision submitted on the Call In Request Form as prescribed in paragraph 14 .4 of the Scrutiny Procedure Rules.
2. To hear any decisions which are Called-In in accordance with the provisions of the Constitution including the hearing of representations from Councillors and any other interested party in accordance with the agreed procedure.
3. To act as the Council's Crime and Disorder Committee.

In its role as the Council's Crime and Disorder Committee, it will scrutinise:

- i) Decisions made, or actions taken, in connection with the discharge by the responsible authorities (as defined in the Crime and Disorder Act 1998) of their crime and disorder functions.
- ii) The collective decisions and/or actions of the Safer Lincolnshire Partnership.
- iii) Progress against the Safer Lincolnshire Partnership's action plans and improvement targets
- iv) Any local crime and disorder matter related to the council's own crime and disorder/community safety functions;
- v) Actions of other non-statutory partners who have a significant impact on tackling crime and disorder in the city.

For clarity, those partners falling within these Terms of Reference are:

- City of Lincoln Council's own community safety functions
- Lincolnshire Police
- Safer Lincolnshire Partnership
- Lincoln Business Improvement Group where their functions relate to community safety.
- Other responsible authorities (Police and Crime commissioner, Fire and Rescue, Primary Care Trust, Probation service)

Membership:

The Committee will consist of 5 Elected Members

Section V: General Delegations to Officers

1. General Conditions Applying to All Powers and Functions Delegated to Officers

The following shall apply to the exercise of all delegations to officers:

- (a) whether conferred under this Constitution or by resolution or decision of the council or any competent body or executive member; and
- (b) whether exercisable in pursuance of Council or Executive functions (if this is exercised in this manner an appropriate decision notice must be completed).

1.1 Delegations shall be exercised in accordance with:

- the Constitution
- the Council's Main Aims and Core Values
- approved budgets
- all relevant approved policies
- all relevant approved procedures
- all relevant resolutions of the Council, its Executive and Committees; and
- any decision of a member of the Executive exercising delegated powers.

1.2 Delegations shall be exercised subject to any direction given by the Chief Executive in discharge of his/her general responsibilities as Head of the Council's Paid Service.

1.3 Delegations shall be exercised only after consultation with other officers whose advice is relevant to the matter under consideration.

1.4 A power or function delegated to any Chief Officer may be exercised by any other officer authorised by him or her to exercise the delegation on his or her behalf.

1.5 For the avoidance of doubt, no officer may exercise a delegation in respect of any matter which is expressly:

- (a) reserved to Council; or
- (b) the function of the Executive or any member of the Executive; or
- (c) the function of any Committee of the Council; or
- (d) delegated exclusively to the Chief Executive; or
- (e) delegated to any other officer

2. General Delegations to Officers

In addition to those functions specifically delegated to them under Tables IA, IIA, IIC and III and elsewhere in this Constitution the Council's Chief Officers are authorised to act as follows:

2.1 To do or authorise others to do anything conducive or incidental to:

- the discharge of their functions and areas of responsibility as defined in Article 13.2(b) of this Constitution
- the performance of their principal duties as set out in the job descriptions relevant to their posts
- such other functions and duties as may be assigned to them from time to time in accordance with their contracts of employment.

2.2 Except where otherwise provided in the Officer Employment Procedure Rules, in consultation with the Human Resource Manager or his or her designated

representative:

- to appoint staff to posts within their directorates
 - to discipline and dismiss staff within their directorates
- 2.3 To approve arrangements for paid leave within their directorates and to authorise unpaid leave
- 2.4 To authorise the attendance of staff within their directorates at courses seminars week-end schools and conferences
- 2.5 To approve or refuse requests for the extension of sick pay in accordance with the adopted policy of the Council
- 2.6 To grant (but not to refuse) all licences, consents, registrations, certificates and permits appertaining to the functions of their directorates
- 2.7 To exercise the Council's statutory powers of entering on to land and premises for the purposes of inspection, survey, carrying out works, investigation of any matter, taking samples or any other purpose for which the Council is so authorised in relation to such of its functions as fall to be discharged by their respective directorates
- 2.8 To exercise the Council's statutory powers to obtain particulars of persons interested in land.
- 2.9 To instruct the City Solicitor:
- to initiate criminal and civil proceedings in the Magistrates Court and County Court
 - to defend any proceedings brought against the Council in any court inquiry or tribunal

provided that if the City Solicitor is of the opinion that there is insufficient evidence to pursue or defend any such proceedings he or she shall be entitled to refer the matter to the Council's Executive or to the relevant Committee of the Council for review.

Part 4: Procedural Rules

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Council Procedure Rules Relating to Meetings

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and Business

The Annual Meeting of the Council shall be held on the twelfth day after the first Thursday in May.

The Annual Meeting will:-

- (i) appoint the Mayor of Council;
- (ii) elect the Deputy Mayor of Council;
- (iii) appoint the Sheriff
- (iv) receive any announcements from the Mayor and/or Head of the Paid Service;
- (v) elect the Leader upon the expiry of his fixed term of office;
- (vi) appoint the committees provided for in this Constitution;
- (vii) appoint substitute members of certain committees in accordance with Rule 4;
- (viii) agree a scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3, Table 3 of this Constitution);
- (ix) approve a programme of ordinary meetings of the Council and its committees for the year; and
- (x) consider any other business set out in the notice convening the meeting.

1.2 Appointment of Councillors to Committees and Outside Bodies

At the Annual Meeting, the Council meeting will:-

- (i) decide which committees (if any) to establish for the municipal year in addition to those provided for in this Constitution;
- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats on all committees to political groups in accordance with the political balance rules;

- (iv) receive nominations of councillors to serve on each committee and outside body; and
- (v) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the executive

2. ORDINARY MEETINGS

Ordinary meetings of the council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:-

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) approve any outstanding minutes of the meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the Mayor, Leader, members of the executive or the head of paid service;
- (v) receive questions from, and provide answers to the public
- (vi) receive reports from the leader, Members of the Executive, the Council's committees, and the Chairs of Council Committees and receive members' questions and comments and the relevant Chairman's responses on any of those reports;
- (vii) receive reports about the business of joint arrangements and external organisations and receive members' questions and comments and the chair's or representatives responses to them;
- (viii) consider recommendations from the Executive, members of the Executive, committees of the Council and officers, properly made to the Council in accordance with the provisions of the Constitution.
- (ix) consider motions;
- (x) consider any other business specified in the summons to the meeting.
- (xi) Approve the work plans for scrutiny committees.
- (xii) Receive and debate any petitions received in accordance with the Petition Scheme.

3. EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings

Those listed below may request the Chief Executive and Town Clerk to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;

- (ii) the Mayor;
- (iii) The head of paid service, monitoring officer; and the officer responsible for the financial affairs of the Council ; and
- (iv) any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

4.1 Allocation

As well as allocating seats on committees and sub-committees, the Council will appoint substitute members to any of its committees.

4.2 Number

For each committee or sub-committee, the council will appoint not more than two substitutes in respect of each political group. In the event of the named substitute not being available any other member from the relevant political group may take their place.

4.3 Powers and duties of substitute members

Substitute members will have all the powers and duties of any ordinary members of the committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting and in particular may not chair the meeting.

4.4 Substitution

Substitute members may attend meetings in that capacity only:-

- (i) to take the place of an ordinary member of the same political group;
- (ii) where the member will be absent for the whole of the meeting.

5. TIME AND PLACE OF MEETINGS

All meetings of Council except the Annual Meeting and meetings the time of which is otherwise fixed by statute shall be held at 6.30 pm at a place determined by the Chief Executive and Town Clerk and notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Chief Executive and Town Clerk will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive and Town Clerk will send a summons signed by him or her by to every member of the Council, leave it at their usual place of residence or provide access to it electronically if requested by the member. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

7. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to the committee and sub-committees, references to the Mayor also include the chairman of committees and sub-committees.

8. QUORUM

The quorum of a meeting will be one quarter of the whole number of members, unless specified elsewhere within the Constitution. During any meeting if the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. ALLOCATION OF SEATS

The allocation of seats on Committees shall be in accordance with Section 15 and 17 of the Local Government and Housing Act 1989.

10. DURATION OF MEETING

There will be no requirement for meetings to end at a specified time.

11. QUESTIONS BY THE PUBLIC

11.1 General

Members of the public may ask questions of the Leader, any Member of the Executive or the Chair of any Committee at ordinary meetings of the Council.

11.2 Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive and Town Clerk no later than noon seven working days before the day of the meeting (under normal circumstances questions for a Full Council meeting on a Tuesday would need to be submitted by noon on the relevant preceding Friday). Each question must give the name and address of the questioner and must identify the office holder to whom it is to be put.

Questions must be written as succinctly as possible.

11.3 Number of Questions

No person may submit more than one question at any one meeting.

11.4 Scope of Questions

The Chief Executive and Town Clerk or Monitoring Officer may reject a question if it:-

- (i) does not relate to a matter of general interest; or
- (ii) does not relate to a matter for which the Council has responsibility or which affects the interests of the City; or
- (iii) relates exclusively to an individual grievance or personal issue; or
- (iv) is defamatory, offensive, or frivolous; or
- (v) is substantially the same as a question which has been put at a meeting of the Council within the previous six months; or
- (vi) requires the disclosure of exempt or confidential information.

11.5 Record of Questions

- (a) The Chief Executive and Town Clerk will maintain a register of questions received which will be available to public inspection. A copy of the question shall be sent to the office holder to whom it is to be put.
- (b) Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

11.6 Rejection of Questions

Any person whose question is rejected in accordance with 11.4 above will be informed in writing including the reason for rejection.

11.7 Asking the Question at the Meeting

Questions will be asked in the order in which notice of them was received, except that any person who has asked a question at the preceding meeting of the Council will only be entitled to put his or her question after questions from persons who have not asked questions at the preceding meeting have been dealt with. The Mayor will invite the questioner to put the question to the office holder named in the notice. The questioner must read out the question in person unless he or she is prevented from doing so by any disability. The question must be put strictly in the form in which it was submitted. Answers will be given by the office holder the question is directed to, unless it properly falls within the remit of another office holder.

11.8 Supplemental Question

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or reply. The Mayor may reject a supplementary question on any of the grounds in Rule 11.4.

11.9 Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer. All written answers will also be submitted to all Members of the Council.

11.10 Length of Question Time

Question time will be limited to 20 minutes.

12. QUESTIONS BY MEMBERS

12.1 On reports of the Executive Member or Committee Chairman

A member of the Council may ask the Leader, Portfolio Holders or the Chairman of a committee any question or make comment without notice relating to an item in the report of the Portfolio Holder or a committee respectively when that item is being received or is under consideration by the Council. Members asking a question or making a comment may only speak once on each report.

12.2 Questions on Notice at Full Council

Subject to Rule 12.4, a member of the Council may ask:

- a member of the Executive; or
- the chairman of any committee or sub-committee

a question on any matter within his or her competence in relation to which the Council has powers or duties or which affects the area.

12.3 Questions on Notice at Committees and Sub-Committees

Subject to Rule 12.4, a member of a committee or sub-committee may ask the chairman of it a question on any matter in relation to which the Council has powers or duties, or which affects the area and falls within the terms of reference of that committee or sub-committee.

12.4 Notice of Questions

A member may only ask a question under Rule 12.2 or 12.3 if:

- (a) they have submitted their question to the Chief Executive in writing by 10am two clear working days before the day of the meeting, not including the day of the meeting (under normal circumstances questions for a Full Council meeting on a Tuesday would need to be submitted by 10am on the preceding Friday); or
- (b) the question relates to urgent matters, they have the consent of the Executive member or chairman to whom the question is to be put and the content of the question is given to the Chief Executive and Town Clerk by 10am on the day of the meeting.
- (c) the question does not relate to an individual grievance or personal issue or is defamatory, offensive, frivolous.

- (d) the question does not require the disclosure of exempt or confidential information.

12.5 Response

Any response to any question or comment raised under Rules 12.1, 12.2 and 12.3 may take the form of:

- (a) a direct oral answer; or
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the question is asked without notice and the reply cannot conveniently be given orally, a written answer circulated later to all members of the Council or committee (as the case may be) and reported to the next meeting.

12.6 Supplementary Question

A member asking a question under Rule 12.2 or 12.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

12.7 Duration of Question Time

No question of which notice has been given under Rule 12.2 or 12.3 shall be asked after the expiration of 1 hour from the Mayor or Committee Chair calling for the first question at any meeting under Rule 12. Any questions not put to the meeting under this provision shall be given a written answer circulated to all members.

13 RECOMMENDATIONS TO COUNCIL

- 13.1** Where reports are received under Rule 2 (viii) the Chair of the Committee or relevant member of the Executive will propose the recommendations to Council. Rules 17.4, 17.5, 17.6, 17.9, 17.10, 17.11, 17.12 and 17.13 will apply, with the recommendations being classed as a motion and the relevant Chair-Executive member classed as the proposer of the motion.

14 MOTIONS ON NOTICE

14.1 Notice

Except for motions which can be moved without notice under Rule 16, written notice of every motion must be given to the Chief Executive and Town Clerk by at least two members, one of whom must be the proposer and another the seconder of the motion. Such Notice must be given not less than 7 working days before the date of the meeting at which it is to be considered (under normal circumstances motions for a Full Council meeting on a Tuesday would need to be submitted by 10am on the relevant preceding Friday). Notice may be given in writing or by e-mail or facsimile. The proposer and seconder must sign the notice of motion. In the case of a notice delivered by electronic means, a printed copy must be signed not later than the commencement of the meeting at which it is to

be considered. All notices will be entered in a book open to public inspection.

14.2 Motion Set Out in Agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving the notice states, in writing, that they propose to move it to a later meeting or withdraw it.

14.3 Scope

- (1) Motions must be about matters for which the Council has a responsibility or which affect the City of Lincoln.
- (2) In the event of a Motion being received on a matter for which the Council does not have a responsibility for, or which does not affect the City of Lincoln the Chief Executive, or the Monitoring Officer shall have the power to refuse the Motion and advise the proposer the reasons why it is being refused.

14.4 Absence of Proposer or Secunder

In the absence of the proposer or seconder a person nominated by either of them may act in their place providing notice has been given to the Chief Executive and Town Clerk or Monitoring Officer prior to the commencement of the meeting.

15 MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

If any question arises at any meeting regarding the appointment, promotion, dismissal, salary, superannuation or conditions of service, or the conduct of any person employed by the Council, such questions shall not be the subject of discussion until the meeting has decided whether or not the power of exclusion of the public under Section 100 A(4) of the local Government Act 1972 shall be exercised.

16 MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports and consider recommendations of committees or officers and to pass any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;

- (i) to proceed to the next business;
- (j) that the question now be put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) extending the time limit for speeches;
- (n) to suspend a particular council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under Rule 23.3 or to exclude them from the meeting under Rule 23.4;
- (q) to give the consent of the Council where its consent is required by this Constitution.

17 RULES OF DEBATE

17.1 No speeches until Motion Seconded

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

17.2 Right to Require Motion in Writing

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

17.3 Seconded's Speech

When seconding a motion or amendment, a member may reserve the right to speak until later in the debate.

17.4 Content and Length of Speeches

Speeches must be direct to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the meeting.

17.5 When a Member may Speak Again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;

- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

17.6 Amendments to Motions

- (a) An amendment to a motion must be proposed and seconded and must be relevant to the original motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

As long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of, provided that the Mayor may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course of action would facilitate the proper conduct of the Council's business.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

17.7 Alteration of Motion

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

17.8 Withdrawal of Motion

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

17.9 Right of Reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

17.10 Motions which may be moved during Debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question now be put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to extend the time limit for a speech;
- (h) to exclude the public and press in accordance with the Access to Information Rules;
- (i) to not hear further a member named under Rule 23.3 or to exclude them from the meeting under Rule 23.4; and
- (j) to refer the subject of debate back to a relevant committee.

17.11 Closure Motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;

- (iii) to adjourn a debate; or
- (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed, he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

17.12 Point of Order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

17.13 Personal Explanation

A member may make a personal explanation at any time. The Mayor will allow the meeting to hear the personal explanation immediately where it relates to an issue of the members or another's integrity or reputation. In all other circumstances the Mayor will determine whether the personal explanation should be heard immediately or after the current speaker has concluded his speech. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

18 PREVIOUS DECISIONS AND MOTIONS

18.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least five members.

18.2 Motion similar to one previously rejected

Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

19 VOTING

19.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

19.2 Mayor's casting vote

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

19.3 Show of hands

Unless a recorded vote is demanded under Rule 19.4 the mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

19.4 Recorded vote

If one third of the members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

19.5 Right to require individual vote to be recorded

If a member so requests immediately after the vote is taken, his or her vote will be so recorded in the minutes to show whether he or she voted for or against the motion or abstained from voting.

19.6 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

19.7 Recorded Vote – Budget Decisions

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

20 MINUTES

20.1 Signing the minutes

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

20.2 No requirement to sign minutes of previous meeting at extraordinary meeting

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

20.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

21 RECORD OF ATTENDANCE

A record shall be kept of all members present during the whole or part of a meeting.

21A WITHDRAWAL FROM THE MEETING

Where a member has a disclosable pecuniary interest in any business of the authority they must withdraw from the room or chamber where a meeting considering the business is being held unless they have obtained a dispensation from the authority's Ethics and Engagement Committee or Monitoring Officer.

22 EXCLUSION OF THE PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 24 (Disturbance by Public).

23 MEMBERS' CONDUCT

23.1 Standing to Speak

When a member speaks at full council he or she must stand and address the meeting through the Mayor. If more than one member stands, the Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

23.2 Mayor Standing

When the Mayor stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

23.3 Member not to be heard further

If a member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

23.4 Member to leave meeting

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

23.5 General disturbance

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

24 DISTURBANCE BY PUBLIC

24.1 Removal of member of the public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

24.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared, and may adjourn the meeting for so long as he/she thinks necessary.

25 INTERPRETATION

The ruling of the Mayor or Chair as to the construction or application of any of these Procedure Rules, or regarding any proceedings of any Council meeting or committee shall not be challenged at any meeting of the Council.

26. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

26.1 Suspension

All of these Council Rules of Procedure except Rules 19.2, 19.5 and 20.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

26.2 Amendment

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

27. RECORDING/BROADCASTING OF MEETINGS

The recording, broadcasting, or photographing of the proceedings of any Council or committee meetings shall be permitted. In the event that this causes significant disruption to the proceedings of a meeting, the Mayor (in the case of a Council meeting) or the Chair (in the case of a committee meeting) shall be entitled to prevent any further recording, broadcasting, or photographing of the relevant meeting.

28. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Procedure Rules apply to meetings of full Council. None of the rules apply to meetings of the Executive. Only rules 4,6,8,9 and 10, 12.3-12.7,19-28 (but not rule 23.1 and 26) apply to meetings of committees and sub-committees.

29 STATE OF THE AREA DEBATE

29.1 The leader may call one or a series of the state of areas debate on dates and in a form to be agreed with the Mayor .

29.2 Form of Debate

The Leader in consultation with the Mayor will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity .

29.3 Chairing the Debate

The debate will be chaired by the Mayor.

29.4 Results of Debate

The results of the debate will be :

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) considered by the Leader in proposing the budget and policy framework to the council for the coming Year.
- (iii) Council may also decide to refer the outcome of the debate or part of it to a committee of the Council for further development and or research .

Access to Information Procedure Rules

1. SCOPE

These rules apply to all meetings of the Council, Scrutiny Committees, Area Committees (if any), the Ethics and Engagement Committee and Audit Committee, Regulatory Committees, and public meetings of the Executive (together called meetings) and cover rules appertaining to both members of the public and councillors.

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law. In particular individuals have the right under the Freedom of Information Act 2000 and other statutes to request a wide variety of information (subject to some exemptions) . Information on the scope of and how to exercise this right can be obtained from the Council's Monitoring Officer or from the Council's website .

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

4. NOTICES OF MEETING

The Council will give at least five clear days' notice of any meeting by posting details of the meeting at City Hall, Beaumont Fee, Lincoln and on the Council's website.

5. PRIVATE MEETINGS OF THE EXECUTIVE

5.1 The Council will give at least 28 clear days' notice of any Executive meeting at which the public will be excluded from due to the items to be discussed being subject to exempt information as defined in 10.4 of these rules. Any notice will be published in the Executive Work Programme and indicate the item to be discussed, the reason for it being discussed in private, and invite public representations to be made with regard to it.

5.2 Where it is not possible to provide 28 days' clear notice under the terms of 5.1, agreement may be sought from the relevant scrutiny committee chair to allow a private meeting to take place, which will then be published on the Council's website and made available at its offices. In the event that the relevant scrutiny committee chair is unavailable, agreement may be sought from another suitable member as specified in the relevant legislation.

6. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

6.1 The council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda and any report relating to the item will be open to inspection from the time the item was added to the agenda.

6.2

Meetings held under the Licensing Act 2003 or the Gambling Act 2005 will have only their agenda published.

7. SUPPLY OF COPIES

7.1 The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Proper Officer thinks fit, copies of any other documents supplied to councillors in connection with an item

to any person on payment of a charge for postage and any other costs.

7.2 The Council will ensure that any documents referred to in 7.1 above are also available on its website at www.lincoln.gov.uk

8. ACCESS TO MINUTES ETC. AFTER THE MEETING

8.1 The Council will make available copies of the following for six years after a meeting:-

- (a) the agenda for the meeting;
- (b) reports relating to items when the meeting was open to the public;
- (c) the minutes of the meeting and in the case of the Executive the records of decisions taken, together with reasons, excluding any part of the minutes of proceedings or record of decision which disclose exempt or confidential information;
- (d) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

8.2 Provision of documents to newspapers

If a request is received from a newspaper or news website for any of the documents detailed in (a) to (c) above then they will be supplied for the benefit of the newspaper by the City Council on payment by the newspaper such charges incurred for postage, copying and any other charge incurred by the Council for its transmission.

9. BACKGROUND PAPERS

9.1 List of Background Papers

The author of the report will set out with every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and

- (b) which have been relied on to a material extent in preparing the report
- but excluding published works and any material which discloses exempt or confidential information (as defined in Rule 11) and in respect of executive reports, the advice of a political advisor

9.2 Public Inspection of background papers

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

10. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at and available to the public at the Council's main offices and on the Council's website.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

11.1 Confidential Information - requirement to exclude public

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

11.2 Exempt Information - discretion to exclude public

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

11.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed under an Act of Parliament or a Court Order.

11.4 Meaning of exempt information

Exempt information means information falling within the following 7 categories (subject to any condition);

Category	Condition
1. Information relating to any individual	The public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2. Information which is likely to reveal the identity of an individual.	The public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Category	Condition
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	<p>□ Information relating to the financial or business affairs of any particular person is not exempt if it is required to be registered under: the Companies Act 1985; the Friendly Societies Act 1974; the Friendly Societies Act 1992; the Industrial and Provident Societies Acts 1965 to 1978; the Building Societies Act 1986; or the Charities Act 1993.</p> <p>Information relating to proposed development for which the local planning authority may grant itself planning permission under regulation 3 of the Town and Country Planning General Regulations 1992 is not exempt.</p>
4 Information relating to any consultations or negotiations or contemplated consultations or negotiations , in connection with any labour relations matter arising between the authority or Minister of the Crown and employees of, or office holders under ,the authority	The public interest in maintaining the exemption outweighs the public interest in disclosing the information.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	The public interest in maintaining the exemption outweighs the public interest in disclosing the information.
6. Information which reveals that the authority proposes – a to give under any enactment a notice under or by virtue of which requirements are imposed on a person ;or b. to make an order or direction under any enactment	The public interest in maintaining the exemption outweighs the public interest in disclosing the information.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	The public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

11.5 Application of the European Convention on Human Rights

Where the meeting will determine any matter affecting any persons civil rights or obligations any decision to exclude the public will be made having regard to the rights of an individual under Article 6 of the European Convention on Human Rights to have such questions determined in public.

12. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

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

12. APPLICATION OF RULES TO THE EXECUTIVE

Rules 13-24 apply to the Executive and its committees. If the Executive or a committee of the Executive meets to take a key decision then it must also comply with Rules 1 - 11.

A key decision is one which is likely:-

- a) to result in the Local authority incurring expenditure which is , or the making of savings which are, significant having regard to the Local Authority's budget for the service or function to which it relates ;or
- b) to be significant in terms of its effects on communities living or working in an area comprising 2 or more wards in the area of the local authority.

13. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

- (a) it has been included within the Executive Work Programme which has been published;
- (b) at least 28 clear days have elapsed since the publication of the Executive Work Programme; and
- (c) where the decision is to be taken at a meeting of the Executive or a committee of the Executive, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. THE EXECUTIVE WORK PROGRAMME

14.1 Period of the Executive Work Programme

The Executive Work Programme will cover a period of twelve months from the date of publication, and will be published at least once every month.

14.2 Contents of the Executive Work Programme

The Executive Work Programme will contain details of matters which are likely to be the subject of a key decision to be taken by the Executive, a committee of the Executive, member of the Executive, officer, Area Committee or under joint arrangements during the period covered by the plan. In addition it will also contain details of any decision to be taken by the Executive which will be subject to the “Exempt Information” criteria detailed in Rule 10.4. It will contain the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any, and where the decision taker is a body, its name and a list of its members;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) A list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (e) the address, from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available ;
- (f) that other documents relevant to those matters may be submitted to the decision maker; and
- (g) The procedure for requesting details of those documents as they become available.
- (h) In respect of any declared conflict of interest, a note of the dispensation granted by the Chief Executive and Town Clerk.

Exempt and confidential information, and any advice from political advisers will not be included in the Executive Work Programme, but any key decisions to which such information or advice relates will be identified.

14.3 Publication of the Executive Work Programme

The Executive Work Programme will be published at least 28 days before any Key Decision is to be taken. The Executive Work Programme will be made available for inspection by the public:-

- (a) at the offices of the City of Lincoln Council; and
- (b) on the City of Lincoln Council’s website – www.lincoln.gov.uk

15. GENERAL EXCEPTION

- 15.1** If it is impracticable to include a matter which is likely to be a key decision in the Executive Work Programme, the decision may only be taken if:

- (a) the Proper Officer has informed the chair of a relevant Scrutiny Committee, or if there is no such person, each member of that committee by notice in writing of the matter about which the decision is to be made;
- (b) the Proper Officer has made copies of that notice available to the public at the offices of the Council and has published it on the Council's website
- (c) at least 5 clear days have elapsed since the Proper Officer complied with (a) and (b).

15.2 Where Rule 15.1 applies to any matter, Rule 14.2 need not be complied with in relation to that matter.

15.3 As soon as practicable after the Proper Officer has complied with Rule 15.1 he or she must –

- (a) make available at the city of Lincoln Council's offices a copy of a notice setting out the reasons why compliance with Rule 14.3 is impracticable; and
- (b) publish a copy of the notice on the authority's website

16. SPECIAL URGENCY

16.1 If the date by which a decision must be taken makes compliance with Rule 15 impracticable, the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement of the chair of a relevant Scrutiny Committee that the taking of the decision cannot be reasonably deferred.

16.2 As soon as reasonably practicable after the decision maker has obtained agreement under paragraph 16.1 that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must:-

(a) make available at the City Council Offices a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred; and

(b) publish that notice on the City Council's website

17. REPORT TO COUNCIL

17.1 When a scrutiny committee can require a report

If a Scrutiny Committee thinks that a key decision has been taken which was not:

- (a) included in the Executive Work Programme; or
- (b) the subject of the general exception procedure under Rule 15; or

- (c) the subject of an agreement with the relevant Scrutiny Committee chair, under Rule 16;

the committee may require the Executive to submit a report to the Council within such reasonable time as the committee specify. The power to require a report rests with the committee, but is also delegated to the Monitoring Officer, who shall require such a person on behalf of the committee when so requested in writing by the Chairman or any 5 members of that committee. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant scrutiny committee.

17.2 Executive's report to Council

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision and the reasons for making it, the individual or body making the decision, and, if the executive is of the opinion that it was not a key decision, the reasons for that opinion.

17.3 Reports on special urgency decisions

The Leader will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include particulars of each decision made and a summary of the matters in respect of which those decisions were taken.

18. RECORD OF DECISIONS

After any meeting of the Executive or any of its committees, whether held in public or private, the Monitoring Officer or his /her representative or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

19. EXECUTIVE MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS

Subject to the provisions of Rule 4, the Executive will decide whether meetings relating to matters which are not key decisions will be held in public or private. If a matter is to be held in private then Rule 4.2 must be complied with.

20. NOTICE OF PRIVATE MEETINGS OF THE EXECUTIVE

Members of the Executive or its committees will be entitled to receive five clear working days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

21. ATTENDANCE AT PRIVATE MEETINGS OF THE EXECUTIVE

The Chair of any Scrutiny Committee may attend private meetings of the Executive and may speak if invited. All other Members of the Council may attend private meetings of the Executive but may not take any part in the proceedings.

22. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE

22.1 Reports intended to be taken into account

Where an individual member of the Executive receives a report which he/she intends to take into account in making any key decision, he/she will not make the decision until at least 3 clear days after receipt of that report.

22.2 Provision of copies of reports to scrutiny committees.

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chair of every relevant scrutiny committee as soon as reasonably practicable, and make it publicly available at the same time.

22.3 Record of individual decision

As soon as reasonably practicable after an executive decision has been taken by an individual member of the Executive or a key decision has been taken by an officer, he/she will prepare, or instruct the Monitoring Officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The records of any decision taken shall be kept by Democratic Services. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Executive or key decisions by officers. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

23. SCRUTINY COMMITTEE MEMBERS ACCESS TO DOCUMENTS

23.1 Rights to copies

Subject to Rule 23.2 below, a member of a Scrutiny Committee (including its sub-committees) will be entitled to copies of any document which is in

the possession or control of the Executive or its committees - and which contains material relating to:

- (a) any business transacted at a public or private meeting of the executive or its committees; or
- (b) any decision taken by an individual member of the Executive; or
- (c) any decision taken by an officer.

23.2 Limit on rights

A member of a Scrutiny Committee will not be entitled to a copy of:

- (a) Any document that is in draft form;
- (b) any part of a document that contains exempt information or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (c) Any document which contains the advice of a political adviser.

24. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

24.1 Material relating to previous business

All members will be entitled to inspect any document which is in the possession or under the control of the Executive or its committees - and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies;

- (a) It appears to the proper officer that it discloses exempt information, subject to the following exceptions:
 - (i) it contains exempt information falling within paragraph 3 of the categories of exempt information except to the extent that the information relates to terms proposed to or by the authority in the course of contract negotiations, or if they are exempt because they reveal that the authority proposes to give a notice under any enactment or to make an order or direction under any enactment; or
 - (ii) it contains exempt information falling within paragraph 6 of the categories of exempt information except to the extent that the information reveals that the authority proposes to give a notice under any enactment or to make an order or direction under any enactment.
- (b) it contains the advice of a political adviser.

24.2 Material relating to key decisions

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Executive or its committees which relates to any key decision unless paragraph 24.1 (a) or (b) above applies.

24.3 Nature of rights

These rights of a member are additional to any other right he/she may have. At common law, members have the right to access to information in relation to which they have a “need to know” in order to carry out their role as councillors.

Budget and Policy Framework Procedure Rules

1. The framework for executive decisions

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

2. Process for developing the framework

- (a) The Executive will publish a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The chairs of Scrutiny Committees will also be notified. The consultation period shall in each instance be not less than 3 weeks.
- (b) At the end of that period, the Executive will then draw up firm proposals having regard to the responses to that consultation. If a relevant Scrutiny Committee wishes to respond to the Executive in that consultation process then it may do so. As the Scrutiny committees have responsibility for fixing their own work programme, it is open to the Scrutiny Committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Executive will take any response from a Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the executive's response
- (c) Once the Executive has approved the firm proposals, the monitoring officer will refer them at the earliest opportunity to the Council for decision
- (d) In reaching a decision, the Council may adopt the Executive's proposals, amend them, refer them back to the Executive for further consideration, or in principle, substitute its own proposals in their place
- (e) If it accepts the recommendation of the Executive without amendment, the Council may make a decision, which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- (f) The decision will be publicised and a copy shall be given to the Leader.
- (g) An in-principle decision will automatically become effective 7 days from the date of the Council's decision, unless the leader informs the Monitoring Officer in writing within 5 days that he/she objects to the decision becoming effective and provides reasons why.
- (h) In that case, the Monitoring Officer will call a Council meeting to be held within a further 14 days at which the Council will be required to reconsider its decision and the leader's written submission. The Council may:
 - i) approve the Executive recommendation by a simple majority of votes cast at the meeting; or
 - ii) approve a different decision which does not accord with the recommendation of the Executive by a simple majority.
- (i) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately;

- (j) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the executive, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

3. Decisions outside the budget or policy framework

- (a) Subject to the provisions of paragraph 5 (virement) the Executive, committees of the Executive, individual members of the Executive and any officers, Area Committees or joint arrangements discharging executive functions may only take decisions, which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the Council, subject to 4 below.
- (b) If the Executive, committees of the Executive, individual members of the Executive and any officers, Area Committees or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the monitoring officer and/or the chief financial officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. Urgent decisions outside the budget or policy framework

- (a) The Executive, a committee of the Executive, an individual member of the Executive or officers, Area Committees or joint arrangements discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - (i) if it is not practical to convene a quorate meeting of the full Council; and
 - (ii) if the chair of a relevant Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of the Council and the chair of the relevant Scrutiny Committees' consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chair of a relevant Scrutiny Committee the consent of the Mayor or in the absence of both the relevant chair and the Mayor, the deputy Mayor, will be sufficient.

- (b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. Virement

The Executive, a committee of the Executive, an individual member of the Executive or an officer acting under delegated powers may only vire between approved budget heads such amounts as the Council shall prescribe in setting the budget. Beyond those limits any virement will require the approval of the Council.

6. In-year changes to policy framework

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Executive, a committee of the Executive, an individual member of the Executive or officers, Area Committees or joint arrangements discharging executive functions must be in line with it. No changes to any policy or strategy which make up the policy framework may be made by those bodies or individuals except those changes;

- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (b) which are necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) to the policy framework which would normally be agreed by the Council following consultation, but are required because the existing policy document is silent on a matter under consideration.

Executive Procedure Rules

1. Operation of the Executive

1.1 Taking Executive decisions

The functions of the Executive are set out in Part 3 of the Constitution. Except as otherwise provided the functions of the Executive will be discharged by the Executive as a whole.

1.2 Delegation Arrangements.

The Executive may delegate functions to a Committee or a sub-committee, or to an officer, in consultation with the Monitoring Officer and the Section 151 Officer.

An individual Executive member may exercise the functions of the Executive in accordance with the delegations to Executive Members contained in Part 3 of the Constitution.

An officer may exercise the functions of the Executive in accordance with the Delegations to Officers contained in Part 3 of the Constitution.

1.3 Sub-delegation of Executive Functions.

Arrangements made by the Leader, Executive, or an individual Member for the discharge of an Executive function, do not prevent the discharge of that function by the person or body who delegated it.

1.4 The Council's scheme of delegation and Executive functions

- (a) Subject to (b) below the Council's scheme of delegations will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7.7 and is set out in Part 3 of this Constitution.
- (b) the Leader may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Monitoring Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the executive as a whole. The Monitoring officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- (c) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its chair.

1.5 Disclosable Pecuniary Interests

- (a) If any member of the Executive has a disclosable pecuniary interest they must comply with the requirements set out in the Council's Code of Conduct for Members in Part 5 of this Constitution
- (b) If the exercise of an Executive function has been delegated to a committee of the executive an individual member of the Executive or an officer, and should a disclosable pecuniary interest arise, then the function will be

exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.6 Arrangements for Executive meetings

The Executive will meet on the dates and times set out in a schedule, covering the forthcoming year and agreed by the Council. The Executive shall meet at the Council's main offices or another location to be agreed by the leader. The Leader may cancel, re-arrange and arrange extra ordinary meetings of the Executive.

1.7 Decisions taken by Executive

Executive decisions which have been delegated to the Executive as a whole or to a sub committee of the Executive will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

1.8 Quorum

The quorum for a meeting of the Executive and any of its sub committees shall be any three of its members.

1.9 Voting

Decisions of the Executive will be taken by a simple majority of those present. If there is an equality of votes then the Leader or other member presiding in the absence of the Leader, will use his/her casting vote.

2. Conduct of Executive Meetings

2.1 Chairmanship

If the leader is present he/she will preside. In his/her absence, then the Deputy Leader will preside and in his/her absence a person appointed to do so by those present shall preside.

2.2 All members of the Executive will be entitled to receive notice of and attend any meeting of the Executive or any sub committee of the Executive. The rights of any other person to attend such meetings will be determined in accordance with the law and the Access to Information Procedure Rules set out in this part of the Constitution.

2.3 Business to be conducted

At each meeting of the Executive the following business will be conducted:

- (i) Consideration of the minutes of the last meeting;
- (ii) Declarations of interest, if any;
- (iii) Matters referred to the Executive (whether by a scrutiny committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (iv) Consideration of reports from scrutiny committees including recommendations on internal and external audit reports; and

- (v) Matters set out in the agenda for the meeting, which shall indicate which are key decisions.

2.4 Consultation

All reports to the Executive from any member of the Executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Referral of matters to the Executive

Any member of the Executive may require the monitoring officer to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration. If he/she receives such a request the monitoring officer will comply.

The monitoring officer will make sure that an item is placed on the agenda of the next available meeting of the Executive where a relevant scrutiny committee or the full Council have resolved that an item be considered by the Executive.

The monitoring officer and/or the chief financial officer and Head of Paid Service may include an item for consideration on the agenda of an Executive meeting and may require the monitoring officer to call such a meeting in pursuance of their statutory duties or because they are of the opinion that any matter requires a decision.

Scrutiny Procedure Rules

The following Procedure Rules will apply to all Scrutiny Committees appointed by the Council and any Panel appointed by any of the Committees to assist in their Work Programmes.

1. Terms of Reference

All Scrutiny Committees appointed under Article 6 will be subject to their relevant Terms of Reference detailed in Section IV of Part 3 of the Constitution.

2. Membership

All Councillors except members of the Executive may be members of Scrutiny committees. However, no member may be involved in scrutinising a decision which he/she has been directly involved. All Scrutiny Committees must have a membership that reflects the political balance of the Council in accordance with the requirements of the Local Government and Housing Act 1989

3. Co-optees

Each scrutiny committee or any panel appointed by them shall be entitled to recommend to Council the appointment of non-voting co-opted members representing specific interest groups or organisations or having knowledge and experience relevant to its work.

4. Meetings of the scrutiny committees

Scrutiny Committees will meet on dates and times set out in a schedule, covering the forthcoming year and reported and agreed at the Annual meeting of the Council. In addition, extraordinary meetings may be called

- as and when considered appropriate by the Chair in consultation with the proper officer
- in accordance with Rule 14

Any Panel appointed by a scrutiny committee may meet as and when required to ensure that the timetable it has been set can be met.

5. Quorum

The quorum for a Scrutiny committee shall be one third of its voting members

6. Chairs

Chairs and vice-chairs of Scrutiny Committees will be drawn from among the Councillors sitting on the Committee, and subject to this requirement the Council will appoint such persons as it considers appropriate as chair and vice chair of each Committee.

The Chair for any panel appointed by a scrutiny committee shall be decided by the appointing committee.

7. Work Programme

The Scrutiny committees will be responsible for setting their own work programmes and in doing so they shall take into account recommendations from the Council and the Executive.

The Work Programmes will have regard to any recommendations from the Scrutiny Liaison Commission made under Rule 18.2.

8. Agenda items.

Any member of a Scrutiny Committee or sub-committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda

9. Reporting to the Council or the Executive

- 9.1 Once it has formed recommendations on any matter, the Scrutiny committee will prepare a formal report and submit it to the proper officer for consideration by the Executive and/or the Council. The report must be referred to the Council if its recommendations would require a departure from or a change to the agreed budget and Policy framework or involves audit matters, which have been the subject of external audit reports which must by law be referred to the Council.
- 9.2 If a scrutiny committee cannot agree on one single final report, then up to one minority report may be prepared and submitted for consideration with the majority report.
- 9.3 The Council and/or Executive shall consider the report of the scrutiny committee at the next available meeting after it has been submitted to the proper officer.

10. Consideration of Scrutiny Reports by the Executive

- 10.1 In accordance with Rule 2.3 of the Executive Procedure Rules the agenda for meetings of the Executive shall include matters arising from Scrutiny Committees. The reports of Scrutiny committees referred to shall be considered within one month of receipt.
- 10.2 Where a scrutiny committee prepares a report for consideration by the Executive in relation to a matter decided by an individual member of the Executive then the scrutiny committee will submit a copy of their report to him/her for consideration. At the time of doing so, the scrutiny committee shall serve a copy on the proper officer. The member with delegated decision making power must consider the report and respond in writing to the scrutiny committee within 2 weeks of receiving it. A copy of his/her written response to it shall be sent to the proper officer and the leader. The member will also attend a future meeting of the scrutiny committee to present his/her response

- 10.3 Nothing in this paragraph prevents more detailed liaison between the executive and scrutiny committees as appropriate depending on the particular matter under consideration.

11. Rights of Scrutiny Committee members to documents

Members of Scrutiny Committees have the rights to documents, and notice of meetings set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

12. Members and officers giving account.

- 12.1 In fulfilling its scrutiny role, a Scrutiny Committee may require any member of the Executive, the head of paid service and/or any senior officer to attend before it to explain in relation to matters within its remit:

- i) any particular decision or series of decisions;
- ii) the extent to which the actions taken implement Council policy; and/or
- iii) their performance

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

- 12.2 Where any member or officer is required to attend a scrutiny committee under this provision, the chair of that committee will inform the proper officer. The proper officer shall inform the member or officer in writing giving at least [5] working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

- 12.3 Where, the member or officer is unable for good reason to attend on the required date, then the scrutiny committee shall in consultation with the member or officer and the chair of the relevant Scrutiny Committee arrange for his or her attendance at the earliest possible date.

13. Attendance by others.

13.1 A scrutiny committee may invite people other than those people referred to in Rule 12 above to address it, in order to discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and representatives of other private and public sector organisations. This also applies to any panel appointed by an scrutiny committee.

13.2 In order for the exercise of these powers to be effective, attached as **Appendix B** is an External Scrutiny Protocol that sets out the rights and responsibilities that relate to the parties concerned.

14. Call-in of Executive Decisions

- 14.1 This rule applies to any decision taken by

- the Executive
- a committee of the Executive
- a member of the Executive

In relation to the discharge of any function which is the responsibility of the Executive.

14.2 No such decision shall be implemented until

- (a) particulars have been published by notice posted in the Members Room and on the Council's intranet unless for any reason it is not operating; and
- (b) the chairs and members of all Scrutiny Committees have been notified of those particulars and
- (c) midday five working days have elapsed since the date on which the last such notice has been given, e.g. under normal circumstances the call-in period for minutes despatched on a Friday would end at noon on the following Friday

14.3 the particulars of the decision to be published under Rule 14.2 are:

- the subject matter of the decision
- name of the person or body taking the decision
- the date on which it was taken
- the date on which notice was last published
- the date on which the period referred to in Rule 14.2 (c) will end
- whether the decision is to be treated as urgent under Rule 15

14.4 If any 2 members of Council are of the opinion that a decision should be called-in by the Select Scrutiny Committee, they will notify the Monitoring Officer accordingly by completing the Call In Request form attached as Schedule A to these Rules by midday 5 working days after the publication of the notice referred to in Rule 14.2 (c).

14.5 Notice under Rule 14.4 must state the grounds on which the chairman or members issuing it consider that the decision should be called in. The following grounds will be regarded as providing reasonable justification for exercising the power:

- that having regard to the nature of the decision, and the circumstances in which it was made, the decision has been taken on the basis of inappropriate or insufficient consultation.
- that the decision maker has failed to give adequate reasons for the decision
- that the decision maker has failed to take relevant considerations, or has taken irrelevant considerations into account, or has come to a decision which no reasonable decision maker, taking everything properly into account, could have come to
- that the decision is contrary to the policy framework
- that the decision is contrary to, or not wholly in accordance with, the budget
- that the decision cannot be justified and is open to challenge on the basis of the evidence considered
- that a viable alternative was not considered

14.6 On receipt of a notice under Rule 14.4 the Monitoring Officer shall notify the decision maker, or (if the decision has been taken by the Executive or a committee of the Executive), the leader, and consult with him or her as to the urgency of implementing the decision. A meeting of the Select

Scrutiny Committee will then be arranged to consider the Call - In, as soon as conveniently possible, but after giving not less than 5 working days' notice.

In either case, no decision which is the subject of a notice under Rule 14.4 shall be implemented pending notification by the Monitoring Officer of the Committee's decision under Rule 14.9 or the Council's decision under Rule 14.10.

14.7 The Monitoring Officer in consultation with the Chief Executive can refuse the request for Call-In if he or she considers that the Call-In :

- (i) relates to a matter which has already been the subject of a Call-In.
- (ii) in their opinion, it is repetitious, vexatious or fails to set out any grounds which might reasonably cause the Executive to change the decision.
- (iii) Has not been submitted on the Call In Request Form as provided for under Rule 14.4.

14.8 If the grounds on which a notice under Rule 14.4 is issued are that the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with, the budget, the Monitoring Officer and/or the Chief Finance Officer will prepare a written report (or in the event of a difference of opinion separate reports) and the Committee, the Council and the decision maker shall have regard to their advice at all subsequent stages of the process.

14.9 Having considered the decision, the Committee may resolve

- to take no further action
- to refer the decision to the decision maker, with a recommendation as to whether the decision maker should rescind the decision, or amend it, and if so how
- to refer the matter to full Council for the Council to exercise the power of scrutiny and review

14.10 If under Rule 14.9

- no further action is to be taken, the decision maker can implement the decision with immediate effect
- the decision is referred to the decision maker, any subsequent decision taken in respect of it shall not be subject to further call-in, but may be subject to scrutiny and review
- the decision is referred to Council, the Monitoring Officer shall notify the decision maker, or (if the decision has been taken by the Executive or a Committee of the Executive), the Chief Executive, the leader, and consult with them as to the urgency of implementing the decision. The matter will be deferred to the next scheduled meeting of Council unless, in the opinion of the decision maker, the Council's or the public's interests will be prejudiced by such a delay. In that case the Chief Executive shall call a special meeting of the Council within 8 working days, and the Council shall exercise the power of scrutiny and review in place of the Committee.

15. Call-In and Urgency

The call-in procedure set out in Rule 14 shall not apply where the decision taken is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made, shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Monitoring Officer must agree both that the decision proposed is reasonable in all circumstances and to it being treated as a matter of urgency. In the absence of the Monitoring Officer, or if the relevant decision has been made by him or her, the Chief Finance Officer's consent shall be required. In the absence of both, the head of paid service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

16. Monitoring and Review of Call-In

The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

17. Councillor Call for Action (CCfA)

- 17.1 Any member of the Council can refer to the Policy Scrutiny Committee, any 'local government matter' which is relevant to the functions of that committee.

"local government matter" means - any matter relating to the functions of the authority which affect the member's area or any individual who lives or works in that area which is not an excluded matter"

- 17.2 If a member wishes to refer a Councillor Call for Action to the Policy Scrutiny Committee they must submit this in writing to the Council's Democratic Services Team.
- 17.3 The Democratic Services Officer in conjunction with the Chair of the Policy Scrutiny Committee will assess whether the Councillor has completed the necessary checklist and if so will place the request on the agenda for the next meeting. Where approval for inclusion on the agenda is unlikely because the criteria have not been met, the Chair will liaise with the Member raising the Call for Action. If there is disagreement the Call for Action will be submitted to committee for determination.
- 17.4 Prior to considering the request members of the Policy Scrutiny Committee will first confirm that the call for action is valid and meets the criteria in the checklist.
- 17.5 The member raising the call for action will then be asked to present in person the issue before the committee. Should the member be unable to attend then they may request another councillor from their ward to present on their behalf. If no ward councillor is able to be present the committee will defer the item to a future meeting. The presentation should include an indication of what they would see as a satisfactory resolution

- 17.6 Members will then consider the call for action and agree what they will do to resolve the issue. This may include calling witnesses (including portfolio holders, officers or external representatives).
- 17.7 Having considered and resolved the call for action as agreed the Committee will report the outcome to the member raising the call for action.
- 17.8 The matter should not be being separately considered by another local authority.

18. Meetings of Scrutiny Committees

- 18.1 Scrutiny committees and panels appointed by them shall consider the following business:
- (i) Minutes of the last meeting;
 - (ii) declarations of interest;
 - (iii) responses of the Executive to reports of the scrutiny committee; and
 - (iv) the business otherwise set out on the agenda for the meeting.
- 18.2 Where a scrutiny committee conducts an investigation (e.g. with a view to policy development or review), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:
- (i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
 - (iv) in accordance with the Council's policies as equal opportunity and requirements of the Human Rights Act.
- 18.3 Following any investigation or review, the committee/panel shall prepare a report, for submission to the Executive and/ or Council as appropriate and shall make its report and findings public.

19 Matters affecting more than one Scrutiny Committee.

- 19.1 The co-ordination of scrutiny matters falling within the remit of more than one Scrutiny Committee shall be the responsibility of a Panel comprising the Leader, Chairs of the scrutiny committees and the Leader of the Opposition.

SCRUTINY CALL-IN REQUEST FORM

SCRUTINY PROCEDURE RULES (14-15)

(Must be completed by at least 2 Members)

All parts of this form must be completed.

1. DECISION

Title.....

Minute No.....

Date Taken.....

Decision Maker.....

1. REASON FOR CALL – IN

Please identify the ground(s) and reason(s) on which you believe the decision should be Called In.

The list below may assist you to identify the areas where you believe there are defects in the decision making process.

- That having regard to the nature of the decision and the circumstances in which it was made, the decision has been taken on the basis of inappropriate or insufficient consultation
- That the decision maker has failed to give adequate reasons for the decision
- That the decision maker has failed to take relevant considerations, or has taken irrelevant considerations into account, or has come to a decision which no reasonable decision maker, taking everything properly into account, could have come to
- That the decision is contrary to policy framework
- That the decision is contrary to or not wholly in accordance with the budget
- That the decision cannot be justified and is open to challenge on the basis of the evidence considered.
- That a viable alternative was not considered.

The Ground(s) for Call-In is:	The reason supporting the ground(s) is:

SUGGESTING AN OUTCOME What recommendation to the Executive do you want to make?	
CALL-IN SUPPORTED BY THE FOLLOWING MEMBERS (this should be at least 2 members)	
Name.....	Signature.....
Name.....	Signature.....
Name.....	Signature.....
Name.....	Signature.....
Date.....	Date.....

APPENDIX B

External Scrutiny Protocol

1. Introduction

- 1.1** The role of scrutiny in Lincoln is to hold the Council's decision-makers to account, to review and develop policy and to scrutinise the work and impact of local service providers on the local community in line with the Council's Strategic Priorities. It does this through questioning and making reports and recommendations to the relevant decision-makers.
- 1.2** In pursuing this role scrutiny aims to improve services, improve the well-being of those who live and work in or visit Lincoln and help deliver the aims and priorities of the Council.
- 1.3** Since the original legislation that introduced scrutiny to local authorities in 2000, council scrutiny committees have been granted additional powers under the following legislation:
- Health and Social Care Act 2011 - to scrutinise the provision of local health services.
 - Police and Justice Act 2006 – to scrutinise the work of the local crime and disorder reduction partnership.
 - Local Government and Public Involvement in Health Act 2007 – to scrutinise our partners' delivery of shared targets and enable councillors to try to resolve persistent local service delivery issues (the 'Councillor Call for Action')
 - Localism Act through the duty to co-operate.
- 1.4** These additional powers are designed to allow the scrutiny function to enhance the transparency of local decision-making by enabling councillors to hold local service providers to account for their performance, including their work with the local authority to meet specific local targets. These powers are likely to increase in importance as councillors' community leadership role develops, partnerships become more responsible for the delivery of services and as financial savings are sought and duplication identified through the consideration of total public spend in an area.
- 1.5** Scrutiny of organisations external to the Council is a key element of scrutiny's work. For scrutiny, this includes:
- involving local people and community organisations in scrutiny activity;
 - developing a dialogue with service providers and other stakeholders outside the Council;
 - taking up issues of concern to local people;
 - reviewing whether goals are being achieved; and

- examining what can be done to solve problems and enhance performance and achievement.

1.6 In order for the exercise of these powers to be effective, it is vital that all partners and stakeholders are engaged in the process and share a common understanding of scrutiny's aims. This protocol has been developed to embody that understanding and set out the rights and responsibilities that relate to the parties concerned.

1.7 This protocol is based on good practice principles for scrutiny and the standards set out below are intended to be applicable to all scrutiny activities involving organisations external to the Council. These scrutiny activities include (but are not limited to):

- Consideration of matters by scrutiny committees
- Consideration of matters by scrutiny task groups
- Making reports and recommendations
- Requesting information
- Councillor Calls for Action⁶

2. Underlying Principles of Scrutiny

2.1 The following underlying principles of scrutiny have been proved, in Lincoln and elsewhere, to assist in securing effective outcomes and adding value:

(a) Collaboration

Improvement in service delivery can best be achieved through partnerships between the Council and other service providers. This shared responsibility should be acknowledged in any scrutiny activity undertaken.

Increasingly services are provided jointly or as the result of partnerships between the local authority and other public sector organisations or other partners. Scrutiny activities should therefore also reflect shared priorities, find shared solutions and be of mutual benefit.

While scrutiny should be constructive and challenging, it will only be successful if all partners work together considerately, within a climate of mutual respect and good faith.

(b) Added Value

It is vital that scrutiny brings something new to reviews of local service provision and does not duplicate the many other forms of performance management and inspection that exist for public service providers.

Scrutiny activities should make a distinct and positive impact and only be carried out where objective review by elected lay representatives will help progress to be made.

Scrutiny activities should have a clear purpose. There should be a focus on improving services for and improving the well-being of those who live and work in Lincoln.

The scrutiny process should be proactive in seeking out issues to examine that will add most value.

Scrutiny should be prepared to examine issues that cross service or agency boundaries and make appropriate recommendations to tackle such issues, while being mindful of their potential implications for external organisations.

Scrutiny should aim to develop feasible recommendations providing value for money by securing benefits that outweigh the costs of implementation.

(c) Clarity

Scrutiny should be a transparent process and encourage open and honest discussion.

Scrutiny activities should be well planned and timely, and scrutiny of particular issues should be time-limited.

Processes and reports should be clear and accessible to the public. Knowledge and must be evidence-based in order to provide credible conclusions and recommendations.

Although members of scrutiny reviews will want to be informed, and training should be provided where appropriate, the scrutiny process is not meant to be an “expert” review.

The scrutiny process should also be impartial, in the sense that it should be driven by the evidence rather than by a particular standpoint.

(d) Accessibility and Public Involvement

It is a fundamental role for the scrutiny process to ensure that there is full and equal access to the democratic process through public involvement and engagement.

The views and ideas of service users (and non-users), service providers and organisations and other agencies with an interest in the subject under review are all valuable in effective scrutiny.

Scrutiny should involve all stakeholders and take account of views of service users and the public, with particular efforts to engage groups that are harder to reach.

Constructive engagement and clear lines of communication should enable a two-way flow of information between scrutiny and all those involved, including feedback of results.

- 2.2** Some service providers are required by legislation to attend scrutiny meetings or provide certain information. However, it is hoped that where legislative provisions do not exist, or service providers are not under such obligation, they will be willing to engage constructively with scrutiny when requested to do so.

- 2.3** Scrutiny committees will make sure that any requests for information, reports, for attendance or recommendations are focused, and are not duplicative, unnecessary or unduly burden partners.

3. Notification of and Invitation to committee meetings or commissions

- 3.1** Forward planning of scrutiny committees' work programmes will 'normally ensure the provision of reasonable notice of requests for information, written reports and/or attendance of partners at meetings.

- 3.2** When a valid CCfA has been received that refers to a service provider or partnership's service those to whom the CCfA refers will be notified as soon as is practically possible clearly setting out what information is required and the process for dealing with a CCfA.

- 3.3** When a scrutiny committee wishes to consider a matter within a service provider's or partnership's activity the Democratic Services Team will notify all of the relevant partners at least 21 working days in advance of the meeting date. This notification will include the scheduled agenda, items, time and place of the meeting and request that, if they wish to attend or speak on an item, they contact the Democratic Services Team in advance so that the Chair can be notified.

- 3.4** Where due to the raising of an urgent issue this is not possible (or following the receipt of a valid Councillor Call for Action (CCfA)) no less than 10 clear days' notice of the meeting will be provided.

- 3.5** Where a scrutiny task group is established whose terms of reference include a matter relevant to a service provider or partnership's work, the relevant service provider or partnership members will be notified of the task group's scope, terms of reference and how to contact the Democratic Services Team if they wished to make a submission to the task group. If the task group requires information, a report or the attendance of a service provider it will be done in accordance with this guidance.

- 3.6** Invitations/requests will clearly set out the reasons for the invitation, the

items or matters on which the provider is being invited to speak and will be accompanied by information about the purpose and nature of the scrutiny. Advice from participating organisations will be taken by the scrutiny committees as to who is best placed to attend on their behalf in view of the issue to be scrutinised.

- 3.7** Where, in exceptional circumstances, the appropriate individual is unable to attend on the required date, then the scrutiny committee may agree to the attendance of a suitable substitute (such as the relevant Deputy or other Chief Officer) or shall, in consultation with the provider arrange an alternative date for attendance.

4. Format, sign-off and submission of written reports

- 4.1** When a scrutiny committee wishes a service provider to prepare a report for the committee the Democratic Services Team will send a formal request at least 21 working days in advance of the meeting. The request will include a Briefing Note agreed by the Committee which sets out the areas of concern or the particular issue. It will also give the deadline for the submission of the report.
- 4.2** Where, due to the raising of an urgent issue, this is not possible the Democratic Services Team will notify the relevant service provider as soon as is practically possible. Resolution regarding timescales for the provision of the requested report will be sought through negotiation between the relevant chair, service provider and the lead scrutiny officer.
- 4.3** Reports should be cleared for publication within the relevant body by either the officer that would normally lead at the relevant partnership, the link officer or the service provider's chief officer. Any legal or financial implications contained within the report should be explicitly stated.
- 4.4** Reports must not include information that would be reasonably likely to prejudice confidentiality, legal proceedings, current or future operations of the responsible authorities, whether acting together or individually, or of the cooperating persons or bodies.
- 4.5** Reports should be depersonalised wherever possible. Where in exceptional circumstances it is necessary to include personal information this should be highlighted with the Democratic Services Team at an early stage and will be assessed according to the Council's Access to Information Rules and, if appropriate, it will not be published on the public agenda and the press and the public will be excluded for consideration of that item (in accordance with the provisions of Schedule 12A of the Local Government Act 1972 relating to the disclosure of "exempt information").
- 4.6** Report authors will be notified of the relevant reporting deadlines at the earliest possible opportunity. Where a report is being submitted solely

by a service provider the completed report must be submitted to the Democratic Services Team no later than 10 clear working days before the meeting date. This is to ensure the Council meets its Access to Information responsibilities. Where the report is a joint report with Council officers the Council report author will notify contributors of the relevant deadlines.

- 4.7** Where the council's report template has not been used the Democratic Services Team will prepare a covering page setting out the background to the report, who has prepared it and what action the committee can take in relation to it.
- 4.8** The lead scrutiny officer will arrange internal sign-off of the covering report. This may include the addition of information on any legal, financial or other significant implications of the report for the Council.
- 4.9** The Lead Officers for the scrutiny committees are as follows:-
- Community Leadership Scrutiny Committee –City Solicitor
 - Performance Scrutiny –Assistant Director (Strategic Development) and Chief Finance Officer
 - Policy Scrutiny Committee –Legal and Democratic Services Manager

5. Availability of meeting papers

- 5.1** A link to the papers for meetings of overview and scrutiny committees will be sent to those who are providing reports, making presentations or have been explicitly invited to attend. Papers are dispatched 5 full working days before the relevant scrutiny meeting in order to meet the requirements of Access to Information legislation and enable interested parties to read the documents.
- 5.2** Arrangements can be made with service providers or partnerships to ensure that they receive agendas and relevant papers. Any organisations wishing to receive papers on a regular basis can request them from the Council's Democratic Services Team.
- 5.3** Meeting papers can also be viewed on the Council's website at <http://www.lincoln.gov.uk>

6. Style and conduct of meetings

6.1 Where external organisations are invited to attend scrutiny meetings, the meetings will be conducted in accordance with the principles and procedures set out in Articles 6 , the Scrutiny Procedure Rules and Access to Information Procedure Rules of the Council's Constitution. In particular those attending scrutiny meetings will be given an indication of the likely time they will be asked to participate and the duration of their involvement in the meeting: as far as possible, all members of the committee will ensure that this is honoured;

- those assisting a scrutiny committee by giving evidence will be treated with respect and courtesy;
- meetings will be conducted fairly and non-aggressively and in a manner that seeks out information;
- all members of the committee will be given the opportunity to ask questions of attendees, and to contribute and speak;
- attendees are expected to maintain a positive and objective style of discussion and answer questions honestly and openly;
- everyone who attends meetings is expected to use jargon-free language as far as possible; and
- every person who attends a meeting to give evidence or answer questions shall identify themselves, state the capacity in which they attend and their authority to speak on behalf of any body or organisation and if required declare any personal interest in the business of the meeting.

6.2 Most scrutiny committee meetings are 'open' and held in public in order to be as transparent as possible. However, there is provision for meetings or parts of meetings to be held in private, with the press and public excluded, in order to consider exempt or confidential information (as defined by the Local Government Act 1972). Advice is available from the Democratic Services Team if all or some of the information to be submitted to a committee might fall into these categories.

7. The involvement of other organisations/groups and members of the Public

7.1 The input of other organisations and groups is recognised as being essential to the success of scrutiny.

7.2 Where organisations or groups are formally invited, in advance of the relevant scrutiny meeting, to make a presentation or report their views to the committee the relevant service provider will

normally be notified at the earliest opportunity. In any event, formal presentations should normally be indicated on the agenda.

- 7.3** Organisations/groups and any other members of the public attending meetings (as either representatives of organisations/groups or as individuals) will not be required to provide their questions in advance of the meeting. Unless formally arranged (such as for a public notice question) contributions from the floor will be taken entirely at the Chair's discretion.

8. Reports and recommendations

- 8.1** Where a scrutiny committee or task group makes a report or recommendations the report shall include:

- explanation of the matter reviewed or scrutinised;
- a summary of the evidence considered;
- a list of the participants involved in the review or scrutiny exercise;
- any recommendations on the matter reviewed or scrutinised.

- 8.2** Where a committee or commission's findings will impact on or require a response from a service provider or partnership, draft (task group) reports will be circulated to the relevant body/bodies with an invitation to comment, in writing and to a deadline, on the report's factual accuracy.

- 8.3** Final reports and recommendations may also be forwarded to other Council committees, organisations and to the media, as the scrutiny committees may determine.

- 8.4** The written report and/or recommendations provided to a relevant partner authority must exclude any confidential information, and may exclude any relevant exempt information (as defined in the Local Government Act 1972). Scrutiny committees may replace so much of the document as discloses the excluded information with a summary which does not disclose that information. Scrutiny committees must do so if, in consequence of excluding the information, the published document would be misleading or not reasonably comprehensible.

9. How to 'have regard to' and respond to scrutiny reports and recommendations

- 9.1** Partner organisations receiving reports and recommendations from a scrutiny committee or task group are expected to respond within a period of forty clear working days. Arrangements will be made to ensure that relevant bodies receive copies of such reports

or recommendations directly.

- 9.2** The response will set out whether or not the service provider or partnership agrees with the recommendation. If it does agree it will be expected to set out what actions it will take in response, when by and who the relevant lead will be. If it disagrees it will be expected to set out why it disagrees and if any alternative action is proposed.
- 9.3** Scrutiny committees will monitor the implementation of agreed recommendations – this is normally undertaken six and then twelve months after their adoption. At that time the relevant service provider will be requested to provide updates on the implementation of recommendations.

10. Providing information to scrutiny

- 10.1** On occasions scrutiny committees/task groups may request information from service providers e.g. in response to follow-up issues or as a result of ongoing scrutiny work. Requests for information will clearly identify why the information is needed and what it is to be used for to enable the request recipient(s) to identify the appropriate information to be provided.
- 10.2** When the scrutiny committee requests information and that information is readily available and routinely collected the guiding principle will be that the information will be provided to the Democratic Services Team within ten working days (two weeks). Where this is not the case the relevant body should contact the Democratic Services Team who will liaise with the relevant Chair regarding a reasonable timescale.
- 10.3** Scrutiny will respect the requirements and provisions of the Data Protection Act 1998. The provision of information to scrutiny will be governed by relevant legislation and established protocols for the sharing of data.

11. Resolving disputes about the protocol

- 11.1** If a partner or external organisation believes that this protocol is not being adhered to, the issue should be referred in the first instance to the relevant Lead Officer and as necessary to the scrutiny committee for consideration and decision.

11. Review of Protocol

- 11.1** This protocol will be reviewed on an annual basis or more frequently if experience and circumstances highlight that amendments may need to be made.

12. Availability of Support

- 12.1** Further advice or information on any aspect of this protocol or on scrutiny at the City of Lincoln Council is available from Democratic Services, 3rd Floor , City Hall, Beaumont Fee Lincoln or
Telephone 01522 873387
E-mail democraticservices@lincoln.gov.uk

Financial Procedure Rules

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PART A – FINANCIAL PROCEDURE RULES

Revised July 2022

1. INTRODUCTION

1.1 Status of Financial Procedure Rules

1.1.1 Financial Procedure Rules lay down the principles to be followed in securing a proper administration of the Council's financial affairs as required by Section 151 of the Local Government Act 1972.

1.1.2 These Procedure Rules shall be read in conjunction with the Council's;

- i) Responsibility for Functions (Constitution Part 3)
- ii) Contract Procedure Rules (Constitution Part 4)
- iii) Budget and Policy Framework Procedure Rules (Constitution Part 4)

1.1.3 These Procedure Rules apply to every Member and officer of the Council and anyone, including consultants, acting on its behalf.

1.1.4 These Financial Procedure Rules shall apply in relation to any partnership for which the Council is the accountable body unless the Council expressly agrees otherwise.

1.1.5 These Procedure Rules are supplemented by other related documents, issued by the Chief Finance Officer, which are designed to give guidance, including operational financial instructions. In the event of contradiction, the Financial Procedure Rules take precedence.

1.1.6 Financial Procedure Rules shall not override any statutory provisions that apply.

1.1.7 Financial Procedure Rules will be reviewed by the Chief Finance Officer at intervals of not more than three years and will be subject to approval by the full Council.

1.1.8 Failure to comply with these Procedure Rules or instructions issued under them will be subject to consideration as a disciplinary offence. Breaches of these Procedure Rules must be reported to the Chief Finance Officer and Internal Audit, who will be responsible for investigating the circumstances and recommending the further action to be taken.

1.2 General Roles and Responsibilities

1.2.1 These Financial Procedure Rules set out the roles and responsibilities of the Council and officers in financial matters. They should be read in conjunction with the Constitution, specifically Article 13, which details other specific responsibilities.

Full Council

1.2.2 The full Council is responsible for approving the overall Budget and Policy Framework within which the Executive operates having regard to the Chief Financial Officer's comments in his/her Local Government Act 2003 Section 25 report. The budget setting process includes the setting of the Council Tax and Housing Rent levels to be levied, and the approval of the Prudential Indicators as required by the CIPFA Prudential Code for Capital Finance in Local Authorities.

1.2.3 The full Council approves these Financial Procedure Rules.

The Executive

1.2.4 The Executive is responsible for proposing the Budget and Policy Framework to full Council, and for discharging executive functions in accordance with that framework.

1.2.5 The Executive monitors financial performance and service performance and makes changes, within the Budget and Policy Framework to ensure the budget is met or met within the limits determined by the Council.

Chief Finance Officer (Section 151 Officer)

1.2.6 Section 151 of the Local Government Act 1972 requires the Council to appoint a suitably qualified person to be responsible for the proper planning, administration and monitoring of its financial affairs. The Chief Finance Officer fulfils this statutory role.

1.2.7 The Chief Finance Officer is responsible for:

- i) the proper administration of the authority's financial affairs;
- ii) setting and monitoring compliance with financial management standards;
- iii) advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
- iv) providing financial information;
- v) preparing the Medium Term Financial Strategy including the Revenue Budget and Capital Programme;
- vi) reporting to the Council on the robustness of the annual budget and the adequacy of the Council's financial reserves and balances
- vii) Treasury Management.
- viii) the preparation of the Annual Statement of Accounts in accordance with proper practices
- ix) ensuring the Council, Executive, Members and Chief Officers are advised of the financial implications of all proposals as appropriate.

1.2.8 Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to full Council, the Executive and the External Auditor if he/she

considers the Council, the Executive or an officer has made or is about to;

- i) make a decision involving expenditure or a loss which is or would be unlawful,
- ii) take an unlawful action which has resulted in or would result in a loss or deficiency to the Council or;
- iii) make an unlawful entry in the Council's accounts

Before making any report to the Council or the Executive the Chief Finance Officer shall consult the Chief Executive (Head of Paid Service) and the City Solicitor (Monitoring Officer).

1.2.9 The Chief Finance Officer also has a duty under Section 25 of the Local Government Action 2003 to report to the Council on;

- i) the adequacy of the proposed reserves,
- ii) the robustness of the budget

1.2.10 In order to carry out these responsibilities;

- i) the Council must provide the Chief Finance Officer with sufficient resources,
- ii) the Council recognises the Chief Finance Officer as its principal financial adviser with access to all meetings as he/she considers necessary (including the right to be heard),
- iii) the Council recognises that neither it, nor any committee, Member or officer can require the Chief Finance Officer to breach any of his/her statutory duties.

1.2.11 The Council is also required by section 114 of the 1988 Act to have a designated deputy, currently the Financial Services Manager, to carry out these functions.

Chief Officers

1.2.14 The term, "Chief Officers", refers to the Council's Chief Executive and the Strategic Directors.

1.2.15 Chief Officers are each accountable to the Council for the financial management and administration of those services and activities allocated to them in accordance with Council policy.

1.2.16 Chief Officers are responsible for the overall arrangements within their Directorates and that due regard is given to compliance with the requirements of these Procedure Rules.

Assistant Directors

- 1.2.17 Assistant Directors are responsible for bringing these Procedure Rules and related documents to the attention of staff, for highlighting aspects of particular relevance to certain staff and for disseminating related documents including financial instructions as appropriate.
- 1.2.18 Assistant Directors are responsible for the accountability and control of staff and the security, custody and control of all other resources including buildings, furniture, equipment, stocks, stores, cash and other valuable resources or assets used by their service.

All Officers

- 1.2.19 All officers are responsible for ensuring that all actions they perform comply with the requirements placed upon them by the Council. They must also ensure that actions they take are properly authorised and within the sphere of responsibility their post possesses.
- 1.2.20 All officers have a general responsibility for taking reasonable action to provide for the security and use of the resources and assets under their control, and ensuring that the use of these resources and assets is legal, is consistent with Council policies and priorities and provides value for money.
- 1.2.21 All officers must report to a Chief Officer, the Chief Finance Officer or Internal Audit any occasions where they believe that these Procedure Rules, Contract Procedure Rules, Council policy or financial instructions are not being followed, or where Council resources or assets are at risk.

Other Responsibilities

- 1.2.22 Chief Officers and Assistant Directors are required to carry out their tasks in accordance with these Procedure Rules. These officers may authorise other officers to carry out tasks for which they have responsibility as set down by these Procedure Rules.
- 1.2.23 Chief Officers have the same rights and responsibilities as Assistant Directors for any matters falling under their direct management.

2. ACCOUNTING ARRANGEMENTS

2.1 Accounting Arrangements

- 2.1.1 Subject to statutory requirements, all accounting procedures and records of the Council and its officers shall be determined by the Chief Finance Officer.
- 2.1.2 The Chief Finance Officer may issue detailed financial instructions on any aspect of accounting procedures and records to be applied generally or to specific departments or functions.

2.2 Accounting Records

- 2.2.1 The Chief Finance Officer shall be responsible for keeping the principal accounts and financial records of the Council.
- 2.2.2 The Chief Finance Officer shall ensure the safe retention of all accounting records, including paid invoices and certificates, for as long as may be statutorily required, currently 7 years for prime records such as invoices and 3 years for budget records.
- 2.2.3 All Directorate financial procedures and records shall be complied and maintained in accordance with such direction given by the Chief Finance Officer.
- 2.2.4 Assistant Directors must ensure that a complete audit trail, allowing financial transactions to be traced between accounting records and original documents, is maintained.

2.3 Accounting Systems and Procedures

- 2.3.1 Assistant Directors shall consult with and must obtain permission from the Chief Finance Officer before introducing, amending or discontinuing any system, record or procedure that relates to any area covered by these Procedure Rules.

2.4 Directorate Financial Management Arrangements

- 2.4.1 Chief Officers are responsible for the operation of financial processes within their Department and in consultation with the Chief Finance Officer shall ensure adequate controls are in place.

2.5 Annual Statement of Accounts

- 2.5.1 The Chief Finance Officer should ensure that the Council's accounts are prepared in accordance with the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom, for each financial year ending 31st March and the CIPFA Service Reporting Code of Practice and prepared, published and audited in accordance with the Accounts and Audit Regulations 2003, or any subsequent Regulations.
- 2.5.2 The Chief Finance Officer is responsible for selecting the Council's accounting policies, including any change to these policies and ensuring that they are applied accurately and consistently.

2.6 Trading Accounts

- 2.6.1 The Chief Finance Officer will advise on the establishment and operation of trading accounts. Each trading account will have defined objectives, including the way in which surpluses or deficits will be dealt with.
- 2.6.2 Assistant Directors will observe all statutory requirements in relation to services that maintain trading accounts, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce suitable information for the statutory disclosure in the Statement of Accounts.
- 2.6.3 Assistant Directors will ensure that the same accounting principles are applied in relation to trading accounts as for other services unless, in the opinion of the Chief Finance Officer, arrangements which are more advantageous to the Council are permissible.

3. AUDIT ARRANGEMENTS

3.1 Internal Audit

- 3.1.1 The Accounts and Audit Regulation 2015 require that a, “relevant body shall maintain an adequate and effective system of internal audit of their accounting records and control systems and review its effectiveness on an annual basis.” The Authority’s Internal Audit function fulfils this role.
- 3.1.2 Internal Audit operates in accordance with the Public Sector Internal Audit Standards and as set out in the Internal Audit Charter, as approved by the Council.
- 3.1.3 The Internal Audit Manager (Head of Internal Audit) shall review, appraise and provide assurances on (and report to the Audit Committee or Executive if deemed necessary) the following matters;
- i) the soundness, adequacy and application of internal controls;
 - ii) the extent to which the Council’s assets and interests are accounted for and safeguarded from losses of all kinds arising from fraud, other offences, waste, extravagance, inefficient administration, poor value for money or other cause;
 - iii) the suitability and reliability of financial and other management information used within the Council,
 - iv) the extent of compliance with, and the effectiveness of, relevant policies, plans and procedures.
 - v) Assistant Directors self-assessments of the status of the governance framework, including systems of internal controls in place, for each of their service areas.
- 3.1.4 In pursuance of their duties Internal Audit shall have the authority under the Accounts and Audit Regulations to;
- i) access/enter at all reasonable times any Council premises or land;
 - ii) have access to all assets, records, documents, minutes. Correspondence and control systems relating to any aspect of the Council;
 - iii) require and receive such information and explanations as are necessary concerning any matter under examination;
 - iv) require any employee of the Council to produce cash, stores, or any other Council property under his/her control;
 - v) request access to records belonging to third parties, such as contractors and partners,
 - vi) have full and free access to all officers, Members and Committees.
- 3.1.5 Whenever a matter arising out of any audit activity, or otherwise, comes to the attention of Internal Audit and this reveals, or suggests, the possibility of any

irregularity, the Internal Audit Manager shall consult immediately with the Chief Finance Officer and City Solicitor, to determine the nature of any action to be taken and to effect compliance with these Procedure Rules.

- 3.1.6 The effectiveness of a continuous Internal Audit shall be reported to the Audit Committee on a regular basis, and at least every two years. The results of External Quality Assessments of Internal Audit will also be reported to the Audit Committee.

3.2 External Audit

- 3.2.1 The appointment process for the Council's External Auditors will be recommended by the Audit Committee to the full Council. The basis duties of the external auditor are governed by Part 5 of the Local Audit and Accountability Act 2014
- 3.2.2 The External Auditors and other statutory inspectors must be given reasonable access to premises, personnel, documents and assets that it is considered necessary for the purposes of their work. Regard must be given to sensitivity of data though, and if there is any doubt about whether it is appropriate to provide such data to the external auditor or other statutory inspector, advice should be sought from the Chief Finance Officer.
- 3.2.3 The Section 151 Officer must be consulted upon and approve arrangements to commission external auditors to undertake audit of any statutory grants whereby the awarding body requires an independent audit to be undertaken e.g., Housing Benefit Subsidy, Homes England Compliance.

4. FINANCIAL PLANNING

4.1 Introduction

4.1.1 The Council is responsible for agreeing the Council's Corporate Plan, Budget and Policy Framework that will be proposed by the Executive, to a Council Meeting for approval.

4.1.2 In terms of financial planning, the key elements of the budget are:

- Medium Term Financial Strategy
- Annual General Fund Revenue Budget
- Housing Revenue Account Budget and 30-year Business Plan
- Capital Strategy and Programme
- Treasury Management and Investment Strategy
- Fees and Charges

4.2 Principles

4.2.1 The purpose of Finance Planning is to set out and communicate the Council's financial objectives, resource allocations and related performance targets, and to provide an agreed basis for subsequent management control, accountability and reporting.

4.2.2 The Council's Medium Term Financial Strategy represents a multi-year financial strategy that identifies the medium to long term financial implications for the organisation in delivering the Council's priorities.

4.2.3 The Council's budget sets agreed parameters around resource allocations (budgets) for delivery of the annual activities and functions of council services and is constructed within the context of a medium-term financial strategy.

4.2.4 Budgets enable the Council to plan, authorise, monitor and control the way money is allocated and spent to achieve the Council's objectives.

4.2.5 It is unlawful for the Council to budget for a deficit, meaning that expenditure proposed to be incurred in a financial year should not exceed the resources available to it to meet that expenditure. Section 114 of the Local Government Finance Act 1988 requires the S151 Officer to report to Full Council, Executive and the external auditor if the Council or one of its officers has made, or is about to make, a decision which involves incurring unlawful expenditure.

4.2.6 The capital programme sets out the resource allocations to be made to capital schemes. Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the organisation, such as land, buildings, major items of plant, equipment and vehicles. There are some exceptions to this definition for items such as REFCUS (revenue expenditure funded from capital under statute) and some

external capital schemes such as Disabled Facilities Grants.

4.3 The Budget and Policy Framework

- 4.3.1 Full Council is responsible for agreeing the policy framework and budget, which will be recommended by the Executive.
- 4.3.2 The overall annual budget requirement and capital programme is recommended by the Executive and approved by Full Council. Assistant Directors and their Budget Holders are subsequently authorised to incur expenditure in accordance with the estimates that make up the budget. Subject to any further decisions being made as consistent with the Council's decision making requirements and governance framework necessary before the expenditure is incurred.

4.4 Medium Term Financial Strategy

- 4.4.1 The Medium Term Financial Strategy (MTFS) manages council finances within the context of a forward looking rolling business planning framework. The MTFS should set out issues likely to affect the financial position of the Council over the medium term.
- 4.4.2 The Chief Finance Officer is responsible for ensuring that the Council's MTFS, which should include the Capital Strategy and Treasury Management Strategy, is updated each year.
- 4.4.3 Assistant Directors are responsible for contributing to the development of the MTFS.
- 4.4.4 The Executive is responsible for recommending the MTFS to be approved by Full Council.

4.5 Budget Preparation

- 4.5.1 Budgets ensure that the Council can plan, authorise, monitor and control the way money is allocated and spent.
- 4.5.2 The annual budget will include allocations to different services and projects, proposed taxation levels and contingencies.
- 4.5.3 Detailed budgets, as proposed by Assistant Directors, will be subject to challenge and review through a process determined by the Chief Finance Officer. Any proposed changes to service levels as a result of budget plans will be subject to an Equalities Impact Assessment as part of the consideration process before approval and implementation. The Council will engage partners in the budget preparation process where possible and appropriate.
- 4.5.4 The Chief Finance Officer has a statutory duty to report upon the budget proposals presented to Full Council. Assistant Directors must provide the Chief Finance Officer with any information required to enable the robustness of the budget proposals to be assessed.
- 4.5.5 The budget and the implied level of taxation will be presented for approval by Full

Council, following recommendation by the Executive. Council Tax and Housing Rent levels must be set, on or before the statutory date each year.

4.5.6 The Chief Finance Officer will issue guidelines on budget preparation to Assistant Directors.

4.5.7 Assistant Directors must prepare detailed draft revenue and capital budgets, in consultation with the Chief Finance Officer and in accordance with the guidance and timetable.

4.6 Revenue Budget

4.6.1 Revenue income and expenditure represents the current or day to day running costs, and associated receipts, of the Council; including salaries, heating and lighting, office expenses, income raised by charging service users and government grants.

4.6.2 Budgets ensure that the Council can plan, authorise, monitor and control the way money is allocated and spent.

4.6.3 The Chief Finance Officer is responsible for ensuring that a Revenue Budget is prepared on an annual basis and a General Revenue Plan on a medium-term basis for consideration by the Executive, before submission to a Council Meeting.

4.6.4 It is the responsibility of Assistant Directors to ensure that Departmental Budgets reflect the agreed Corporate Plans and Service Plans and are submitted to the Chief Finance Officer and that these budgets are prepared in line with guidance issued by the Chief Finance Officer.

4.7 Housing Revenue Account and 30 Year Business Plan

4.7.1 The Housing Revenue Account (HRA) is a ring-fenced account for council dwellings & hostels income and expenditure which is required to be in a break even position. The Local Government and Housing Act 1989 Section 76 requires Local Authorities with an HRA to set a budget for the account that avoids the account being in an overall deficit. Due consideration is given to both capital and revenue expenditure as well as rent setting levels.

4.7.2 The service Chief Officer is responsible for preparing the HRA Budget and business plan in consultation with the Chief Finance Officer. The service Chief Officer must ensure that the budget proposed (revenue and capital) is affordable within the overall HRA resources.

4.8 Capital Strategy and Programme

Overview

4.8.1. The Council's Capital Programme will be developed in accordance with the Council's Capital Strategy, Treasury Management Strategy and financial instructions. The strategy will ensure that capital investment (General Fund and Housing Revenue Account) is targeted to achieve best value and maximum effect on priorities, needs and outcomes for local communities.

Capital Strategy

- 4.8.2 The Council is required by the CIPFA Prudential Code for Capital Finance (2017) to agree a capital strategy when developing the capital programme. The capital strategy sets out the long-term context in which capital investment decisions are made and the governance for those decisions
- 4.8.3 It is a framework for allocation and management of capital resources within the Council, which take account of council's key priorities in the Corporate Plan. It forms a key part of the Council's integrated revenue, capital, and balance sheet planning with a view towards deliverability, affordability, and risk
- 4.8.4 It supports the development of a capital programme that is affordable, prudent, and sustainable whilst giving due consideration to risk, reward and delivery of the council's business plan. The strategy improves holistic financial management and both informs and forms part of the budget process.
- 4.8.5 Both the Treasury Management Strategy and Capital Strategy are required to comply with the Prudential Code. Whilst the Capital Strategy sets out the framework in which investments should be taken the Treasury Management Strategy sets the Council's financing requirements.
- 4.8.6 The Chief Finance Officer is responsible for ensuring that all relevant prudential indicators (as set out in the CIPFA Prudential Code for Capital Finance) are taken account of within the capital programme. The Chief Finance Officer is also responsible for ensuring that the capital programme informs the treasury management strategy and Minimum Revenue Provision policy.

Capital Expenditure

- 4.8.7 Capital spend is expenditure incurred in acquiring, constructing or enhancing physical assets such as buildings, land, vehicles, plant and machinery that have an estimated useful asset life in excess of one year.
- 4.8.9 The Council applies a de-minimis level of £10,000.
- 4.8.10 Where expenditure qualifies to be supported by capital grant and in accordance with relevant funding conditions, the Chief Finance Officer may consider suspending applying the de-minimis rule in this circumstance.
- 4.8.11 Where expenditure meets the 'capital expenditure' definition and is in excess of the Council's de-minimis limits, it will be classified as capital expenditure, even if provision exists within the Revenue Budget to fund the work (and vice versa).
- 4.8.12 Similarly, where specific financing (e.g. government grant) is provided to facilitate a project, this will not determine the accounting treatment of the expenditure. That is, the accounting treatment is determined according to the type of expenditure, and not by the funding source.

Capital Programme

- 4.8.13 The Capital Programme is agreed annually by the Full Council and provides in principle support for individual projects funded from General Fund and Housing Revenue Account.
- 4.8.14 Inclusion of an initial provision in the Capital Programme provides authorisation to carry out feasibility studies, outline design and application for planning consent (where required) provided the resources have been identified within the approved budget.
- 4.8.15 Before a capital scheme for which provision is made in the Capital Programme may proceed further i.e. to tender/commitment of expenditure, project documentation must be produced and agreed by the Project Sponsor and relevant Programme Board, in accordance with the Lincoln Project Management Framework, unless such documentation has been completed within the last 12 months prior to inclusion in the Capital Programme. If a period of 12 months has elapsed a revised project appraisal will be required to be approved by the Project Sponsor and the relevant Programme Board.
- 4.8.16 Where Assistant Directors wish to propose new capital schemes for inclusion, outside of the annual budget process, in the capital programme, they must first consult with the Chief Finance Officer who will determine the approach to be taken for approval of the proposal, as set out in Part B of this document. The proposals will need to be in accordance with the Lincoln Project Management Framework, i.e. require the completion and approval of appropriate project documentation. This must include all applications for schemes to be funded from Government sources, grants or other external funding.
- 4.8.17 In accordance with the Lincoln Project Management Framework all capital projects require a full financial assessment which must be approved by the Chief Finance Officer.
- 4.8.18 Bids for external funding to support capital expenditure cannot take place until they have been approved by the Chief Finance Officer.
- 4.8.19 Any proposal to amend an approved capital programme by deleting an approved scheme will require the approval of the Executive.

Financing of the Capital Programme

- 4.8.19 The Chief Finance Officer will determine the financing of the capital programme, taking into consideration the availability of reserves and balances, funding from other bodies and the affordability of borrowing.

4.9 Treasury Management Strategy

- 4.9.1 Treasury management is a key area of effective financial management that underpins the Council's operational and strategic capital ambition.

4.9.2 The Chief Finance Officer will propose an annual Treasury Management Strategy, which includes:

- Updated Prudential Indicators prepared in accordance with the latest code of practices;
- Policy for making revenue provision for the repayment of debt referred as the 'Minimum Revenue Provision' Policy;
- Borrowing Strategy; and
- Investment Strategy.

4.9.3 These documents are required to comply with CIPFA's Codes of Practice on Treasury Management and the Prudential Framework for Capital Finance, relevant Regulations and with the Council's own Treasury Management Policy Statement and Treasury Management Practices; they will set the parameters within which investment and borrowing activity will be managed during the forthcoming financial year.

4.9.4 Further detail on treasury management is provided in Section 9.

4.10 Fees and Charges

4.10.1 All fees and charges to be made for Council services shall be reviewed at least annually by the Assistant Directors, and in conjunction with Financial Services. Such fees and charges shall be submitted by the Chief Finance Officer to the full Council for approval as part of the Medium Term Financial Strategy.

4.10.2 Further detail on fees and charges is provided in Section 7.

4.11 Maintenance and Use of Reserves and Balances

4.11.1 The Chief Finance Officer is responsible for making recommendations to Executive and full Council on the adequate level of unallocated General Fund and Housing Revenue Account Reserves and any limitations or conditions on the use of such unallocated reserves. This recommendation will be based upon;

- i) the assessment of the robustness of the budget and adequacy of reserves under Section 25 of the Local Governance Finance Act,
- ii) the projected level of reserves for the year and in the medium terms compared to a risk assessment based on the budget risk register and corporate risk register,
- iii) an on-going assessment of the above.

4.11.2 The Chief Finance Officer is responsible for making recommendations, as part of the Medium Term Financial Strategy, to the Executive and full Council on the adequate level of specific provisions and earmarked reserves. Such recommendations shall include;

- i) a list of the various earmarked reserves and provisions,
- ii) the purposes for which they are held,
- iii) the estimated opening balances for the year, planned additions/withdrawals and estimated closing balances.

5. FINANCIAL MANAGEMENT

5.1 Principles

- 5.1.1 Financial management covers all financial accountabilities in relation to the running of the Council, including the policy framework, revenue budget, capital programme and treasury management.
- 5.1.2 All officers and Members have a duty to abide by the highest standards of probity in dealing with public money. This is facilitated by ensuring everyone is clear about the standards to which they are working and by the controls that are in place to ensure that these standards are met.
- 5.1.3 To ensure the Council does not exceed its overall budget, each service area is required to manage its own income and expenditure within the cash limited budgets allocated to them to be spent on agreed service activities and functions. The Council's approval of the revenue estimates constitutes authority to incur expenditure, subject to compliance with the approved policies and regulations of the Council and any other limitation that may be imposed.

5.2 Budgetary Control

- 5.2.1 Budget management ensures that once the budget has been approved by the Full Council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the Council 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.
- 5.2.2 By continuously identifying and explaining variances against budgetary targets, the Council can identify changes in trends and resource requirements at the earliest opportunity. To ensure that the Council in total does not overspend, each service is required to manage its own expenditure within the budget allocated to it.
- 5.2.3 Assistant Directors will operate the services under their control in accordance with the policies of the Council and the finances made available and shall be accountable to the Executive for performance.
- 5.2.4 Assistant Directors shall make arrangements to monitor and manage the budgets for which they are accountable and may designate budget holders who are empowered to commit budgets. Designation of budget holders below Service Manager level or Officers on a PO grade or above reporting directly into an Assistant Director or Chief Officer, requires the express consent of the Chief Finance Officer.
- 5.2.5 Budget holders may delegate day to day responsibility for overseeing the budget and managing the service to budget operators but they retain the responsibility for ensuring the proper management of the Council's resources for their service areas and are responsible for economic, efficient and effective use of resources allocated to them. All budget holder and budget operator activities will be in-line with the approved authorised signatory level for the authorisation of orders and invoices on the Council's financial system and variation/compensation events within contracts.

Details of the financial approval limits are set out in Part B of this document.

- 5.2.5 The Chief Finance Officer shall maintain a list of the extent of authority of each authorising officer to authorise financial transactions. The list of authorising officers will be reviewed by Assistant Directors at least annually. The Chief Finance Officer should be notified of requests for changes in authorisation limits.
- 5.2.6 The Chief Finance Officer shall provide Assistant Directors and budget holders with appropriate financial information, support and advice to enable the revenue budget and capital programme to be monitored effectively.
- 5.2.7 The Chief Finance Officer shall monitor the arrangements made by Assistant Directors for implementing budgetary control and shall ensure an effective system of budgetary control is operated throughout the Council.
- 5.2.8 Assistant Directors shall consult with the Chief Finance Officer prior to submitting any report or statement to the Executive, Committee, Sub-Committee or Panel to ensure that the financial implications for either the revenue budget, capital programme or the overall finances of the Council contain the Chief Finance Officer views.

5.3 Revenue Budget Management

- 5.3.1 The inclusion of items in approved revenue estimates, as varied by a supplementary estimate or virement approved under these Procedure Rules, constitutes authority to incur expenditure and collect income, subject to compliance with the approved policies and regulations of the Council and any other limitation that may be imposed.
- 5.3.2 Assistant Directors and budget holders must regularly monitor (at least monthly but more frequently where necessary) actual income and expenditure against that budgeted for all services under their control and ensure that all budget targets are being achieved. As part of such monitoring, Assistant Directors and budget holders must;
 - i) project likely future income and expenditure in order to identify immediately any potential over or under spends;
 - ii) take corrective action without delay and, if action beyond their authority is required, report to their Assistant Director/Chief Officer immediately;
 - iii) inform the Chief Finance Officer whenever there is a likelihood that expenditure will exceed the approved revenue estimate for it, or that income will be less than the amount included in the estimates, as soon as practicable, including any impact on future years.
 - iv) inform the Chief Finance Officer whenever there is a likelihood that expenditure will be below the approved revenue estimate for it, or that income will be in excess of the amount included in the estimates, as soon as practicable, including any impact on future years.

5.3.3 Corrective action may take the form of a transfer of budgets between budget heads (virement) or the suspension or deletion of other planned expenditure. Any such suspension or deletion shall require the Assistant Director to obtain the approval of the Executive and/or full Council if it is contrary to the Budget and Policy Framework and shall affect council policy.

5.3.4 The Executive shall be entitled to require corrective action to be taken to deal with either a forecast or known overspending or to accommodate a new demand that is considered important or unavoidable.

5.4 Exceptional Supplementary Budget Estimates

5.4.1 Once all other possibilities for corrective action have been considered the Assistant Director, in conjunction with the Chief Finance Officer, will be required to make a request for a supplementary budget.

5.4.2 Requests for supplementary budgets shall only be made in exceptional circumstances and may only be approved by the Council. A report requesting a supplementary budget must be produced jointly with the Chief Finance Officer and must make particular reference to any future financial implications.

5.5 Transferring Financial Resources Between Revenue Budget Heads in Year (Virement)

5.5.1 The term virement refers to transfers of budgets between or within cost centres. The Scheme of Virement is intended to enable Chief Officers, Assistant Directors and Budget Holders to manage budgets with a degree of flexibility within the overall policy framework determined by the Council, and, therefore, to optimise the use of resources.

5.5.2 Budget provision may be transferred from one budget head to another during the course of the year subject to the following rules;

- i) the proposed expenditure is not contrary to council policy and does not relate to an item which has previously been considered by the Council, and has been rejected;
- ii) no net recurring increase in total expenditure will arise in any subsequent years directly from the virement unless the recurring cost is approved by the Executive;
- iii) the proposed virement does not involve any loan charges, capital expenditure or apportioned central support services charges which the officer concerned has no control over;
- iv) all virements are notified to the Chief Finance Officer within one week of approval; and
- v) fortuitous income (which has not arisen through a positive management decision) cannot be a source of virement.

- 5.5.3 Where an approved budget is a 'lump sum' budget or reserve intended for allocation during that year, its allocation will not be treated as a virement for reporting purposes, provided that the amount is used in accordance with the purposes for which it was established.
- 5.5.4 The transfer of a budget is not virement if the budget continues to be used for the same purpose and is only being vired for the purpose of 'general housekeeping'.
- 5.5.5 The Chief Finance Officer is authorised to make any technical adjustment to budgets that are not contrary to the Policy and Budget Framework.
- 5.5.6 Virement is permitted between the revenue budget and the capital budget but not from the capital budget to the revenue budget.
- 5.5.6 Any virement that will impact upon the budget under the responsibility of another Assistant Director will require the approval of both Assistant Directors or both Chief Officers.

* A budget head is defined as a single line in the approved revenue estimates.

- 5.5.7 The process required to adjust the approved budget will depend on the purpose, value and impact of the proposed change. Details of the financial approval limits are set out in Part B of this document.

5.6 Carry Forward of Revenue Budgets from One Year to the Next

- 5.6.1 Assistant Directors will be able to request to carry forward any revenue estimate not utilised by the end of the financial year, subject to the following conditions:
- i) proposals for carry forwards will only be considered where there is an overall underspend of the Directorate's cash limited budgets equal or greater than the carry forward amount (for this purpose income budgets for which the Directorate doesn't have full control, e.g. due to market forces) are excluded from the considered cash limit budget;
 - ii) carry forwards can only be used to finance one-off types of expenditure;
 - iii) approval of the total value of carry forward proposals will only be given by the Executive once all spending in the financial year has been contained within the overall budget level set for the year and consideration given to the financial risks and priorities of the Council. This will be determined on receipt on the report of financial performance for the period to the end of 31st March each year. The allocation of the total carry forward amount to specific schemes will be determined following completion of the draft financial statements each year.

5.7 Capital Budget Management

5.7.1 Assistant Directors and budget holders shall be responsible the financial monitoring of all capital schemes under their control and shall, at the earliest opportunity, inform the Chief Finance Officer whenever;

- i) the cost has or is likely to exceed the allocated project budget;
- ii) there has been or is likely to be slippage in estimated expenditure for the year so that steps may be taken to avoid the loss of time-limited borrowing or capital grant approvals.

~~5.6.9~~ Notwithstanding any of the responsibilities of Assistant Directors and budget holders for budget management within these Procedure Rules, in addition the performance of all capital schemes shall be monitored through either specific Project/Programme Boards, Strategic Priority Theme Groups or through Directorate Management Teams.

5.7.2
5.7.3 If after a scheme has commenced the original total cost has or appears likely to exceed the allocated scheme budget, or where any avoidable variations or discretionary charges are to be incurred, then equivalent savings must be made within the approved capital programmes (virement).

5.7.4 If it is not possible to identify a capital virement the Chief Finance Officer and Assistant Director shall report the scheme, the final cost or estimate thereof and reason for the increased expenditure to the Executive at the earliest opportunity.

5.8 Transferring Financial Resources within Capital Schemes (Virement)

5.8.1 The Chief Finance Officer shall consider the scheme as a whole, the overall agreed capital programmes and other calls on capital resources, when taking corrective action in the form of a virement.

5.8.2 The process required to adjust the approved budget will depend on the purpose, value and impact of the proposed change. Details of the financial approval limits are set out in Part B of this document.

5.8.3 Such virements shall be reported by the Chief Finance Officer to the Executive, not less than four times a year.

5.8.4 The Chief Finance Officer shall have authority to approve the re-phasing of capital schemes within the approved capital programme between financial years (subject to the availability of resources) to make the most effective use thereof. Such re-phasing shall be reported by the Chief Finance Officer to the Executive, not less than four times a year. If deemed necessary the Chief Finance Officer in conjunction with the relevant Assistant Director shall prepare a report to the executive to consider proposals.

5.8.5 The Chief Finance Officer shall have the authority to approve the inclusion of schemes in the capital programme as required by capital accounting requirements in the Accounting Code of Practice.

5.9 In Year Movement of Reserves and Balances

- 5.9.1 Any in year call on the use of earmarked reserves will be authorised by the Chief Finance Officer. The Chief Finance Officer will also approve any request for new earmarked reserves and any movements between reserves.
- 5.9.2 Drawdown from earmarked reserves can only be requested for one-off purposes, although it may be possible to request funding for a project that spans more than one financial year.
- 5.9.3 Where additional funding is required on an on-going basis, the full year effect must be addressed through the revenue budget setting process.
- 5.9.4 The establishment of new earmarked reserves and provisions shall be brought to the attention of the Executive, by the Chief Finance Officer, not less than four times a year.

5.10 Reporting

- 5.10.1 The Executive shall receive a report, prepared jointly by, the Chief Finance Officer and Chief Officers, commenting on financial performance, to date, of the revenue budget and capital programmes, not less than four times a year. The Chief Finance Officer shall report to the Executive in between such regular reports should he/she require this to be necessary in the financial circumstances.
- 5.10.2 The Performance Scrutiny Committee shall receive a report, prepared jointly by, the Chief Finance Officer and Chief Officers, commenting on financial performance to date of the revenue budget and capital programmes, not less than four times a year.

6. EXPENDITURE

6.1 Authorisation and Certification

- 6.1.1 Expenditure should only be incurred if authority to purchase goods or services has been delegated to an employee by an Assistant Director.
- 6.1.2 A list is maintained by the Chief Finance Officer of the extent of the authority of each authorising officer who can approve orders and authorise invoices for payment.
- 6.1.3 A list is maintained by the City Solicitor of the extend of the authority of each authorising officer who can:
 - i) authorise travel and expense claims;
 - ii) authorise payroll transactions, including starters and leavers, overtime or bonus payment, notification of sickness, salary adjustments.
- 6.1.4 Transactions will not be processed unless authorisation has been given.
- 6.1.5 Agency staff are not permitted to place or approve orders or contractual payments.
- 6.1.6 Assistant Directors should notify the Chief Finance Officer and City Solicitor immediately of any changes in authorised personnel or requests for changes in authorisation limits. Periodically, the whole list of authorised officers shall be reviewed in its entirety.

6.2 Contracts for Works, Goods and Services

- 6.2.1 All contracts entered into on behalf of the Council shall be subject to the Contract Procedure Rules (Part 4) of the Constitution.
- 6.2.2 Payment to contractors on account shall be authorised only on certified documents signed by an authorising officer up to their agreed authorised limited, set out in Part B of this document, showing the total amount of the contract, value of work executed to date, retention money, amount paid to date and the amount now certified.
- 6.2.3 Subject to the specific contract allowing a variation, every variation, addition to the original specification or compensation event, shall be authorised, in writing, by an authorising officer up to their agreed authorised limit, as out in Part B of this document. Any such variation, addition or event which necessitates an increase in the amount of an accepted tender or estimate which exceeds the budgetary provision will be subject to the scheme of virement as per paragraphs 5.5 and 5.8. No order shall be placed, nor any payment certified, in respect of any such variation or addition until this has been approved by the Executive if required under the scheme of virement.
- 6.2.4 The final certificate on a contract or accepted estimate shall be issued by the duly authorised officer.

- 6.2.5 In the case of contracts for works entered into by the Council and supervised and managed by architects or persons other than the Council's own officers, the agreement with the person having control of the work shall provide that he/she submit to the Council for authorisation by a duly authorised officer, all payments on account and valuation certificates, furnishing them with all documents and vouchers relating to prime costs, provisional sums etc. Subject to the rights of other parties to the contract, the final certificate shall not be issued, nor the balance under such contract paid until an authorised officer of the Council has had the opportunity to examine the accounts, vouchers and documents and authorise the final certificate and payment.

6.3 Orders for Works, Goods and Services

- 6.3.1 Purchase orders shall be made out in the name of the Council and shall be in a form approved by the Chief Finance Officer. Electronic ordering shall be the Council's preferred method of raising orders.
- 6.3.2 Official purchase orders are required for all work, goods or services to be supplied to the Council except for:
- i) supplies of public utility services;
 - ii) periodical payments (such as rent or rates);
 - iii) petty cash purchases; or
 - iv) such other exceptions as the Chief Finance Officer may approve

If there is any doubt over whether a purchase order is required the Chief Finance Officer will confirm the requirements.

- 6.3.3 No official order shall be issued unless the rules regarding the obtaining of quotations/tenders in accordance with Contract Procedure Rules, (Part 4) of this Constitution, have been followed.
- 6.3.5 Verbal orders should only be given in emergencies and must be confirmed immediately by an official order, clearly marked 'Confirmation of an order issued verbally'. Personal credit cards can only be used in exceptional and justifiable circumstances and with prior authorisation of the Chief Finance Officer.
- 6.3.6 All orders shall specify the nature and quantity of the work, goods or services required, shall include all relevant expenditure (including freight/delivery) and shall specify the relevant contract and agreed or estimated price excluding Value Added Tax.
- 6.3.7 Each purchase order must be authorised by an authorising officer up to their agreed authorised limit, as set out in Part B of this document. Before authorising purchase orders (or otherwise committing expenditure) authorising officers should ensure that sufficient budgetary provision is available.
- 6.3.8 Any purchases undertaken as part of a corporate procurement card scheme shall be

in accordance with the instructions issued. Purchase orders are not required for procurement cards.

- 6.3.9 No financial loan, leasing or hire purchase arrangement (with the exception of land and property) may be entered into without the express permission of the Chief Finance Officer.
- 6.3.10 Under no circumstances may individual employees use the Council's ordering or payments systems for personal use or benefit.
- 6.3.11 Assistant Directors shall ensure that, where construction maintenance works are undertaken, the contractor fulfils necessary Construction Industry Tax Scheme requirements.

6.4 Payment of Accounts

- 6.4.1 The Chief Finance Officer shall be responsible for making safe and efficient arrangements for all payments.
- 6.4.2 The primary method of payment of funds due from the Council is by BACS payment drawn on the Council's bank account by the Chief Finance Officer. Other forms of payment e.g. CHAPS/faster-payment/direct debit/standing order may be used with the agreement of the Chief Finance Officer.
- 6.4.3 Each Assistant Director shall be responsible for ensuring that prior to purchase orders for goods and services being confirmed as being goods received (or on occasions invoices being authorised for payment) the examination, verification and certification of the receipt of all goods and services under his/her control is in line with the original purchase order or subsequent amendments. He/she shall satisfy him/herself that robust procedures exist to ensure that;
 - i) the goods, works or services mentioned have been received, examined and approved as to quality and quantity and are in accordance with the order and/or subsequent correspondence;
 - ii) the relevant expenditure has been properly incurred, and is within the relevant budget;
 - iii) appropriate entries have been made in inventories, stores records or stock books as required;
 - iv) the account has not previously been passed for payment and is a proper liability of the Council;

Where the invoice received differs from the official purchase order or amounts certified as received, then they shall ensure that;

- i) the price charged is correct and in accordance with any accepted quotation or contract and that all appropriate allowances, discounts and credits have been deducted, and that the invoice is arithmetically accurate;

- 6.4.3 Statements shall not be paid but should be passed to the Chief Finance Officer for review and reconciliation. Scanned or photocopied documents shall not be passed for payment unless endorsed by the authorising officer stating that the original is not, and is unlikely to become, available. If this is the case scanned or photocopied documents must be of sufficient quality to be processed.
- 6.4.4 Each order, goods receipt confirmation and/or invoice shall be authorised by the authorising officer up to their agreed authorised limit, as set out in Part B of this document.
- 6.4.5 Assistant Directors must ensure that invoices for payment are dealt with promptly in accordance with any contract conditions, late payment legislation and performance criteria. Priority is to be given to invoices subject to a discount for prompt payment. On confirmation the purchase orders have been goods receipted or if required invoices have been authorised for payment, the invoices will be processed by the Chief Finance Officer for payment without delay.

6.5 Payment for Salaries and Wages

- 6.5.1 The payment of all salaries, wages, compensation and other emoluments to all employees or former employees of the Council shall be made by the City Solicitor under secure and reliable arrangements approved by the Chief Finance Officer.
- 6.5.2 Assistant Directors and the City Solicitor will ensure that appointments of all employees are made in accordance with the Procedure Rules of the Council.
- 6.5.3 Assistant Directors shall notify the City Solicitor as soon as possible, complying with deadlines set down for payroll processing and in the form prescribed by him/her, of all matters affecting the payment of such emoluments, and in particular:-
- i) appointment, resignations, dismissals, suspensions, secondments and transfers;
 - ii) absences from duty for sickness or other reason, apart from approved leave (via the appropriate admin team);
 - iii) changes in remuneration, other than normal increments and pay awards and agreements of general application; (e.g. honorarium, accelerated increments, regradings etc)
 - iv) information necessary to maintain records of service for superannuation, income tax, national insurance and the like.
 - v) all employees in receipt of taxable benefits;
 - vi) additional work such as overtime.
- 6.5.4 All time records or other pay documents shall be in the form prescribed by the City Solicitor and approved by the Chief Finance Officer and shall be certified by an authorising officer.

6.5.5 Assistant Directors must ensure that all pay transactions are processed through the payroll system. They must, in particular, seek advice from the City Solicitor on the employment status of potentially self-employed individuals or sub- contractors.

6.5.6 The City Solicitor shall implement all nationally agreed pay and related awards immediately.

6.6 Payments of officer's travel and subsistence

6.6.1 All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses in relation to the performance of official duties shall be submitted via the system prescribed by the City Solicitor and approved by the Chief Finance Officer and submitted in accordance with such timescales as he/she may determine.

6.6.2 All claims for payment shall be certified by an authorising officer. Such certification shall be taken to mean that the authorising officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council.

6.6.3 Irrespective of the method of claim or method of payment, all expenses for car allowances, subsistence allowances, travelling and incidental expenses shall be in accordance with the rates and scales set out in the HR Handbook as updated from time to time.

6.7 Payments to Member's or Independent Persons for Travel, Subsistence and Allowances

6.7.1 Payments to Members, including co-opted Members of the Council or its committees, or independent persons who are entitled to claim travelling or other allowances, will be made by the City Solicitor upon receipt of the prescribed form duly completed. All claims for a financial year are to be submitted in accordance with the Members' Allowance Scheme.

6.7.2 All issues relating to the payment of Members' allowances and including the keeping of records and publication of amounts claimed, shall be in accordance with the Council's Members' Allowance Scheme extant at that time as any relevant legislation.

6.7.3 The City Solicitor shall determine which duties of Members should qualify for payment in accordance with the Members' Allowance Scheme. Any other payments will require approval by the Executive.

6.8 Transparency

6.8.1 To provide transparency in its stewardship of public funds the Council makes information available to the public in relation to its spending, regardless of value, consistent with requirements set out under 'Openness of Local Government Bodies regulations (2014)'. Monthly payment transactions made are available to download via the Council's website.

7. INCOME

7.1 Fees and Charges

- 7.1.1 Proposals for new fees and charges should normally be considered as part of the Medium Term Financial Strategy. Where this is not possible then the Assistant Director, in conjunction with the Chief Finance Officer shall submit a report to the Executive for approval of the new fees and charges. Reasonable notice should be given to service users to consult on the fees, before any new charge is implemented, together with clear advice on any discounts or concessions that will be available.
- 7.1.2 Any fees and charges regulated by statute shall be implemented on the due date without requiring approval or consultation with service users.
- 7.1.3 In respect of services where fees or charges apply or may apply in circumstances where services are obliged through regulations to achieve cost recovery or where other market led factors influence the service and its charging structure, the relevant Assistant Director has the discretion to amend the set fees and charges by +/- 50%, after consulting with Chief Finance Officer and relevant Portfolio Holder. Such an occurrence shall be reported by the Assistant Director to full Council at the earliest opportunity.

7.2 Collection of Income

- 7.2.1 The collection of all money due to the Council shall be under the supervision of the Chief Finance Officer who shall ensure adequate arrangements are maintained for;
- i) the financial organisation and accounting necessary to ensure the proper recording of all sums due to the Council, and;
 - ii) the collection, custody, control, disposal and prompt accounting of all cash in all Directorates and establishments of the Council and any bodies acting on the Council's behalf.
- 7.2.2 Each Assistant Director shall arrange for accounts to be raised promptly in respect of charges for work done or goods or services supplied and for rendering such accounts to the debtors concerned, along with required supporting documentation. Such accounts will be in a form specified by the Chief Finance Officer.
- 7.2.3 Assistant Directors shall promptly notify the Chief Finance Officer of contracts, leases and other agreements and other arrangements entered into which involves the receipt of money by the Council.
- 7.2.4 The Council does not accept cash except where this is unavoidable and approved by an Assistant Director. Any cash received must be acknowledged by the issue of an official receipt.
- 7.2.5 All official receipt forms, books or similar items shall be in a form approved by the Chief Finance Officer.
- 7.2.6 All official receipt forms, books or similar items shall be ordered, controlled and

issued only by the Chief Finance Officer and be in his/her custody, except where he/she may approve otherwise. A register shall be kept of all receipts and issues of such documents and each issue shall be acknowledged by the signature of the recipient.

- 7.2.7 Assistant Directors shall ensure that cash etc collected by an employee shall not be left unsecured in the absence, for any reason, of the employee from the point of collection. Where a collection point is left unattended, all cash must be put in secure conditions.
- 7.2.8 Every transfer of official money from one member of staff to another will be evidenced in the records of the departments concerned by the signature of the receiving officer.
- 7.2.9 Assistant Directors shall ensure that any shortages of cash collected shall be notified immediately to the Chief Finance Officer and Internal Audit to determine the nature of any action to be taken and to effect compliance with these Procedure Rules.
- 7.2.10 Personal cheques shall not be cashed out of the money held on behalf of the Council.
- 7.2.11 Each employee receiving income shall balance his/her collections at least daily and pay them to the Chief Finance Officer, the bank (either directly or via authorised collectors) or another officer nominated by the Chief Finance Officer in accordance with the instructions specified by the Chief Finance Officer. These payments must be properly coded and any VAT properly accounted for. No deduction may be made from such money save to the extent that the Chief Finance Officer may specifically authorise.
- 7.2.12 The Chief Finance Officer shall arrange for prompt banking of monies received by him/her.
- 7.2.13 Each officer who banks money (either directly or via authorised collectors) shall enter on the paying-in slip a reference to the related debt (such as the receipt number or the name of the debtor) or otherwise indicate the origin of the cheque; on the reverse of each cheque, the officer shall enter the name of his/her directorate, office or establishment.
- 7.2.14 As per paragraph 7.2.4 above the Council does not accept cash payments except where this is unavoidable. In those unavoidable instances in accordance with the Council's Anti-Money Laundering policy payment to the Council can be accepted if it is in cash and does not exceed a specified limit (currently £2,000). The receipt of cash payments over £2,000 requires the prior authorisation of the Chief Executive, City Solicitor or Chief Finance Officer.
- 7.2.15 Electronic payments will be implemented on a service-by-service basis wherever this can be done so efficiently. Whenever possible this will be through a means that is without human intervention in the process such as through the online secure web pages or by automated telephone payments. All monies received through such methods shall be subject to the specific instructions concerned and shall comply with the Payment Card Industry Data Security Standards (PCIDSS). This requirement to comply with PCIDSS extends to any third parties/contractors working on behalf of the Council

7.3 Writing off Debts

- 7.3.1 The Chief Finance Officer shall generally administer the recovery of all income due to the Council, including taking appropriate proceedings in court. With exception of the delegation to the City Solicitor to settle all legal proceedings in consultation with the relevant instructing officer.
- 7.3.2 The authority to write out debts shall be exercised only where the debt is deemed uncollectable by virtue of the bankruptcy or liquidation of the debtor, the debt being statute barred or the absence of further remedies being available such as following a committal hearing or a deceased debtor with no estate or where the debt is deemed irrecoverable or uneconomic to pursue. Details of the financial approval limits are set out in Part B of this document.
- 7.3.3 Where authorisation exists to write out a debt, the Chief Finance Officer may seek to mitigate the loss to the Council by selling the debt or passing it to an agency on a commission basis. Nothing in these Procedure Rules shall preclude the passing of a debt to an agency where either the debtor becomes liable for those costs or there is provision in the budgets or provisions to meet such costs. Nothing in these Procedure Rules shall preclude “technical” write-offs necessary to correct any account raised in error.
- 7.3.4 The authority to reinstate previously written off debts upon receipt of outstanding amounts is set out in Part B of this document.

8. Taxation

- 8.1 The City Solicitor shall be responsible for accounting to the HM Revenue's & Customs for all tax deducted from employees' emoluments under the PAYE arrangements.
- 8.2 The Chief Finance Officer shall be responsible for accounting to the appropriate agency for all other forms of taxation payable to or by the Council and for supplying to such agencies such other information as they may validly require.
- 8.3 The Chief Finance Officer may require from any employee of the Council such information as is necessary for fulfilment of the Council's obligation under this Procedure Rule. Assistant Directors shall be responsible for reporting taxable benefits (e.g. un-badged uniforms), which their staff may have received to the Chief Finance Officer in accordance with the timescales and procedures laid down by him/her.
- 8.4 Any purchase which is taxable under VAT Procedure Rules, whether or not the purchase price includes an element of VAT, shall be paid for only on receipt by the Chief Finance Officer of a suppliers invoice complying with VAT Procedure Rules or a written guarantee that an authenticated VAT receipt will be issued. Under no circumstances will VAT be payable on cheque requisition forms unless authorising officers have sought an authenticated VAT receipt.
- 8.5 Authorised officers accounting for income must ensure that the correct VAT is charged. Liability is determined by the type of organisation being charged and the nature of the service provided.
- 8.6 Assistant Directors should have regard to the provision of the Construction Industry Scheme (CIS) and should ensure that all payments which may incur a liability under this scheme are passed directly to the Chief Finance Officer for payment.

9. Resources and Asset Management

9.1 Banking Arrangements

- 9.1.1 All arrangements concerning banking services, including the opening, closing and operation of the Council's bank accounts shall be made solely upon direction of the Chief Finance Officer.
- 9.1.2 Cheques and other instruments drawn on the Council's banking accounts shall bear the facsimile signature of the Chief Finance Officer or be signed by the Chief Finance Officer or other officer authorised to do so in the bank mandate. The Chief Finance Officer will authorise the inclusion of specific officers on the bank mandate (to be at a minimum of Assistant Director level).
- 9.1.3 All such cheques and instruments shall be ordered only on the authority of authorised signatories and the Chief Finance Officer shall make proper arrangements for their safe custody.
- 9.1.4 The Chief Finance Officer shall authorise the establishment of all standing orders and direct debits.
- 9.1.5 The Chief Finance Officer shall maintain a list of all Council procurement cards issued and their holders. The Chief Finance Officer will authorise the issue of any new cards, the withdrawal of existing cards and provide operating guidance.
- 9.1.6 Card holders shall be personally responsible for the security of cards and for ensuring compliance with guidelines for their use, which shall include the requirement that procurement cards may only be used for Council business and in no circumstances used for personal purposes.

9.2 Investments, Borrowings and Trust Funds

- 9.2.1 The Council has adopted CIPFA's "Code of Practice for Treasury Management in Local Authorities".
- 9.2.2 The Council shall determine a Treasury Management Policy setting out its strategy and procedures for Treasury Management and set the Council's Prudential Indicators. The policy shall be reviewed once a year and completed in accordance with the budget timetable.
- 9.2.3 All money in the Council's possession shall be aggregated for the purposes of Treasury Management and shall be under the control of the Chief Finance Officer.
- 9.2.4 All Executive decisions on borrowing, investment or financing shall be delegated to the Chief Finance Officer or through him/her to his/her staff who shall all be required to act in accordance with current statutory requirements, professional guidelines and the Treasury Management Policy extant at the time of the transaction.
- 9.2.5 The Chief Finance Officer shall report to the;
 - i) Executive no less than twice in each financial year on the activities of the Treasury Management operation and on the exercise of Treasury

Management powers delegated to him/her. One such report shall comprise an Annual Treasury Management Stewardship and Prudential Indicators Report for presentation by 30 June of the succeeding financial year.

- ii) Performance Scrutiny Committee no less than twice a year on the activities of the Treasury Management operation. Including, as a minimum, a mid-year review and an annual report after its close, in the form prescribed in its Treasury Management Practices.
- iii) Audit Committee on an annual basis on the treasury management strategy before approval by the Executive and full Council no later than the 11th March of the proceeding year.

- 9.2.6 Responsibility for the implementation and regular monitoring of the Treasury Management policies and practices is delegated to the Performance Scrutiny Committee.
- 9.2.7 The Audit Committee is responsible for ensuring effective scrutiny of the treasury management strategy and policies.
- 9.2.8 All borrowings, investments and trust funds shall be made in the name of the Council.
- 9.2.9 The Chief Finance Officer shall act as a registrar of mortgages, stocks, shares and bonds, whilst appropriate arrangements shall be made for other securities.
- 9.2.10 All trust funds shall, wherever possible, be in the name of the Council and Officers acting as trustees by virtue of their official position shall deposit all securities, etc., relating to the trust with the City Solicitor unless the deed otherwise provides.
- 9.2.11 The Chief Finance Officer shall arrange, where funds are held on behalf of third parties, for their secure administration and to maintain written records of all transactions.
- 9.2.12 The Chief Finance Officer shall ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

9.3 Floats and Imprest Accounts

- 9.3.1 The Chief Finance Officer may establish and provide such imprest accounts and cash float holdings and in such a form as he/she deems appropriate.
- 9.3.2 The Chief Finance Officer shall maintain a list of all Council imprest accounts and cash float holdings issued and their signatories.
- 9.3.3 No income received on behalf of the Council may be paid into an imprest account but must be banked or paid to the Council as provided elsewhere in these Procedure Rules.
- 9.3.4 Payments shall be limited to minor items of expenditure up to a general individual limit of £50 and to such other items as the Chief Finance Officer may approve and shall be supported by a receipted voucher to the extent that the Chief Finance Officer

may require. A VAT receipt should be obtained where possible.

- 9.3.5 Each imprest holder shall maintain an approved record of the sum received and disbursements made and shall produce the record and cash for checking on demand by the Chief Finance Officer or his/her representative.
- 9.3.6 Claims for reimbursement are completed by each imprest holder. The vouchers are attached to the claim certified by an authorising officer, and submitted to the Chief Finance Officer at such intervals as the Chief Finance Officer determines.
- 9.3.7 On leaving the employment of the Council or otherwise ceasing to be entitled to hold an imprest account, an Officer shall account to the relevant Assistant Director for the amount advanced to them

9.4 Unofficial Funds

- 9.4.1 The Council will not as a general rule supervise the financial administration of unofficial funds and will not in the course of normal business audit them. It accepts no liability whatsoever for any loss however caused. Those operating such funds therefore have an overall responsibility to ensure that proper financial stewardship is observed. This should include ensuring that:-
 - i) a Treasurer and an independent auditor are formally appointed;
 - ii) proper rules are operated to secure adequate standards;
 - iii) adequate records and procedures are maintained;
 - iv) regular reports on fund transactions and balances are received and checked against bank statements;
 - v) annual statements of income and expenditure and fund balances are prepared and audited.
- 9.4.2 Those operating or intending to operate such funds are also required to:
 - i) notify the Chief Finance Officer of details of the fund as soon as this is set up;
 - ii) provide an independent audit certificate for the fund on an annual basis.
- 9.4.3 The Chief Finance Officer reserves the right to inspect the accounts and records of such funds as necessary.

9.5 Asset Registers and Inventories

- 9.5.1 The Chief Finance Officer shall maintain an Asset Register, in such a form to record sufficient details to meet the requirements of the Code of Practice on Local Authority Accounting in respect of capital accounting, for all non-current assets with a value in excess of £10,000.
- 9.5.2 The Chief Finance Officer and the Assistant Director of Housing shall be responsible

for ensuring that the Corporate Asset Management Plan and the HRA Asset Management Plan (respectively) under his/her control are up to date and provide the corporate framework for a coordinated approach to asset management within the Council.

9.5.3 In particular the Chief Finance Officer:-

- i) will maintain a terrier of all properties owned by the Council recording the holding service, purpose for which held, location, extent and plan reference, purchase details, particulars of nature of interest and rents payable and review periods and particulars of tenancies granted;
- ii) shall hold and regulate access to all title deeds to land and property owned by or mortgaged to the Council and shall hold the Council's seal.

9.5.4 Assistant Directors shall be responsible for maintaining an inventory of all items under their control with a replacement value in excess of £250, but including electrical and photographic equipment, that do not form part of the Asset Register modules or subsidiary records. Such inventories shall be in a form determined by the Chief Finance Officer.

9.5.5 The Assistant Director of Strategic Development shall be responsible for maintaining a central inventory of computer equipment.

9.5.6 Asset records and inventories are to be checked by Assistant Directors annually to ensure;

- i) that new items are entered,
- ii) that items are present; and
- iii) any deficiencies are either accounted for or investigated without delay.

9.5.7 Each Assistant Director is responsible for maintaining proper security at all times for buildings, furniture, equipment, stocks, stores, cash and other valuable resources or assets under his/her control. All valuable resources must be locked away wherever possible to reduce the risk of theft. Buildings must be kept secure, well maintained and, where appropriate, access must be restricted. He/she shall consult promptly with the Chief Finance Officer in any case where security of cash or assets is thought to be defective or where it is considered that special security and/or safety arrangements may be needed.

9.5.8 The Council's vehicles, plant and equipment shall not be removed otherwise than in accordance with the ordinary course of the Council's business or used otherwise than for the Council's purposes except in accordance with specific directions issued by the Chief Officer concerned.

9.5.9 A loss of any asset of any kind must be reported to the Chief Finance Officer and Internal Audit Manager.

9.5.10 Guidance on asset disposal is included within section 9.7.

9.6 Stocks and Stores

9.6.1 Each Assistant Director shall be responsible for the custody, control and recording of stores in his/her department. He/she shall keep such records of stocks in a form approved by the Chief Finance Officer.

9.6.2 The Chief Finance Officer in conjunction with the Assistant Director concerned shall determine the method to be employed in the valuation of stocks and stores

9.6.3 Each Assistant Director shall undertake a regular system of stocktaking, and at least annually, to ensure that:-

- i) deficiencies or surpluses are detected promptly,
- ii) obsolete and redundant stock is revealed, and
- iii) year end stocks can be ascertained accurately and promptly.

9.6.4 The Chief Finance Officer shall be entitled to receive from each Assistant Director such information as he/she or she requires in relation to stores for the accounting, costing and financial records.

9.6.5 The Chief Finance Officer may, after investigation, authorise the writing off of deficiencies and/or obsolete stores where he/she is satisfied as to the cause.

9.6.7 Guidance on the disposal of surplus materials, stores or equipment is included within section 9.7.

9.7 Disposal of Items of Inventory, Stocks and Stores

9.7.1 The procedures contained in section 9.7 apply to the disposal of surplus goods, equipment, stocks and stores but do not apply to the sale in the ordinary course of business of any article or publication the price of which has been fixed by the Council.

9.7.2 Where the actual or estimated value of the goods to be sold is less than £10,000 the relevant Assistant Director may approve the disposal and may decide the procedure to be adopted, which should be proportionate to the value of the goods. The Assistant Director must establish if the goods could be used in the Directorate or elsewhere in the Council and consider whether any of the following methods are considered appropriate:

- i) use of an appropriate selling agent/organisation
- ii) offered for sale to employees and Members on the basis of the highest bid
- iii) any of the disposal methods as set out in 9.7.43

If the item has no remaining value, its removal from the premises by an appropriately qualified/certified contractor should be arranged.

- 9.7.3 Goods of an actual or estimated value exceeding £10,000 must be disposed of in one of the following ways, as determined most appropriate by the Assistant Director:
- i) by public tender;
 - ii) by public auction; provided that a reserve price has been fixed by the authorised person or body in advance and the consideration obtained is equal to or more than the reserve price;
 - iii) by “trading in” goods at the best price obtainable against the purchase of other goods on behalf of the Council;
 - iv) by exchange, where authorised by the Assistant Director, for goods or works, subject to monetary adjustments as appropriate;
 - v) by treating with not less than 3 bona fide prospective purchasers;
 - vi) by sale to another local or public authority;
 - vii) in accordance with a statutory requirement or procedure.
 - viii) by sale in accordance with any other procedure approved by the Council or the Executive.
- 9.7.4 A record must be kept of the method of sale, price obtained, and the name and address of the purchaser. Where competitive prices have been sought, a record must be kept of the offers received and of the names and addresses of the persons making those offers.
- 9.7.5 The Chief Finance Officer shall be notified of the disposal of all goods and equipment, including stocks and stores. Assistant Directors are responsible for ensuring any inventories and records of stocks and stores they hold are updated to reflect the disposal of goods and equipment.
- 9.7.6 The receipt of any income from the disposal of goods, equipment, stocks and stores shall be treated as a capital receipt if it is in excess of £10,000, below this threshold it will be treated as revenue income for the relevant service area.

9.8 Acquisition and Disposal of Land and Buildings

- 9.8.1 Authority for any land and buildings acquisition must be sought through the Executive, with the recommendation of the Strategic Property Manager and in consultation with the Chief Finance Officer.
- 9.8.2 All acquisitions and interests in land and buildings must be negotiated through the Strategic Property Services Manager:
- i) by private treaty;
 - ii) by tender;
 - iii) at auction, provided that the maximum price to be paid has been fixed by the Chief Finance Officer in advance and is not exceeded.
- 9.8.3 All disposals of land and buildings must be authorised by the Executive or a sub-committee authorised by the Executive, on the recommendation of the Strategic Property Manager and in consultation with the Chief Finance Officer

9.8.4 The Strategic Property Manager may enter into a contract for the disposal of any interest in the land and buildings;

- i) by public tender;
- ii) by public auction, provided that a reserve price has been fixed by the authorised person or body in advance and the consideration obtained is equal to or more than the reserve price;
- iii) by exchange, where authorised by the Council or the Executive, for goods, works or land, subject to monetary adjustments as appropriate;
- iv) by treating with one or more prospective purchasers, lessees or licensees
- v) by sale to another local or public authority;
- vi) in accordance with a statutory requirement or procedure;
- vii) by sale in accordance with any other procedure approved by the Council or the Executive.

9.8.5 The City Solicitor will be responsible for the completion of all deeds and legal agreements relating to the acquisition and disposal of any interest in land and buildings, in accordance with the Council's scheme of delegation.

9.9 Procedure For Disposal By Public Tender

9.9.1 Every invitation to tender must be sent out in accordance with the standard tender process as detailed in Contract Procedure Rules.

9.9.2 The Strategic Property Manager may accept the highest tender.

9.9.3 Acceptance of a tender, which is not the highest, may only be authorised by the Executive whose decision and the reasons for it must be recorded in the minutes.

9.10 Insurances

9.10.1 The Chief Finance Officer shall be responsible for deciding whether an insurable risk should be insured, how or at what level it should be insured and for negotiating all insurances of the Council using consultants or directly with insurance companies under arrangements approved by the Council or in establishing/operating an Insurance Reserve or Provision.

9.10.2 The Chief Finance Officer shall annually, or at such other period as he/she may consider necessary, review all insurances and excess levels.

9.10.3 Assistant Directors shall give prompt notification to the Chief Finance Officer of;

- i) all new risks and liabilities which may require specific insurance cover or an alteration to existing insurances;
- ii) all new properties, vehicles or plant that require insurance or an alteration, including revised valuations, to existing insurances;
- iii) all leases of property granted by or to the Council which involve a transfer of insurance cover;

iv) all new partnership arrangements or changes to existing partnership arrangements that require insurance or an alteration to existing insurances.

- 9.10.4 All claims and recoveries are to be negotiated by the Council's appointed claim handler. Each Assistant Director must inform the Chief Finance Officer of any incident, e.g. any liability or damage, which could give rise to an insurance claim, immediately the notice of any such incident comes to his/her attention, in accordance with the Council's Incident Reporting Procedure.
- 9.10.5 Assistant Directors shall consult the Chief Finance Officer and City Solicitor with regard to the terms of any indemnity, which the Council is requested to give. No indemnity is to be given without the written consent of the City Solicitor.
- 9.10.6 No employee shall admit liability nor offer any payment of compensation that may prejudice the Council's liability in respect of any future claim.
- 9.10.7 All appropriate employees of the Council shall be included in suitable fidelity guarantee insurance whilst carrying out duties directly connected with their employment as a Council officer undertaking official business of the Council.
- 9.10.8 All of the above shall be done in the context of the Council's Risk Management Policy.

10. EXTERNAL ARRANGEMENTS

10.1 Partnerships

10.1.1 The Chief Finance Officer will ensure that the accounting arrangements adopted in relation to partnerships and joint ventures are subject to financial control procedures that reflect those of the Council, legislative requirements and other professional guidance. Partnerships include;

- i) services provided by private sector and community and voluntary sector partners;
- ii) shared services with other public bodies, including section 75 agreements entered into under the Health Act 2003 or similar arrangements;
- iii) where the Council becomes the accountable body under legislation or the terms of a grant;
- iv) any other partnerships involving a sharing of resources or risk and reward.

10.1.2 Assistant Directors must ensure that partnerships involving the Council are entered into or set up in accordance with the corporate guidance. This includes the responsibility to take appropriate professional advice (including financial, legal and procurement) when entering into partnership arrangements and to ensure that the impact of any such arrangements in terms of risk or financial standing are identified and considered by the Executive and the Council as appropriate. This includes:

- i) governance arrangement for the partnership;
- ii) risk management and risk sharing arrangement;
- iii) performance and financial management/monitoring arrangements;
- iv) financial administration, cash management and accounting arrangements;
- v) pensions risk;
- vi) taxation implications;
- vii) human resources implications;
- viii) the transfer of assets and liabilities;
- ix) insurance arrangements.
- x) ICT implications

10.1.3 Assistant Directors shall also ensure that;

- i) such partnerships do not adversely impact upon services provided by the Council;
- ii) all contracts are properly documented in a form approved by the City

Solicitor; and

- iii) all appropriate information is provided to the Chief Finance Officer to enable a note to be entered into the Annual Statement of Accounts.

10.2 External Funding

10.2.1 The Chief Finance Officer must be consulted on and approve all submissions to Central Government and other agencies for funding. Prior to making any submission in relation to external funding, Assistant Directors must ensure that:

- i) an exit strategy is identified to manage the ultimate cessation of the funding stream with no adverse impact on the Council, including any ongoing revenue implications;
- ii) any match funding requirements are given due consideration prior to entering into agreements and that future revenue budgets reflect these requirements; and
- iii) they are able to comply with the terms and conditions of a grant scheme, including auditor certification requirements, before accepting them.
- iv) the grants checklist is completed and details entered onto the central grants register

10.2.2 Assistant Directors must seek approval from the Chief Finance Officer before accepting any offer of funding from external bodies and must provide a written copy of all grant approvals together with grant and auditing conditions.

10.2.3 Assistant Directors are responsible for ensuring that all expenditure to be funded by grant is properly incurred in accordance with the requirements and conditions of the funding body and is supported by adequate evidence.

10.2.4 Assistant Directors are responsible for ensuring the completion and submission of grant claims. Officers must also ensure that grant claims comply with the requirements and grant conditions of the funding body, are submitted promptly, supported by adequate evidence and are made in conjunction with Finance staff.

10.3 Providing Services to Third Parties

10.3.1 No tender or quotation for any contract for the execution of works or provision of services by the Council may be submitted, or any such contract entered into, without first consulting the Chief Finance Officer and the City Solicitor

10.3.2 If either the Chief Finance Officer or City Solicitor object to any proposal to enter into a such a contract, then no authorised person or body other than the Executive may approve the submission of a tender or quotation or enter into such a contract.

10.3.2 All proposals to submit a tender or quotation shall consider;

- i) governance arrangements for the contract;
- ii) risk management and risk sharing arrangements, including the risk of service failure;
- iii) financial administration, cash management and accounting arrangements;
- iv) pensions risk;
- v) taxation implications;
- vi) human resources implications;
- vii) the transfer of assets and liabilities;
- viii) insurance arrangements.

Assistant Directors shall also ensure that;

- i) the contract is not subsidised by the Council;
- ii) the service has the appropriate expertise to undertake the contract;
- iii) such contracts do not adversely impact upon services provided for the Council;
- iv) all contracts are properly documented in a form approved by the City Solicitor; and
- v) all appropriate information is provided to the Chief Finance Officer to enable a note to be entered into the Annual Statement of Accounts.

11. LOCAL AUTHORITY COMPANIES

- 11.1 Where consideration is being given to the establishment of a local authority company or involvement in other companies the relevant Chief Officer must consult the Chief Finance Officer and the City Solicitor on all aspects of the proposal, at the earliest possible time, prior to seeking approval from the Executive.
- 11.2 The relevant Chief Officer, in consultation with the Chief Finance Officer and City Solicitor is responsible for:
- i) preparing a detailed business case and business plan for the establishment of any trading organisation in accordance with relevant legislation and following best practice. The business plan must include full financial projections for the profit and loss account, balance sheet, cash flow statement. The business case must address the full financial implications and risks to the Council of establishing a trading company;
 - ii) ensuring that proposals for trading activities are not ultra vires and have Executive approval before the company is established or any contract with a third-party to establish a trading company is entered in to;
 - iii) ensuring that they have acquired the necessary expertise to establish the trading company and that its establishment does not adversely impact on the services provided for the Council;
 - iv) determining the appropriate form of company that should be established and that as appropriate, the articles of association of the trading company and any shareholders' agreement ensure that the Council can exert the appropriate degree of control over the trading company as shareholder;
 - v) ensuring that the trading company is not subsidised by the Council and that all services, officer time and other support provided to the company is charged to the company in accordance with the CIPFA Service Reporting Code of Practice;
 - vi) any contract drawn up between the trading company and the Council addresses risks to the Council;
 - vii) seeking and acting upon appropriate financial, legal and taxation advice in establishing a trading company.

PART B – FINANCIAL APPROVAL LIMITS

Ref.	Description	Authoriser	Threshold
1. Financial Planning			
1.1 Capital Budget Additions as part of Annual Budget Process (applicable to all areas)			
1.1A	New capital schemes to form part of the Annual Budget Process	Council	<p>To approve capital programme annually including additions presented to Executive.</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> • Recommendation from Executive • Formal report to Full Council. • Officers to ensure requests for capital additions form part of the annual budget process in order for these to be considered alongside approval of the Treasury Management and Capital Strategies.
1.2 Capital Budget Additions outside of Annual Budget Process (applicable to all areas)			
1.2A	New capital schemes outside of the Annual Budget Process with no impact on revenue	Executive	<p>To approve capital budget additions in excess of £100,000.</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> • Based on the gross expenditure or gross income separately • Officers to consult with CFO • Based on condition that CFO has approved a detailed financial business case/LPMM • Based on condition that this does not impact on approved Treasury Management and Capital Strategy and has no impact on the revenue budget. • Formal report to the Executive.
		Chief Finance Officer	<p>To approve capital budget additions up to £100,000.</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> • Based on the gross expenditure or gross income separately • Officers to consult with CFO

Ref.	Description	Authoriser	Threshold
			<ul style="list-style-type: none"> Based on a detailed financial business case/LPMM Based on condition that this does not impact on approved Treasury Management and Capital Strategy and has no impact on the revenue budget. Supporting documentation completed and provided in accordance with financial instruction. Formal report to Executive (forms part of the financial performance update reports).
1.2B	New capital schemes outside of the Annual Budget Process with an impact on revenue	Council	<p>Only applicable where changes to Treasury Management and Capital Strategies for any new capital scheme or capital budget allocation has an impact on any approved borrowing limits.</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> Recommendation from Executive and CFO on any impact on Treasury Management and Capital Strategies and approved borrowing limits. Based on condition that CFO has approved a detailed financial business case/LPMM Formal report to the Full Council.
		Executive	<p>To approve capital budget additions where there is no impact on Treasury Management and Capital Strategies or approved borrowing limits.</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> Based on the gross expenditure or gross income separately Officers to consult with CFO Based on condition that CFO has approved a detailed financial business case/LPMM Based on condition that this does not impact on approved Treasury Management and Capital Strategy and has no impact on the revenue budget. Formal report to the Executive.

Ref.	Description	Authoriser	Threshold
1.3 Capital Budget Removals outside of Annual Budget Process (applicable to all areas)			
1.3A	Removal of capital budgets from the approved programme	Executive	<p>To approve removal of any capital scheme from the approved programmes.</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> • Formal report to Executive. • Requires consultation with CFO
1.4 Revenue Budget Additions outside of Annual Budget Process (applicable to all areas)			
1.4A	Budget Addition/Removal relating to a new planned activity of service delivery or ceasing of service activity	Council	<p>Only applicable where a supplementary budget estimate is requested.</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> • Recommendation from Executive and CFO on any impact on the Medium-Term Financial Strategy. • Based on the net expenditure and income • Formal report to the Full Council.
		Executive	<p>To approve budget changes in excess of £75,000 or where it is constituted as being a Key Decision in accordance with the Budget and Policy Framework.</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> • Requires consultation with CFO • Where there is a net nil impact on the overall approved revenue budget • Based on the gross expenditure or gross income separately • Formal report to the Executive
		Chief Officers	<p>To approve budget changes up to £75,000.</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> • Requires consultation with CFO • Based on condition that Chief Officers have consulted with Portfolio Holder(s)

Ref.	Description	Authoriser	Threshold
			<ul style="list-style-type: none"> Based on the condition that the proposed expenditure is not contrary to Council policy and does not necessitate a key decision. Where there is a net nil impact on the overall approved revenue budget Based on the gross expenditure or gross income separately Supporting documentation completed and provided in accordance with financial instruction.
2. Financial Management			
2.1 Virements - Revenue (applicable to all areas)			
2.1A	Budget Changes within the same budget head (a budget head is defined as a single line in the approved revenue estimates)	Budget Holder	<p>To approve virements of any value between subjective headings within a revenue budget head.</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> To be consulted with relevant Assistant Director To be notified to the CFO within one week. Based on the condition that the proposed expenditure is not contrary to Council policy and does not necessitate a key decision. Based on the condition that the affected budgets continue to provide sufficient resource to deliver the intended policy objectives Supporting documentation completed and provided in accordance with financial instruction.
2.1B	Budget Changes between different budget heads (a budget head is defined as a single line in the approved revenue estimates)	Executive	<p>To approve virements over £75,000 between different revenue budget heads and in cases where it is constituted as being a Key Decision in accordance with the Budget and Policy Framework.</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> Based on the gross expenditure or gross income separately Based on the condition that the affected budgets continue to provide sufficient resource to deliver the intended policy objectives

Ref.	Description	Authoriser	Threshold
			<ul style="list-style-type: none"> Requires consultation with CFO Requires consultation with other affected Assistant Directors if transfers are within another Assistant Directors area of responsibility. Formal report to the Executive
		Chief Officers	<p>To approve virements in excess of £50,000 and up to £75,000 between different revenue budget heads</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> Based on the gross expenditure or gross income separately Based on the condition that the affected budgets continue to provide sufficient resource to deliver the intended policy objectives To be notified to the CFO within one week. Requires consultation with other affected Assistant Directors if transfers are within another Assistant Directors area of responsibility. Based on the condition that the proposed expenditure is not contrary to Council policy and does not necessitate a Key Decision. Supporting documentation completed and provided in accordance with financial instruction.
		Assistant Directors	<p>To approve virements up to £50,000 between different revenue budget heads</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> Based on the gross expenditure or gross income separately Based on the condition that the affected budgets continue to provide sufficient resource to deliver the intended policy objectives To be notified to the CFO within one week. Requires consultation with other affected Assistant Directors if transfers are within another Assistant Directors area of responsibility. Based on the condition that the proposed expenditure is not contrary to Council policy and does not necessitate a Key Decision.

Ref.	Description	Authoriser	Threshold
			<ul style="list-style-type: none"> Supporting documentation completed and provided in accordance with financial instruction.
2.1C	Technical Budget Changes	Chief Finance Officer	<p>To approve any limit on technical budget changes.</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> Where there is a net nil impact on the overall approved revenue budget Realignment of budgets and other adjustments which do not change the overall approved budget for the Council, e.g. accounting changes etc Based on the condition that the affected budgets continue to provide sufficient resource to deliver the intended policy objectives Supporting documentation completed and provided in accordance with financial instruction.
2.2 Carry Forward Request - Revenue (applicable to all areas)			
2.2A	Treatment of carry forward requests at Financial Year End	Executive	<p>To approve the treatment of Financial Year End Balances for carry forward requests</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> On the condition that there is an overall underspend on the Directorate's cash limit budgets equal to or greater than the carry forward requests Only to be used to fund one-off expenditure
2.3 Virements - Capital (applicable to all areas)			
2.3A	Individual Capital Scheme Change	Executive	<p>To approve virements over £100,000 and in cases where it is constituted as being a Key Decision in accordance with the Budget and Policy Framework.</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> Based on the gross expenditure or gross income separately

Ref.	Description	Authoriser	Threshold
			<ul style="list-style-type: none"> Based on the condition that the affected budgets continue to provide sufficient resource to deliver the intended policy objectives Based on condition that there is no impact on the approved Treasury Management and Capital Strategies. Based on the condition that the budget changes have no impact on the approved borrowing limits. Requires consultation with CFO Requires consultation with other affected Assistant Directors if transfers are within another Assistant Directors area of responsibility. Formal report to the Executive.
		Chief Finance Officer	<p>To approve virements up to £100,000.</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> Based on the gross expenditure or gross income separately Based on the condition that the affected budgets continue to provide sufficient resource to deliver the intended policy objectives Based on condition that there is no impact on the approved Treasury Management and Capital Strategies. Based on the condition that the budget changes have no impact on the approved borrowing limits. Based on the condition that the proposed expenditure is not contrary to Council policy and does not necessitate a Key Decision. Requires consultation with other affected Assistant Directors if transfers are within another Assistant Directors area of responsibility. Supporting documentation completed and provided in accordance with financial instruction. Formal report to Executive (forms part of the financial performance update reports).
2.3C	Technical Budget Changes	Chief Finance Officer	To approve any limit on technical budget changes.

Ref.	Description	Authoriser	Threshold
			<u>Notes</u> <ul style="list-style-type: none"> Where there is a net nil impact on the overall approved capital budget Realignment of budgets and other adjustments which do not change the overall approved budget for the Council, e.g. accounting changes etc Based on the condition that the affected budgets continue to provide sufficient resource to deliver the intended policy objectives Supporting documentation completed and provided in accordance with financial instruction.
2.3D	Individual Capital Scheme Slippage or Acceleration.	Chief Finance Officer	<p>To approve any re-profiling of individual capital schemes (approved budget) between current and future financial years.</p> <u>Notes</u> <ul style="list-style-type: none"> Where there is a net nil impact on the overall approved capital budget Supporting documentation completed and provided in accordance with financial instruction. Formal report to Executive (forms part of the financial performance update reports).
2.4 Reserves and Balances (applicable to all areas)			
2.4A	Drawdown from and Contribution to Earmarked Reserves	Chief Finance Officer	<p>To approve any value</p> <u>Notes</u> <ul style="list-style-type: none"> Officers to put forward request to drawdown from and/or contribute to reserves for consideration by CFO Supporting documentation completed and provided in accordance with financial instruction.
2.4B	New Earmarked Reserves requests	Chief Finance Officer	To approve any value

Ref.	Description	Authoriser	Threshold
			<u>Notes</u> <ul style="list-style-type: none">Officers to put forward request to drawdown from and/or contribute to reserves for consideration by CFOSupporting documentation completed and provided in accordance with financial instruction.
2.4C	Movement between Earmarked Reserves	Chief Finance Officer	To approve any value.
2.4D	Any permanent ongoing contribution to reserves funded from the revenue accounts	Council	Recommended by Executive
		Executive	To review and recommend to Full Council for approval <u>Notes</u> <ul style="list-style-type: none">This should be considered and recommended as part of the robustness and adequacy of reserves and balances within the annual budget report.Recommendations made based on the advice of the CFOFormal report (MTFS and Budget report)
2.5 Budgetary Control (applicable to all areas)			
2.5A	Authorisation of orders and invoices on the Council's financial system and variation/compensation events within contracts	Chief Officers and Assistant Directors	Authorise to any value <u>Notes</u> <ul style="list-style-type: none">On the condition an appropriate revenue or capital budget exists within the approved budgets and subject to compliance with the approved policies and regulations of the Council and any other limitation that may be imposed.
		Service	Authorise up to £50,000

Ref.	Description	Authoriser	Threshold
		Managers and Officers on PO grade or above that report directly into an Assistant Director or Chief Officer	<u>Notes</u> <ul style="list-style-type: none">On the condition an appropriate revenue or capital budget exists within the approved budgets and subject to compliance with the approved policies and regulations of the Council and any other limitation that may be imposed.
		Team Leaders or Officers below PO grade that report directly into an Assistant Director	Authorise up to £10,000 <u>Notes</u> On the condition an appropriate revenue or capital budget exists within the approved budgets and subject to compliance with the approved policies and regulations of the Council and any other limitation that may be imposed.
3. Income			
3.1 Fees and Charges			
3.1A	Approval of new Fees and Charges as part of Annual Budget process	Council	Recommended by Executive <u>Notes</u> <ul style="list-style-type: none">Formal report to Full Council (MTFS and Budget report)
		Executive	To review and recommend to Full Council for approval <u>Notes</u> <ul style="list-style-type: none">Recommendations made based on the advice of the CFOFormal report (MTFS and Budget report)

Ref.	Description	Authoriser	Threshold
3.1B	Approval of new Fees and Charges outside of Annual Budget process.	Executive	<p>To approve any new Fees and Charges outside of annual budget process.</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> • Recommendations made based on the advice of the CFO • Formal report to the Executive • Where possible consultation with service users should be undertaken. • Where new fees and charges are regulated by statute these do not require the approval of the Executive and can be implemented on the due date.
3.1C	Variation to set Fees and Charges	Assistant Directors	<p>To approve increases/decreases of up to 50% of established fees and charges.</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> • To be used only in circumstances where services are obliged through regulations to achieve cost recovery or where other market led factors influence the service and its charging structure. • Consultation required with CFO and Portfolio Holder.
3.2 Writing off Debts			
3.2A	Debt Write-Off	Executive	<p>Individual debt write off decisions in excess of £5,000.</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> • Formal report to Executive • Requires consultation with CFO
		All Assistant Directors in the Chief Executive Directorate	<p>Individual debt write-off decisions up to £5,000.</p> <p><u>Notes</u></p>

Ref.	Description	Authoriser	Threshold
			<ul style="list-style-type: none"> Supporting documentation completed and provided in accordance with financial instruction.
		Assistant Director Housing	<p>Individual debt write-off decisions up to £5,000 for housing tenant arrears only</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> Supporting documentation completed and provided in accordance with financial instruction.
4. Resources and Asset Management			
4.1 Acquisition and Disposal of Land and Buildings (applicable to all areas)			
4.1A	Asset Acquisitions – Land and Buildings	Council	<p>Only applicable where changes to Treasury Management and Capital Strategies for any new capital scheme or capital budget allocation has an impact on any approved borrowing limits.</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> Recommendation from Executive and CFO on any impact on Treasury Management and Capital Strategies and approved borrowing limits. Must be based on the recommendation of the Strategic Property Manager Based on condition that CFO has approved a detailed financial business case/LPMM Acquisition to be negotiated through the Strategic Property Manager Formal report to the Full Council.
		Executive	<p>To approve asset acquisitions (land and buildings) to any value.</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> Must be based on the recommendation of the Strategic Property Manager

Ref.	Description	Authoriser	Threshold
			<ul style="list-style-type: none"> • Officers to consult with CFO • Based on condition that CFO has approved a detailed financial business case/LPM • Based on condition that this does not impact on approved Treasury Management and Capital Strategy has no impact on any approved borrowing limits. • Acquisition to be negotiated through the Strategic Property Manager • Formal report to the Executive.
		Asset Management Group	<p>To approve asset acquisitions (land and buildings) to any value – where due to urgency it is not possible to await an Executive meeting,</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> • Must be based on the recommendation of the Strategic Property Manager • Must be in consultation with the City Solicitor, Chief Finance Officer, the Leader of the Council, the Deputy Leader of the Council and the Portfolio Holder for Economic Growth or Portfolio Holder for Housing (if HRA acquisition) • Based on condition that CFO has approved a detailed financial business case/LPMM • Based on condition that this does not impact on approved Treasury Management and Capital Strategy and has no impact on any approved borrowing limits. • Formal report to next available Executive meeting • Only to be used in circumstances when due to urgency it is not possible to wait until the next available Executive meeting.
4.1B	Asset Disposals – Land and Buildings	Executive	<p>To approve asset disposals (land and buildings)</p> <p><u>Notes</u></p>

Ref.	Description	Authoriser	Threshold
			<ul style="list-style-type: none"> Asset must be declared surplus to requirements by the relevant Assistant Director and to have established if there is any other need within the Council. Must be based on the recommendation of the Strategic Property Manager Officers must consult with the CFO Formal report to the Executive Disposal route to be determined by the Strategic Property Manager
4.2 Disposal of Items of Inventory, Stocks and Stores (applicable to all areas)			
4.2A	Asset Disposals – Non Land and Buildings	Assistant Directors	<p>To approve the disposal of inventory, stocks and stores of any value</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> Does not apply to sale of items in the ordinary course of business where a price has already been fixed by the Council. On the basis that the items are not buildings or land. Where the value of items is estimated at less than £10,000 the Assistant Director can determine the disposal procedure, in line with 9.7.2. Where the value of items is estimated to be above £10,000 then the Assistant Director must determine which from a list, as per 9.7.3, of disposal options is most appropriate. Supporting documentation completed and provided in accordance with financial instruction. To be notified to the CFO

Contract Procedure Rules

(November 2024)

1.	Scope of Contract Procedure Rules
1.1	Overview
	<p>These Contract Procedure Rules (CPR's) set out the rules by which we spend money on the supplies (goods), services and works we need to deliver services to the residents of Lincoln. They are an integral part of the Council's Constitution and must be used for any purchase or procurement exercise by ALL employees of the Council or any authorised person buying on behalf of the Council.</p> <p>The following sections provide a high-level snapshot of the requirements set out within these CPR's:</p> <p>Section 4 – para 4.3 – page 14 – Summary Table of Applicable Thresholds</p> <p>Section 16 – page 59 – 60 – Procurement Flowcharts</p> <p>As a public authority the Council has a duty to allow the market the freedom of opportunity to trade with it. If the Council fails in this duty, a potential supplier or contractor may have a legitimate cause for complaint.</p> <p>The CPRs have seven main purposes:</p> <ul style="list-style-type: none">• To support the delivery of the Council's Corporate Objectives• To provide a legal framework for the Council's procurement activities• To provide an auditable framework for the Council's procurement activities• To help the Council obtain value for money so that in turn it may provide value for money services to the public• To comply with the UK law governing spending of public money• To comply with UK law as required through the Public Contract Regulations (2015) and Procurement Act 2023• To protect staff and members of the Council from undue criticism or allegation of wrongdoing <p>Some of the rules set out in the document are required by law, others have to be put in place to provide a complete, clear and coherent framework in which people can work.</p> <p>These CPRs recognise that the Council has certain responsibilities as a public authority for which it needs to act collectively:</p> <ul style="list-style-type: none">• to make the best use of shared buying power• to produce information to comply with the law

	<ul style="list-style-type: none"> • to understand the big picture of spending activity to allow the Council to plan, to measure and improve performance and to train and develop its officers. <p>These Rules DO apply to:</p> <ul style="list-style-type: none"> • all contracts for the supply of works, goods or services (including consultancy and agency staff) to the Council, regardless of value • partnership and collaborative arrangements with other public bodies • concession contracts. • contracts for the purchase or sale of any interest in land, (including leasehold interests), where the Council imposes design requirements, and/or specifications and certain outputs (land development transactions) <p>They DO NOT apply to:</p> <ul style="list-style-type: none"> • contracts for the purchase or sale of any interest in land, (including leasehold interests) which do not impose the above * • contracts of employment for the appointment of individual members of staff, including members of staff sourced through employment agencies • sponsorship agreements • supply of works, goods and services by the council or one of its public sector partners. However, the City Solicitor and the Chief Finance Officer must be consulted where the Council is contemplating this route. <p>These CPRs promote good commercial practice, public accountability and deter corruption. Following these procedures is the best defence against allegations that a procurement activity has been undertaken incorrectly, fraudulently or unlawfully. These procedures cover contract and procurement activity undertaken on behalf of the Council and within a partnership arrangement, regardless of the source of funding.</p> <p>Officers responsible for procurement and contracting, MUST ensure compliance with these CPRs, the Public Contract Regulations 2015, Procurement Act 2023, Financial Procedure Rules, applicable Grant Fund spending regulations and conditions, and with all UK legal requirements.</p> <p>In addition to the above, due regard to statutory guidance issued by the Crown Commercial Service must be paid, as required by the Public Contract Regulations 2015 and the Procurement Act 2023 (PPN's).</p> <p>These CPR's do not contain procedures relating to making payments and undertaking purchasing activity, i.e. raising purchase orders or using a purchasing card. These procedures are found within Financial Procedures Rules.</p>
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	<p>It should also be noted that these CPR's lay down minimum requirements. More stringent requirements may be appropriate for particular contracts and procurements, dependent on a number of factors.</p> <p>In accordance with the Constitution, the City Solicitor has the authority to make minor amendments to these CPR's, more comprehensive amendments must be approved by Full Council.</p>
1.2	Basic Principles/Compliance
	<p>All procurement activity, including the entering into contracts, on behalf of the Council, must:</p> <ul style="list-style-type: none"> • comply with these Contract Procedure Rules • comply with the Council's Financial Procedure Rules • comply with all relevant UK legislation • adhere to procurement principles by being undertaken in a transparent, non-discriminatory and proportionate manner • achieve best value in respect of the use of public money • demonstrate high regard to integrity <p>Each Director and Assistant Director is responsible for ensuring that his/her department/section complies with these Contract Procedure Rules, Financial Procedure Rules and ALL applicable legislation. They MUST ensure that procurement requirements are appropriately planned, resourced, reported, monitored and awarded. They may delegate the practical elements of the processes to competent officers within their departments, who are then equally responsible for ensuring these CPRs are adhered to.</p> <p>All members of staff and consultants engaged in any capacity to manage or supervise the procurement of any works, goods or services for the Council and/or the subsequent contract MUST comply with these CPR's.</p> <p>In addition to the above, all those involved in any form of procurement/entering into a contract/contract management, must ensure:</p> <ul style="list-style-type: none"> • relevant professional advice is sought, in a timely manner, from Procurement, Legal and Finance. • any external grant funding is used in line with these rules and the conditions to which it was assigned. Where there is conflict Procurement, Legal and Finance advice should be sought • any conflict of interest is declared • payment is only made for goods, services and works delivered at the contract price, the quantity and quality standards quoted for • the budget holder monitors all expenditure through their budget

	<ul style="list-style-type: none"> • a fully signed/sealed contract (dependent on value) is entered into prior to the commencement of the provision • an appropriate contract manager is identified, who is accountable for ensuring the contract delivers the goods, services and/or works as set out within the contract • the contract manager follows the required contract management monitoring, and this is fully documented to provide a clear audit trail • the Council's retention policy is adhered to <p>It is also proposed that these CPRs are reviewed on a regular basis to ensure that they are still fit for purpose and that a full review will be undertaken every three years.</p>
1.3	Contracts
	<p>A contract is an arrangement made by, or on behalf of the Council, with a third party, instructing them to undertake works or for the supply of goods or services.</p> <p>This includes:</p> <ul style="list-style-type: none"> • the supply of goods • the delivery of services • the execution of works • the hire, rental, repair, maintenance or lease of goods/equipment • the appointment of agency staff or consultants <p>It does not include:</p> <ul style="list-style-type: none"> • Partnering arrangements (albeit there may be a requirement for a legal arrangement to be entered into) • Membership of and/or subscriptions to a recognised bodies (and associated work that they undertake on our behalf) • Contracts of employment which make an individual an employee of the council • Agreements regarding acquisition, disposal or transfer of land • Awarding of grant monies
1.4	Joint Commissions
	<p>Where the council jointly procures/commissions services with other public sector bodies i.e. local authorities, health authorities etc. the following shall apply:</p> <ul style="list-style-type: none"> • A lead authority will need to be determined for the purposes of the provision to be procured and their processes will be adhered too,

	<p>and any subsequent contract entered into, will be deemed compliant with these CPR's thus meaning no exception to normal routes is required</p> <ul style="list-style-type: none"> • If the procurement/commission is with a NHS body, then adherence to specific regulations will apply i.e. the NHS bodies & LA Partnership Arrangement Regulations 2000 as amended by the NHS Bodies & LA Arrangements (Amendment) Regulations 2015 <p>Where the Council works jointly to procure/commission any goods, services and/or works with other organisations such as those from the private sector, where there are no legislative requirements, the following shall apply:</p> <ul style="list-style-type: none"> • Regardless of who the identified lead is, these CPR's will apply as the Council has a legal duty to ensure adherence to various legislation etc • Where the contract is procured on behalf of the Council but not in joint names, then there may be a requirement for the third party to indemnify the Council and vice versa.
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2.	Roles & Responsibilities
2.1	Overview - Tree of Responsibility
	<p>This section sets out the Tree of Responsibility in terms of ensuring that the Council has a robust governance process in place to ensure adherence to the requirements of these CPR's.</p> <p>There is a "golden thread" that runs through from Corporate Management Team (CMT) to Contract Managers and in order for these CPR's to be effective, it is essential that all involved understand and comply with them.</p> <p>Whilst inevitably there may be some elements of overlap within the responsibilities of different areas, it should be clear what is required from individual roles when overseeing or undertaking a procurement exercise.</p>
2.2	Procurement Manager
	<p>The Procurement Manager is responsible for:</p> <ul style="list-style-type: none"> • ensuring that all procurement undertaken is done so in strict accordance with these CPR's, Public Contract Regulations 2015, The Procurement Act 2023 (depending on when the procurement was commenced/contract entered into).

	<ul style="list-style-type: none"> • for ensuring that the CPR's are kept up to date on a regular basis and that a full review is undertaken at least every three years. • Where appropriate or requested by an Officer within the authority, ensure that any framework arrangement/agreement (ESPO, Scape, CCS etc.) is fully compliant prior to any discussions being entered into or procurement exercise undertaken. • ensuring that where a procurement activity is undertaken electronically via the Councils recognised portal (currently Pro Contract), that all requirement stages are completed. This will include the initial entry being made on the Corporate Contracts Register. However, it should be noted that it is then ultimately the responsibility of the relevant Contract Manager to ensure that all details held on the Contracts Register are correct and up to date. • ensuring that all staff and elected members are aware of their responsibilities under these CPR's and receive adequate training and guidance. <p>In addition to the above, the Procurement Manager is ultimately responsible for ensuring that where a procurement activity is required, that it hasn't been split into smaller requirements in order to avoid undertaking the necessary procurement process.</p> <p>In conjunction with the City Solicitor, they have responsibility for ensuring that any exception to the normal procurement route is captured and recorded so as to provide a full audit trail of decisions being made. It should be noted though that exceptions to the normal route can only be granted where the contract value is below the relevant threshold.</p>
2.3	City Solicitor
	<p>The City Solicitor has delegated responsibility for ensuring that these CPRs are properly administered, adhered too and reflect the most up to date legislation and statutory guidance.</p> <p>As stated above (para 2.2), the City Solicitor will in conjunction with the Procurement Manager, ensure that any exception to the normal route is captured and recorded so as to provide a full audit trail of decisions being made.</p>
2.4	Corporate Management Team (CMT)
	<p>Corporate Management Team (CX, Director of Major Developments, Director of Housing & Investment, Director of Communities & Environment) are collectively responsible for ensuring that all staff fully understand their responsibilities with under the CPR's and comply with them, and that</p>

	<p>resources are in place via the Procurement Manager/City Solicitor to provide adequate training and guidance.</p> <p>Director's duties are as follows:</p> <ul style="list-style-type: none"> • To ensure that their officers seek and obtain value for money and secure continuous improvement in all procurements. • To ensure no contract is entered into by their Directorate without there being adequate and agreed budget provision, in accordance with FPR's, and by adhering to these CPR's • To ensure compliance with all applicable legislation and seeking advice from the Procurement Manager, where appropriate, prior to the commencement of any procurement related activity • To ensure that Non-Commercial Considerations (i.e. personal conflicts, peer pressure) do not influence any decision to seek quotations or tenders or to enter into any contract. • To ensure all staff (including any agents or consultants acting on their behalf) dealing with procurement for their directorate, are fully aware of and comply with these CPRs and to arrange adequate training on their operation. Ideally training on these should form part of their induction process to the post they hold. • To ensure every contract has a named officer with responsibility for it. • To ensure that their officers keep records of all signed contracts and copies of all relevant documentation to provide a full audit trail of actions taken. • To ensure that the Council's Contracts Register for all contracts greater than £5000 in value is kept up to date • To ensure the Corporate Procurement Pipeline is kept up to date with all procurements greater than £2m in value to be carried out for the next 18 months.
2.5	Assistant Directors
	<p>All Assistant Directors are responsible for ensuring that Officers within their respective areas adhere to the requirements of these CPR's.</p> <p>It is their responsibility to ensure that procurement is undertaken compliantly and that all contracts entered into:</p>

	<ul style="list-style-type: none"> • Sign off all tender documents prior to the tender going live, where the tender is over the threshold for goods and services (this also applies to works contracts even though the threshold for this is significantly more) • Appear on the Council's contracts register as soon as they are signed and in advance of any goods/services being received and/or works being undertaken • All contracts are managed in accordance with the requirements of the Council's contract management guidance (see section 12) • Appointed/designated contract managers within their area have undertaken the relevant training and fully understand the requirements <p>Risk Registers are in place and reviewed in accordance with the Council's Lincoln Project Management Model (LPMM) and risk register requirements (see section 14).</p>
2.6	Legal Services
	<p>Legal Services are responsible for ensuring that all contracts entered into are lawful and provide adequate protection to the council, and that they are properly signed/sealed.</p> <p>It is their responsibility to ensure that the form of contract is relevant, appropriate and proportionate to the provision, and/or to raise any shortcomings in relation to proposed forms, especially where appointments are being made via the use of frameworks/agencies and changes cannot be made. In addition to this they are also responsible for ensuring that any external grant funding requirements are reflected appropriately.</p> <p>They are also responsible for providing advice/guidance in relation to all legal matters, that may form part of, or be associated with, the required provision. This will may include the following, but it should be noted that this list is not exhaustive:</p> <ul style="list-style-type: none"> • Subsidy Control • Collateral Warranties • Deeds of Warranties • Framework provisions • Use of providers own form of contract i.e. agency staff, recruitment agencies etc
2.7	Chief Finance Officer (S151) & Financial Services
	<p>The Chief Finance Officer (S151) is the officer responsible for the proper administration of the financial affairs of the Council and as such have a duty to provide financial advice and support in relation to all procurement activities and ensure compliance with Financial Procedure Rules.</p> <p>In addition to the above, they are also responsible for:</p>

	<ul style="list-style-type: none"> • ensuring that processes detailed within these CPR's are reflected where necessary and compliment the requirements of Financial Procedure Rules. Any conflicts identified, should be discussed with both the Procurement Manager and City Solicitor in order for a resolution to be found and be reflected within both CPR's and FPR's. • ensuring that where appropriate, contracts entered into provide adequate financial protection to the council. Whilst suppliers are able to self-certify in respect of their financial standing as part of the procurement activity, a review of this will be undertaken by Financial Services. In addition to this, Financial Services will also undertake financial checks at agreed points during the contract period, as notified by contract managers, as well as in response to a contract manager raising warnings/concerns over a contractors financial standing. • ensuring that the form of contract, and the proposed terms/provisions within it, are relevant, appropriate and proportionate from a financial perspective i.e. inflationary clauses, capped liabilities etc. Where it is not, then any shortcomings should be addressed, so that any amendments can be enacted or where it is an appointment being made via the use of frameworks/agencies and changes cannot be made the contract manager is aware of the risks and procedures are put in place to help mitigate these. • reviewing the provision being procured and provide the requirements in relation to the insurance cover required. • ensuring that any financial related external grant funding requirements are reflected appropriately. • In conjunction with the City Solicitor providing advice/guidance in relation to all finance related matters, that may form part of, or be associated with, the required provision. This will may include the following, but it should be noted that this list is not exhaustive: <ul style="list-style-type: none"> • Performance Bonds • Parent Company Guarantees • Framework provisions • Use of providers own form of contract i.e. agency staff • Embedded Leases
2.8	Service Managers (if not contract managers)
	Service managers are responsible for ensuring that all procurement related activity undertaken by them and their staff within their service area follow the requirements of these CPR's.

2.9	Contract Managers
	<p>Contract Managers are responsible for ensuring that they manage the contract effectively, efficiently and in accordance with these CPR's (primarily section 12).</p> <p>In summary this will include:</p> <ul style="list-style-type: none"> • Monitoring performance of the supplier/contractor against the agreed programme or service level, as appropriate. • Monitoring the continuing level of operational and financial risk (including the risk of fraud) to which the Council may be exposed. • Facilitating the resolution of issues between the supplier/contractor and the key user(s) • Ensuring the prompt settlement of invoices / payments correctly and properly submitted by the supplier/contractor in accordance with the contract. • Ensuring that key certifications are in place i.e. insurance levels, performance bonds
2.10	Elected Members
	<p>Whilst there is no direct responsibility arising from CPRs in relation to the role of elected members, as members are precluded from entering into contracts on behalf of the authority, they should have an awareness of the requirements of these, and the requirements placed on officers with regard to procurement and contract management, in order to ensure effective scrutiny.</p>
3.	Exceptions to the Normal Route
3.1	Overview
	<p>Whilst the expectation is that any tendering of contracts will be compliant with these CPR's, it is acknowledged that there that may be exceptional situations where it is not possible to follow the normal route.</p> <p>This section sets out those limited occasions where an exception to the normal route may apply:</p>
3.2	Exceptions
	<p>Any exception to the normal route is provided for in exceptional circumstances, as identified below, and only with the agreement of both the City Solicitor and Procurement Manager as well as the relevant Assistant Director/Director.</p> <p>It should be noted that an exception can only be granted where the total value of the provision being procured DOESN'T exceed the relevant threshold. Where the value of the provision exceeds this, this action will</p>

	<p>require the publication of a Transparency notice and will need to satisfy the mandatory requirements of the relevant procurement legislation.</p> <p>Exceptions are as follows:</p> <ul style="list-style-type: none"> i. Where urgent/emergency repairs are necessitated by breakdown or other failure of buildings, plant, machinery or ICT software/equipment, necessary to maintain and ensure efficient and continuous service delivery. <i>The relevant definition of “emergency” or “urgent” describes it as “brought about by events unforeseeable by and not attributable to the contracting authority.”</i> ii. Where renewals, repairs and upgrades to buildings, plant, appliances, machinery, vehicles or ICT equipment/software can only be efficiently carried out and most economically supplied with regard to time, cost and speed of delivery, by the original contractor/supplier or their successors or other sole specialists, subject to it not exceeding the relevant thresholds when aggregated. iii. Where urgent alternative arrangements are required to maintain the delivery of critical services due to the failure of an existing service provider or supplier. iv. Where an emergency situation exists as defined in the Council’s Emergency Plan and/or the Corporate Business Continuity Plan v. Works orders placed with utility companies i.e. for re-routing cables or pipework vi. Where the City Solicitor and the Procurement Manager are satisfied that there is only one potential supplier of the required goods, supplies or services vii. Where it is not possible for the direct approach to be made to a local supplier as per the definition in the Local Purchasing Strategy. However, this is only where the City Solicitor and the Procurement Manager are satisfied that there are no more providers. viii. Where it is not possible to request two quotations from local suppliers it is acceptable for all quotations to be from non-local suppliers. However, this is only where the City Solicitor and the Procurement Manager are satisfied that there are no more providers. <p>The use of the Exceptions to Normal Route template is a requirement for all exceptions covered within this section and a copy if this can be found within paragraph 17. Sign off from the relevant Assistant Director/Director is required prior to the completed form being sent to the Procurement Manager and/or City Solicitor for final approval PRIOR to any procurement activity taking place.</p>
3.3	Specific Processes for Selected Areas (specific category types)

	<p>In addition to the above exceptions, there is also the exception process in respect of specific category types (below relevant threshold) and this allows for a direct approach to be made to a single supplier up to the relevant threshold, as follows:</p> <ul style="list-style-type: none"> • Where the appointment is in respect of specialist legal advice or for a barrister for defence or prosecution of a specific case. Appointment can only be made by the City Solicitor or an authorised representative. • Where the appointment is in respect of specialist services in respect of The Representation of the Peoples Act then each election i.e. City, County, PCC, BID etc. can be procured on an individual basis with the agreement of the Democratic Services and Elections Manager in conjunction with the City Solicitor. • Where the appointment is in respect of specialist services in respect of a General Election and/or a government authorised election such as a Referendum, then this can be procured on an individual basis with the agreement of the Democratic Services and Elections Manager in conjunction with the City Solicitor. • Where the appointment is in respect of specialist financial advice or specialist internal & external audit support. Appointment can only be made by the Chief Finance Officer or an authorised representative • Where the appointment is in respect of specialist property advice in respect of a one-off bespoke project. Appointment can only be made by the Strategic Property Services Manager or an authorised representative • Where the appointment is in respect of specialist planning advice in respect of a one-off bespoke project. Appointment can only be made by the Assistant Director Planning. <p>Whilst the above provides an exception to the normal procurement process it is still a requirement of the appointment that all the relevant governance and contractual arrangements are put in place. This may include the drawing together of a contract; issuing a brief and receiving the contractor's response; ensuring insurances are in place etc. Advice should always be sought from the Procurement Manager and/or City Solicitor prior to the commencement of this.</p>

4.	Thresholds
4.1	Council Set (below mandatory legal threshold)

	<p>The following values have been set by the authority and should be followed when undertaking a procurement exercise. All thresholds set by the Council are exclusive of VAT, whereas those set under the relevant procurement legislation are inclusive. There is summary table at the end of this section which provides an at a glance guide.</p> <p>The Threshold levels are set out in paragraph 4.2.</p> <p>In respect of Goods, Services & Light Touch Regime (LTR) the following applies:</p> <p>Less than £5,000 – there is no requirement for any formal procurement process to be followed but a purchase order is still required to be raised. There is also no legal requirement for the contract to be recorded within the Councils contracts register, however this would be seen as good practice.</p> <p>£5,001 to £15,000 – there is no requirement for any formal procurement process to be followed. However, it is the responsibility of contract managers and their Assistant Directors, to ensure that they have undertaken a due diligence review prior to entering into any arrangement and that they are satisfied that it doesn't expose the Council to any unnecessary risk i.e. required insurance levels in place, H&S assessment undertaken etc. Where the review flags up any concerns the use of the contract managers checklist should be undertaken. The council's contract register needs to be updated on award and the raising of a purchase order is required</p> <p>£15,001 to £30,000 – a direct approach can be made to one single supplier. You cannot make an approach to multiple suppliers separately. Completion of the contract managers checklist is required and ideally use of the Council's Request for Quotation template (this is not mandatory). The council's contract register needs to be updated on award and the raising of a purchase order is required</p> <p>£30,001 to Relevant Threshold for Goods & Services – a quotation exercise to be undertaken using the Council's Request for Quotation (RFQ) template. This process is to be undertaken electronically utilising the Council's procurement portal. The council's contract register needs to be updated on award and the raising of a purchase order is required</p> <p>APPOINTMENT OF CONSULTANTS OR AGENCY STAFF:</p> <p>All of the following thresholds allow for a direct approach to be made to one consultant or agency. However, it is the responsibility of the appointing officer to ensure that the appointment delivers best value for money, and it is advisable for a file note to be made detailing this. If this cannot be demonstrated, then a quotation exercise as detailed within the Goods & Services section above should be followed (over £30,001)</p> <p>Less than £5,000 – Discussion with HR is required to compliance with IR35. Officers will be expected to undertake a review of any terms and conditions (T&C's) being</p>

<p>imposed by the supplier in order to ensure that the Council isn't exposed to unnecessary risk etc. There is no need for the contract managers checklist to be completed or an entry made on the contracts register. However, there is the need for a Purchase Order to be raised.</p> <p>£5,001 to £15,000 – As per the requirement above for up to £5,000 however the appointment needs to be entered onto the Council's contracts register. Authorisation of the appointment should be made by the Assistant Director</p> <p>£15,001 to £75,000 – Completion of the contract managers checklist is required and where possible the relevant T&Cs should be circulated with this for review by Legal and Financial Services. The appointment needs to be entered on the Council's contracts register and a purchase order raised. Authorisation of appointment needs to be made by relevant Director.</p> <p>£75,001 to Relevant Threshold for Goods & Services – Completion of the contract managers checklist is required and where possible the relevant T&Cs should be circulated with this for review by Legal and Financial Services. The appointment needs to be entered on the Council's contracts register and a purchase order raised. Authorisation of appointment needs to be made by CMT.</p> <p>APPOINTMENT OF RECRUITMENT AGENCY:</p> <p>Less than £5,000 – Officers will be expected to undertake a review of any T&C's being imposed by the supplier in order to ensure that the Council isn't exposed to unnecessary risk etc. There is no need for the contract managers checklist to be completed or an entry made on the contracts register. However, a Purchase Order is to be raised.</p> <p>£5,001 to £50,000 – a direct approach can be made to one single supplier. You cannot make an approach to multiple suppliers separately. Use of the Council's Request for Quotation template is required as well as completion of the contract managers checklist. The councils contract register needs to be updated on award and the raising of a purchase order is required</p> <p>£50,001 to Relevant Threshold for Goods, Services and Light Touch - a quotation exercise to be undertaken using the Council's Request for Quotation (RFQ) template. This process is to be undertaken electronically utilising the Council's procurement portal.</p> <p>IT LICENCES AND MODULES UPGRADES:</p> <p>Up to the threshold for Goods, Services and Light Touch – a direct approach can be made to a single supplier. Completion of the contract managers checklist is required and where possible, the relevant T&Cs should be circulated with this for review by Legal and Financial Services. The appointment needs to be entered on the Council's contracts register and a purchase order raised. Where the total value</p>
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	<p>of the contract is below £5,000, there is no requirement for any formal procurement process to be followed, however, a purchase order is still required to be raised.</p> <p>WORKS AND CONCESSION CONTACTS:</p> <p>Less than £5,000 – there is no requirement for any formal procurement process to be followed but a purchase order is still required to be raised.</p> <p>£5,001 to £30,000 – there is no requirement for any formal procurement process to be followed. However, it is the responsibility of contract managers and their Assistant Directors, to ensure that they have undertaken a due diligence review prior to entering into any arrangement and that they are satisfied that it doesn't expose the Council to any unnecessary risk i.e. required insurance levels in place, H&S assessment undertaken etc. Where the review flags up any concerns the use of the contract managers checklist should be undertaken. The council's contract register needs to be updated on award and the raising of a purchase order is required</p> <p>£30,001 to £1,000,000 – a direct approach can be made to one single supplier. The use of the RFQ direct approach template is mandated. Completion of the contract managers checklist is required. You cannot make an approach to multiple suppliers separately.</p> <p>£1,000,001 to £2,500,000 - a quotation exercise to be undertaken using the Council's RFQ template. This process is to be undertaken electronically utilising the Council's procurement portal.</p> <p>£2,500,001 to Threshold - a quotation exercise to be undertaken using the Council's RFQ template. This process is to be undertaken electronically utilising the Council's procurement portal.</p> <p>Exceptions to the Above</p> <p>Whilst all of the above thresholds are in place, Officers can, where they feel it would provide better value for money, advertise the opportunity to the marketplace and/or follow the quotation route rather than make a direct approach. In these circumstances full engagement with the relevant processes is required as detailed within this document. However, prior to this process being undertaken, a file note should be made as to why this was the chosen route which should be signed off, by the relevant Assistant Director for that area.</p> <p>Where a framework is being utilised, the above thresholds do not apply, and the framework providers requirements will need to be followed. However, the contract managers checklist will still be required to be completed and circulated along with the framework providers form of contract and any specific framework information relating to terms i.e. insurance levels etc.</p>
4.2	Statutory Set (Goods & Services, Light Touch and Works)

	The relevant thresholds as revised under Public Contract Regulations 2015 on 1 st January 2024 are as follows:					
	Type		Threshold (inc. of VAT)			
	Goods & Services		£214,904			
	Works		£5,372,609			
	Light Touch		£663,540			
	Concessions Contract		£5,372,609			
4.3	Summary Table of Proposed Levels					
	The following table provides an at a glance summary of the procurement requirements based on the various contract value thresholds.					
	Value	Goods Services & Light Touch	Consultancy & Agency Staff	Recruitment	IT Licences & Module Upgrades	Works
	Up to £5,000	No Formal Requirement				
	£5,001 to £15,000	No Formal Requirement				
	£15,001 to £30,000	Direct Approach				No Formal Requirement
	£30,001 to relevant threshold	RFQ process	Direct Approach	Direct Approach	Direct Approach	n/a
	£15,001 to £75,000	n/a	Direct Approach	Direct Approach	Direct Approach	n/a
	£75,001 to relevant threshold		Direct Approach	Direct Approach	Direct Approach	n/a
	£30,001 to £1,000,000	n/a	n/a	n/a	n/a	Direct Approach

	£1,000,001 to £2,500,000	n/a	n/a	n/a	n/a	RFQ process
	£2,500,001 to relevant threshold	n/a	n/a	n/a	n/a	RFQ process

5.	Calculating the Contract Value
5.1	Overview
	<p>Prior to the commencement of any procurement activity, it is essential that the procurement lead (this can be the contract manager or the operational lead) calculates the total contract value. In order to do they will need to determine the estimated annual spend and the preferred length of contract, including all extension provisions, so that when multiplied together, it provides an estimated annual cost.</p>
5.2	Determining the contract length
	<p>It is important when determining the length of time, the contract will be in place for, that the following is considered:</p> <ul style="list-style-type: none"> • How long will the council utilise the provision being procured • Does the marketplace have an optimum length that it will quote for • Is there a high churn of suppliers in the marketplace • Is the marketplace volatile • How does the proposed length reflect internal trends in spend • Impact of inflationary factors • Length of time spent procuring v initial period of contract
5.3	Determining the total value
	<p>Where a contract/provision has been in place historically, the use of annual spend data held by the Council will help to determine estimated spend. The usual process is to look at the spend over a three-year period to provide an average and then review this to ensure that it is realistic given known parameters/volume of the requirement moving forward along with any inflationary factors that need to be considered. Financial Services will be able to help with the element.</p> <p>Where it is a new contract/provision then officers will need to utilise any market intelligence available and/or their own professional intelligence in this area.</p> <p>It is also important to remember that when calculating the contract value in respect of those which exceed the relevant threshold that VAT is included</p>

	<p>within the calculation as the thresholds stated are shown in this way. The contract value to be procured will then be:</p> <p><i>Annual spend x total years provision to be in place for</i></p>
6.	Procurement Routes for above threshold contracts
6.1	Overview
	<p>Where the contract value exceeds the relevant procurement threshold, then the legal requirements and processes must be complied with. Where the procurement is commenced prior to the 24th February 2025, adherence should be made to the requirements of Public Contract Regulations 2015. After this date adherence to the Procurement Act 2023 should be followed.</p> <p>Section 9 of these Contract Procedure Rules contains more detailed guidance as the processes to be followed.</p> <p>Specific guidance should always be sought from the Procurement Manager prior to the commencement of any procurement activity that exceeds the procurement threshold.</p>
6.2	Public Contract Regulations 2015 (PCR2015)
	<p>Where the procurement activity was commenced prior to 24th February 2025, then PCR 2015 will apply. This will also apply in respect of any management, variations, modifications in relation to the provision in place. There are five types of contract award procedure under the 2015 Regulations.</p> <p>These are:</p> <ul style="list-style-type: none"> • Open • Restricted • Competitive Dialogue • Competitive with negotiation • Innovation Partnership <p>There are no restrictions in the legislation on the use of the open and restricted procedures. The competitive dialogue, competitive with negotiation and innovation partnership procedures can only be used in certain specified circumstances. Predominantly, the council uses the open and restricted route, and these are covered in more detail in section 9.</p>
6.3	Procurement Act 2023 (PA23)
	<p>Where the procurement activity was commenced on or after the 24th February 2025, then PA23 will apply. This will also apply in respect of any management, variations, modifications in relation to the provision in</p>

	<p>place as well as the requirement to publish any notices for the duration of the contract as stipulated within the Act.</p> <p>The new Act uses only three procedures, not including frameworks and dynamic markets (the new name for dynamic purchasing systems).</p> <p>The new procurement procedures are:</p> <ul style="list-style-type: none"> • Open Procedure • Competitive Flexible procedure • Direct award.
6.4	Frameworks, Dynamic Purchasing System & Dynamic Markets
	<p>The Council allows for the use of frameworks, dynamic purchasing system (DPS) and dynamic markets (DM) where appropriate. They can help to balance the need to achieve/demonstrate value for money with the resource impact of undertaking a quotation/full tender process.</p> <p>A procurement framework, also known as a framework agreement, is an umbrella agreement put in place between a provider or range of providers that enables buyers to place orders for goods, services and works, without facing the lengthy tendering process for each individual task. Suppliers can only be included at the start of the framework and not at any other time. They can only be in place for a maximum of four years.</p> <p>A Dynamic Purchasing System (DPS) is similar to a framework agreement, but new suppliers can join at any time. It is to be run as a completely electronic process and should be set up using the restricted procedure. They have no restriction in length of contract period.</p> <p>A dynamic market under the Procurement Act 2023 is a list of qualified suppliers who are eligible to participate in future procurements. A dynamic market may be split into categories/parts, with suppliers only eligible to participate in the parts for which they have qualified. DM's must remain open to new suppliers to join at any time. Dynamic markets are available for all types of purchases of goods, services or works, other than those purchased under concession contracts unless the concession contract is also utilities contracts.</p> <p>Where a framework has been identified it is paramount that prior to the commencement of any activity in relation to the appointment of a supplier by this means, both value for money and compliance checks are undertaken. The Procurement Manager will be responsible for ensuring that the Council has been named within the original contract notice (this may be via the framework stating that it can be used by all UK LA's). Contract Managers/Operational Leads will be responsible for ensuring that rates quoted for on the framework reflect those available in the marketplace.</p>

	<p>In addition, it is also a key requirement that the framework agreements are reviewed by the relevant sections to ensure that they are fit for purpose. Framework agreements in general cannot be amended and must always be awarded in accordance with their documentation. This may leave the Council exposed to more risk and so an assessment of this will need to be undertaken prior to a final decision being made to continue via this procurement route.</p> <p>Frameworks can be used, where the agreement allows for an award via a direct approach or further competition/mini competition. Where its being utilised by way of further competition, then it is essential that the agreement is reviewed to ensure all evaluation of submissions is compliant. For example, in some cases the framework will stipulate the award criteria to be used.</p>
6.5	Concession Contract
	<p>A concession contract is an arrangement between the Council and a supplier, where the supplier is given the right to exploit works and/or services provided for their own gain. Suppliers under this regime are often referred to as the “Economic Operator.”</p> <p>Economic Operators can either receive consideration for their services solely through third party sources, or partly through consideration from the Council, along with income received via third parties.</p> <p>There are two types of concession contracts: works and service concessions.</p> <p>A works concession is where the economic operator undertakes the development of, operates and maintains infrastructure.</p> <p>A service concession is where the economic operator provides services of general economic interest. This could be where the Council allow the operator to operator a café in a council site, utilising council owned assets BUT they carry all the commercial risk in terms of profit & loss, and no payment is made by the Council to the operator in return for running the service.</p>
6.6	Light Touch Regime (LTR)
	<p>The LTR is a specific set of rules in relation to certain service contracts that tend to be of lower interest to the marketplace. They were prior to the implementation of PCR2015, known as Part B services and were predominantly social, health and education services. Not all Part B services are now covered under the LTR.</p> <p>Section 10 of these CPR's provides more detail as to how to undertake this type of procurement exercise.</p>

6.7	Contracting Authority to Contracting Authority													
	<p>The Council may enter into arrangements with other contracting authorities. This can be in respect of two or more public authorities coming together to deliver public functions in circumstances where a separate legal organisation such as a Teckal company is not formed. Legal advice should always be sought in respect of setting up these arrangements, but it should be noted that there is no requirement to undertake a procurement in accordance with these rules.</p> <p>If the setting up of such an arrangement is considered to be meet the requirement of a Teckal company, then Legal and/or procurement advice should be sought prior to the arrangement being formalised into a contract. Where an entity meets the needs of a Teckal company there is no requirement to undertake a procurement in accordance with these rules.</p>													
7.	Steps to be taken Prior to Commencing a Procurement Activity													
7.1	Contract Managers Checklist													
	<p>The Council has in place an agreed and formal Contract Managers Checklist. There is one in respect of a new procurement exercise and one for a variation to or extension of a current provision. These must be completed prior to the commencement of any dialogue with any suppliers, whether they are the incumbent or potential suppliers.</p> <p>The latest versions of the forms can be found within Net Consent along with various appendices which will help provide you with guidance as to how they need to be completed. Advice is available from the various section leads as identified in the checklist and this checklist will form the master source document as the procurement process progresses.</p>													
7.2	Approvals in Place													
	<p>Authority to commence with any procurement should always be in place prior to the commencement of any procurement activity. The following table details the requirements where the budget is in place. Where it's not, then authority for funding will need to be authorised in accordance with FPR's prior to the award of the procurement exercise:</p> <table border="1"> <tr> <th>Type</th><th>Value (£)</th><th>Authority Required</th></tr> <tr> <td>Goods & Services</td><td>Up to £25,000</td><td>Service Manager</td></tr> <tr> <td>Goods & Services</td><td>£25,001 to £75,000</td><td>Assistant Director</td></tr> <tr> <td>Goods & Services (except consultancy & agency appointments)</td><td>Over £75,001</td><td>Director</td></tr> </table>		Type	Value (£)	Authority Required	Goods & Services	Up to £25,000	Service Manager	Goods & Services	£25,001 to £75,000	Assistant Director	Goods & Services (except consultancy & agency appointments)	Over £75,001	Director
Type	Value (£)	Authority Required												
Goods & Services	Up to £25,000	Service Manager												
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Goods & Services (except consultancy & agency appointments)	Over £75,001	Director												

	Goods & Services (consultancy & agency appointments)	Over £75,001	CMT
	Works	Up to £25,000	Service Manager
	Works	£25,001 to £500,000	Assistant Director
	Works	£500,001 to £2,500,000	Director
	Works	£2,500,001 to threshold	CMT
	Works	Over Threshold	CMT/Executive
7.3	Business Case for using Frameworks		
	<p>Business cases/file notes will be required as follows:</p> <ul style="list-style-type: none"> • Where a direct approach for goods, services and light touch, via a framework is being undertaken and the value of the appointment exceeds that set by the council by way of a direct approach but is less than £75,000 a short file note/business case (see section 18) should detail the rationale as to why this process has been taken and should be signed off by the relevant Service Manager • Where a direct approach for goods, services and light touch, via a framework is being undertaken and the value of the appointment exceeds £75,001 but is less than threshold (and there is no allowance for a direct approach within the council's set levels), a short file note/business case should detail the rationale as to why this process has been taken and should be signed off by the relevant Assistant Director • Where a direct approach for goods, services and light touch, via a framework is being undertaken and the value of the appointment exceeds threshold a short file note/business case should detail the rationale as to why this process has been taken and should be signed off by the relevant Director • Where a direct approach for works, via a framework is being undertaken and the value of the appointment exceeds £25,000 but is less than £75,000 a short file note/business case should detail the rationale as to why this process has been taken and should be signed off by the relevant Service Manager • Where a direct approach for works, via a framework is being undertaken and the value of the appointment exceeds £1,000,001 but is less than £2,500,000 a short file note/business case should detail the rationale as to why this process has been taken and should be signed off by the relevant Assistant Director • Where a direct approach for works, via a framework is being undertaken and the value of the appointment exceeds £2,500,000,001 but is less than threshold a short file note/business 		

	<p>case should detail the rationale as to why this process has been taken and should be signed off by the relevant Director</p> <ul style="list-style-type: none"> • Where a direct approach for works, via a framework is being undertaken and the value of the appointment exceeds threshold a short file note/business case should detail the rationale as to why this process has been taken and should be signed off by the relevant Board and/or CMT • Where the provision is currently outsourced and there is an option for it to be delivered in house then a detailed business case should be signed off by CMT then Executive, with the agreement of any relevant committees. (initial discussions should be held informally to determine whether there is the capacity or appetite for it to be brought in house)
7.4	Social Value
	<p>The Public Services (Social Value) Act 2012, which came into force on 31st January 2013, requires all public bodies in England and Wales, for the first time to legally consider how the services they commission and procure might improve the economic, social and environmental well-being of their area.</p> <p>The Council has developed a set of outcomes/principles that will enable it to consider the economic, social and environmental well-being of the City and its residents when commissioning/procuring its contracts. These outcomes/principles are based on the vision, values and priorities set by the Council. More specifically the following has been defined as the Social Value position for the Council:</p> <p><i>“A process by which benefits can be made that will improve the quality of life & life chances of City of Lincoln residents and enhance our Civic pride in the city.”</i></p> <p>It should be noted that the only legal requirement for SV to be considered for inclusion within a procurement activity is when the value exceeds the relevant threshold. However, it is the Council’s aim that consideration will be given in respect of all procurement exercises, where appropriate and relevant to do so.</p>
7.5	Subsidy Control
	<p>Following the UK leaving the European Union, State Aid rules have been replaced by Subsidy Control.</p> <p>A subsidy is where a public authority such as central or local government provides support to an enterprise that gives them an economic advantage, this could be a grant, cash payment, a loan on favourable terms, or free use of office space or equipment.</p>

	<p>The Council has in place guidance on this and as part of the completion of the contract managers checklist, the implications of Subsidy Control should be considered.</p> <p>Advice specifically in relation to this, should be sought from the City Solicitor, and any decision as to whether something is a subsidy is decided by a panel comprising the City Solicitor, Chief Finance Officer and Director of Major Developments</p>
7.6	<p>Key Performance Indicators (KPI's)</p> <p>A Key Performance Indicator (KPI) is a measurable target that indicates how a supplier is performing in terms of meeting the goals set within the parameters of the contract.</p> <p>It is essential that KPI's are fit for purpose and enable both the Council and the supplier to determine whether performance is at the required standard, as well as providing evidence to understand where there maybe issues and how these can be addressed.</p> <p>KPI's should be reviewed as part of the ongoing contract management meetings and where necessary amended to reflect the current requirement.</p> <p>There is no minimum requirement as to the number of KPI's a provision should have in place. It is more essential to ensure that they provide meaningful information as well as being relevant and proportionate.</p> <p>Guidance in relation to KPI's shows that the best plans use between five and seven KPIs to track and manage progress. It also references that the best structured KPI plans include each element of what is called "SMART" criteria:</p> <ul style="list-style-type: none"> • Specific: define what each KPI is intended to measure, and why it is important • Measurable: KPIs should include standards for measurement • Achievable: the KPI should be a realistic, achievable goal • Relevant: KPIs are intended to move a business forward, so they need to be relevant to improving outcomes • Time-bound: it's important to set a realistic time frame based on past performance, and make sure that the team sticks to the agreed-upon deadlines <p>The Procurement Act 2023 (see section 9) requires at least three KPI's in contracts with a value in excess of £5m must be set. It is also a requirement that all these KPI's are published on the relevant platform by way of a notice annually, and that the top three are identified and highlighted. KPI's will also need to be included within the original call for competition notice at the start of the procurement exercise as well as on termination too.</p>

	Advice on this should be sought from the Procurement Manager in respect of this.
7.7	External Grants/Funding
	<p>Some procurement exercises are wholly, or part funded through the use of external grants. Whilst this is a most welcome source of funding it can bring about additional risks and requirements that the Council would not usually encounter. Some funding bodies will as part of the grant conditions, insist that a procurement is undertaken in a certain way or that an award cannot be made until they have received a detailed procurement report, and this has been signed off by them. It is therefore crucial to understand what, if any, requirements are attached to the accepting of the external funding and how these impact on the Council's usual route.</p> <p>The contract managers checklist has a section for this and as such, should capture all the relevant information, in order for an informed decision to be made.</p> <p>In addition, the Council has in place a Grants Register and this is held by Financial Services. Guidance should be sought prior to the application for any external funding from Chief Finance Officer/Financial Services as detailed within FPR's.</p>
7.8	Pre-Market Engagement
	<p>Prior to the commencement of any procurement activity, it can be advantageous to consult with suppliers in order to:</p> <ul style="list-style-type: none"> • Gain an insight into what/where the market is currently and how that can be used to help shape the requirement being tendered • Help to shape, prepare and plan the procurement <p>Section 9 of these CPR's looks in more detail as to how legislation governs this process when above threshold. However regardless of the value of the contract, the principle of being Open, Fair and Transparent should be applied regardless.</p> <p>Guidance should be sought from the Procurement Manager prior to any discussions being held with any supplier, the incumbent included.</p>
7.9	Appointment of Consultants/Agency Staff
	<p>Officers should consult with the Procurement Manager and/or Legal Services prior to the commencement of any engagement with a third party (Agency or a Consultant directly).</p> <p>The contract managers checklist should be completed and circulated along with any specific terms and conditions to which the third parties are</p>

	<p>insisting the Council are signed up too. These can then be reviewed, and any risks highlighted to the contracting officer.</p> <p>Where risks are identified, these should be reviewed by the relevant Assistant Director, and it is their decision as to whether the appointment is to be made. This decision should be captured on the contract managers checklist.</p> <p>An assessment will also need to be undertaken in respect of IR35 and Human Resources will be able to support this process – again this is captured on the checklist.</p> <p>Each appointment of an individual consultant will be viewed as a separate contract and as such the thresholds as detailed within paragraph 4.1 will apply.</p>
8.	Below Threshold Processes
8.1	Overview
	<p>Where the value of the provision being procured is below the relevant threshold then the Council set thresholds will apply as shown in Section 4. Officers must not sub-divide requirements in order to circumvent the relevant regulations. The principles of above threshold procurement apply and should be adhered to – Open, Fair and Transparent.</p> <p>In general, the use of a Standard Questionnaire (SQ) or any assessment of bidders in order to reduce the numbers of those bidders being invited to the tender stage is not allowed for, albeit there are certain exceptions to this. It is however acceptable for bidders to be asked “suitability” questions but these need to be relevant to the provision being procured and also proportionate. Advice can be sought from the Procurement Manager as to the suitability of the questions being proposed and the use of an SQ.</p>
8.2	Goods, Services & Light Touch Regime
	<p>The following all relates to the procuring of goods, services and light touch regime.</p> <p>Goods are items that are usually (but not always) tangible, such as office equipment, fleet, or IT Hardware.</p> <p>Services are activities provided by other people, such as surveys, project management, training.</p> <p>Light Touch Regime primarily covers off Social Care elements</p> <p>Taken together, it is the production, distribution, and consumption of goods and services which underpins all economic activity and trade.</p>

8.3	Direct Approach under £5k
	<p>A direct approach can be made to one single supplier. You cannot make an approach to multiple suppliers separately.</p> <p>Officers will be expected to undertake a review of any T&C's being imposed by the supplier in order to ensure that the Council isn't exposed to unnecessary risk etc. There is no need for the contract managers checklist to be completed, an award notice to be published or an entry made on the contracts register. However, there is the need for a Purchase Order to be raised.</p>
8.4	Direct Approach over £5k but below Relevant Council Set Threshold
	<p>A direct approach can be made to one single supplier. You cannot make an approach to multiple suppliers separately. Please see section 4.1 for the relevant contract value levels.</p> <p>The contract managers checklist needs to be completed prior to contact being made with the supplier so as to ensure that all the relevant sections are covered. Ideally, the direct approach RFQ template should be issued to the supplier along with the form of contract (T&C's) and other relevant appendices where necessary.</p> <p>The template should include suitable assessment questions to which the supplier is expected to respond. This will then form part of the contract and will enable all parties to see what the requirement of the Council was and how the supplier has stated they will ensure this is delivered.</p> <p>This can then be emailed to the supplier for completion with a required return date. A review of the response should be undertaken by the contract manager to ensure that it demonstrates compliance with the requirement and that it is detailed enough to ensure that the contract can be managed effectively. Clarifications can be sought where needed from the supplier. Once it is deemed compliant then the Contract Manager should contact the Procurement Manager to ask for a formal award letter to be issued to the supplier and Legal Services should be supplied with all the relevant information in order for the contract to be populated. This will include all the documents issued to the supplier along with their responses.</p> <p>Once the contract has been signed, the contracts register needs to be updated and this is the responsibility of the contract manager. A copy of the contract should be kept by the contracts manager as well as one also being lodged with Legal Services and the final copy being issued to the supplier.</p> <p>A purchase order should also be raised in respect of the contract being let and advice on this can be sought from Financial Services.</p>

8.5	Request for Quotation over £5k but below Relevant Council Set Threshold
	Where the market is not known or there is a concern in relation to Best Value being achieved etc., Officers are required to follow the process set out within 8.6 below rather than that detailed in 8.3/8.4 above.
8.6	Request for Quotation over Relevant Council Set Threshold but below Threshold
	<p>A quotation exercise is to be undertaken using the Council's RFQ template. This process is to be undertaken electronically utilising the Council's procurement portal. Guidance on this should be obtained from the Procurement Manager as it is their responsibility to create the specific tender portal.</p> <p>The contract managers checklist should be completed and circulated to the relevant officers and all responses incorporated within the RFQ template where applicable.</p> <p>A minimum of 4 suppliers should be selected to provide quotations, of which at least 2 should be "local", as defined within the Local Policy (see section 14). Where less than the four submit a quotation, the process can still continue but it should be noted that an award does not have to be made if quotations received are not deemed suitable.</p> <p>A formal assessment criterion needs to be determined and this should be split between price and quality. There is no corporate approach to this, it is based on a bespoke case by case basis and should always be relevant and proportionate to the contract being let. The Procurement Manager can provide examples of previously used criteria and help shape these to fit the provision being tendered.</p> <p>Once all the documentation has been finalised and signed off as required, then the Procurement Manager will upload to the electronic procurement portal. The selected suppliers will then be found on the system and will be formally invited to partake in the procurement activity.</p> <p>The portal will be "live" for a minimum of 4 weeks but again this will depend on the complexity of what is being tendered. The Procurement Manager will be responsible for the monitoring of the portal and will download all clarifications received from bidders. The Procurement Manager will then utilise a Q&A log which will capture all clarifications and ensure that all bidders see all correspondence. Only commercially sensitive clarifications/questions will be answered directly to the supplier and a determination on this status will be undertaken by the Procurement Manager in conjunction with the City Solicitor.</p> <p>A deadline for clarifications from bidders will be set (usually a week before the bid deadline) as well as a deadline for bids being submitted.</p>

	<p>No late submissions will be accepted.</p> <p>The evaluation of submissions will be undertaken as details of which are set out in these CPR's.</p> <p>Once the contract has been signed, the contracts register needs to be updated and this is the responsibility of the contract manager. A copy of the contract should be kept by the contracts manager as well as one also being lodged with Legal Services and the final copy being issued to the supplier.</p> <p>A purchase order should also be raised in respect of the contract being let and advice on this can be sought from Financial Services.</p> <p>There is also the option, as there is with all procurement, where the marketplace is unknown, or Officers feel that it would be advantageous for an "open" process to be followed. This will still be undertaken in the same way as detailed above but rather than invite a selected number of suppliers to bid for the provision, a contract notice is issued for below threshold value and the opportunity is opened up to any supplier within the marketplace. Advice will need to be sought from the Procurement Manager prior to the commencement of any activity.</p>
8.7	Agency Staff & Consultants
8.7.1	Less than £5,000
	<p>A direct approach can be made to one agency or consultant, but the appointing officer must be able to demonstrate value for money (the criteria for this should be based on the appointing officer's knowledge of the marketplace etc). Discussion with HR is required to compliance with IR35. Officers will be expected to undertake a review of any T&C's being imposed by the supplier in order to ensure that the Council isn't exposed to unnecessary risk etc. There is no need for the contract managers checklist to be completed or an entry made on the contracts register. However, there is the need for a Purchase Order to be raised.</p>
8.7.2	£5,001 to Threshold for Goods & Services
	<p>A direct approach can be made to one agency or consultant, but the appointing officer must be able to demonstrate value for money (as per above). Completion of the contract managers checklist is required and where possible the relevant T&Cs should be circulated with this for review by Legal and Financial Services. Discussion with HR is required to compliance with IR35, where applicable. The appointment needs to be entered on the Council's contracts register and a purchase order raised.</p>

	Where a direct approach is not being followed then the process as detailed within paragraph 8.6 above should be adhered too.
8.8	Recruitment Agencies
8.8.1	Less than £5,000
	A direct approach can be made to one agency or consultant, but the appointing officer must be able to demonstrate value for money. Officers will be expected to undertake a review of any T&C's being imposed by the supplier in order to ensure that the Council isn't exposed to unnecessary risk etc. There is no need for the contract managers checklist to be completed or an entry made on the contracts register. However, there is the need for a Purchase Order to be raised.
8.8.2	£25,001 to £50,000
	<p>A direct approach can be made to one agency or consultant, but the appointing officer must be able to demonstrate value for money. Completion of the contract managers checklist is required and where possible the relevant T&Cs should be circulated with this for review by Legal and Financial Services. The appointment needs to be entered on the Council's contracts register and a purchase order raised.</p> <p>Where a direct approach is not being followed then the process as detailed within paragraph 8.6 above should be adhered too.</p>
8.8.3	£50,001 to Threshold for Goods & Services
	The process as detailed within paragraph 8.6 above will need to be adhered to.
8.8.4	Frameworks, Dynamic Purchasing Systems & Dynamic Markets
	<p>As detailed in paragraph 6.4 within these CPR's, the use of the above is permitted.</p> <p>There are no statutory thresholds in place in respect of the processes to be followed whilst using frameworks. So, whilst in essence, you can award a contract via a framework for any value, each framework provider will set their own rules as to how the provision must be used. This may mean that some of the following apply, however, please note that this list is not exhaustive, and guidance should always be sought from the Procurement Manager prior to the commencement of any engagement with either a framework provider or individual supplier.</p>

	<ul style="list-style-type: none"> • Some will have specific value bands especially with regard to works contracts • Some will allow for a direct call-off/approach from the framework • Some will allow for only further competition to be undertaken • Some will allow for the formation of your own form of contract i.e. specific clauses as allowed for within a NEC4/JCT <p>Legislation in respect of Dynamic Purchasing Systems and Dynamic Markets is slightly different to that of frameworks as detailed above under the new PA23 and prior to the use of either of these routes, advice should be sought from the Procurement Manager.</p>
8.9	Works
	<p>The following paragraphs relate to the procuring of works.</p> <p>Works is defined as a contract issued to carry out construction, installation, erection, repair, renovation, maintenance, alteration of any movable or immovable property.</p>
8.10	Direct Approach under £5k
	<p>Officers will be expected to undertake a review of any T&C's being imposed by the supplier in order to ensure that the Council isn't exposed to unnecessary risk etc. There is no need for the contract managers checklist to be completed or an entry made on the contracts register. However, there is the need for a Purchase Order to be raised.</p>
8.11	Direct Approach over £5k but below £1,000,000
	<p>A direct approach can be made to one single supplier. You cannot make an approach to multiple suppliers separately. The contract managers checklist needs to be completed prior to contact being made with the supplier so as to ensure that all the relevant sections are covered. The direct approach RFQ template should be issued to the supplier along with the form of contract (T&C's). Once the contract has been signed, then the contracts register needs to be updated and a purchase order raised.</p>
8.12	Request for Quotation over £1,000,001 but below £2,500,000
	<p>A quotation exercise to be undertaken using the Council's RFQ template. This process is to be undertaken electronically utilising the Council's procurement portal. A minimum of 3 suppliers should be selected to provide quotations, all of which should be "local", as defined within the Local Policy (see section 14). It should be noted that the process can still continue should less than the 3 suppliers submit a quotation. Once the contract has been signed, then the contracts register needs to be updated.</p>
8.13	Request for Quotation over £2,500,001 but Threshold

	<p>A quotation exercise to be undertaken using the Council's RFQ template. This process is to be undertaken electronically utilising the Council's procurement portal. A minimum of 4 suppliers should be selected to provide quotations, all of which should be "local", as defined within the Local Policy (see section 14). It should be noted that the process can still continue should less than the 4 suppliers submit a quotation. Once the contract has been signed, then the contracts register needs to be updated.</p> <p>There is also the option as there is with all procurement where the marketplace is unknown, or Officers feel that it would be advantageous for an "open" process to be followed. This will still be undertaken in the same way as detailed above but rather than invite a selected number of suppliers to bid for the provision, a contract notice is issued for below threshold value and the opportunity is opened up to any supplier within the marketplace. Advice will need to be sought from the Procurement Manager prior to the commencement of any activity.</p>
8.14	Request for Quotation over £5k but below Threshold
	<p>There is the option that where there is a concern in relation to undertaking a Direct Approach, Officers can follow an "open" process. This will still be undertaken in the same way as detailed above (para 8.11 to 8.13) but rather than invite a selected number of suppliers to bid for the provision, a contract notice is issued for below threshold value and the opportunity is opened up to any supplier within the marketplace. Advice will need to be sought from the Procurement Manager prior to the commencement of any activity.</p>
8.15	Communication With and Clarification of Tender Documents by Bidders
	<p>No form of communication is allowed for with bidders other than via the electronic procurement portal. If site visits are contemplated for within the tender process, lead officers should ensure that minimal communication is undertaken and that where clarifications are sought from the bidder these are requested to be submitted through the electronic procurement portal. These will then be responded to by following the protocol as outlined below.</p> <p>Bidders are allowed to seek clarity on the information included within the tender documentation. Clarifications can only be made electronically through the procurement portal. If Bidders seek clarification via any other method, then no response will be given, and they will be asked to submit via the portal.</p> <p>Where clarifications are received the use of Q&A log will be required and this will detail the clarification sought and the Council's response. It will not detail who raised the clarification, but the Q&A log must be shared with all bidders.</p>

	Clarifications will have to be submitted within the permitted timeframe detailed within the tender documents.
8.16	Evaluation Process and Role of Evaluation Team Members
	<p>Where tender submissions are received, they will need to be formally reviewed and assessed in accordance with the selection and/or award criteria laid out within the tender documents. These Officers will need to ensure that they have read and fully understand the tender documents issued and will be required to have a training/refresher session with the Procurement Manager to ensure that they are aware of the requirements of evaluating tender submissions.</p> <p>Evaluations will be based on the requirements as detailed within the relevant tender documents but in general will be based on the following:</p> <ul style="list-style-type: none"> • A price/quality split which has been set in order to provide the most economical tender being awarded • A set of assessment questions in relation to the quality submission, each of which will have weighting/score attached to it • An overall scoring matrix which will determine whether the submission is non-complaint to excellent. This will be applied to the question weighting to determine its score per question then added together to provide an overall score <p>It is the role of the Evaluation Team Members to undertake the initial review and ghost marking on an individual basis prior to a moderation/scoring meeting being held.</p> <p>They will also be expected to complete an evaluators scoresheet which will provide comprehensive reasoning and justification as to why the score attributed to each supplier's assessment question was as such.</p>
8.17	Clarification of Submissions by Evaluators
	<p>Where submissions are reviewed, and the evaluators need to clarify any elements of the submission with Bidders this will be undertaken via the electronic procurement portal. A Q&A log will be produced for each individual bidder, and they will be asked to respond to this within a detailed timeline. This will usually be no longer than one working day, given that clarifications will be based on information they should have to hand. They are not being asked to redraft their submissions.</p> <p>All Q&A logs will be shared with all evaluation team members regardless of who has raised the clarification.</p> <p>Advice on responses given may be required from other services not formally part of the evaluation team i.e. Finance and Legal and this will be permitted.</p>

8.18	Presentations
	<p>The use of presentations is permitted where it is deemed proportionate and relevant to the procurement activity being undertaken. It will be a requirement of the tender documentation to include full details of the process. This will include but not be limited to the following:</p> <ul style="list-style-type: none"> • Setting the presentation question • scoring attributable to the presentation question set • mechanism for how the presentation will work
8.19	Moderation/Scoring Meeting
	<p>Once all submissions have been evaluated/reviewed individually by the team then a moderation meeting will be held whereby the scores will be discussed to ensure that there are no major discrepancies. Depending on the detail held within the tender documentation this meeting will either be to moderate the scores so that they are within one mark of each in order to ensure consistency or be to discuss each question and agree to an agreed score. Details of this process will be detailed within the relevant tender documentation issued as part of the procurement process.</p> <p>The meeting will require all evaluators to attend and will be chaired by the Procurement Manager</p>
8.20	Award
	<p>Once the submissions have been fully appraised/reviewed and the contract manager/lead officer satisfied with the outcome then the formal award can be made. The Procurement Manager will issue a letter to all suppliers who have bid informing them of the outcome.</p> <p>Direct Approach – letter issued to the successful supplier notifying them of our intention to enter into contract with them based on their submission.</p> <p>Quotation exercise (under threshold) – letter issued to the successful supplier notifying them of our intention to enter into contract with them based on their submission. Letters also issued to the unsuccessful suppliers detailing their scoring for each question along with those of the successful supplier. In addition, feedback will be given as to why it was deemed that their submission could only score as it did.</p>
9.	Above Threshold Processes
9.1	Overview
	Above threshold procurement is determined by following the requirements set out within the relevant legislation.

	<p>Where the procurement activity has commenced prior to the 24th February 2025, then it will be subject to the requirements laid out within Public Contract Regulations (2015).</p> <p>All procurement activity commenced after this date will be subject to the Procurement Act 2023.</p> <p>There are some significant differences between the two and the following paragraphs detail the high-level processes which need to be adhered in respect of both. Further advice should be sought from the Procurement Manager prior to the commencement of any procurement activity.</p>
	<i>Public Contract Regulations (2015)</i>
9.2	Pre-Market Engagement
	<p>Premarket engagement is allowed for within the regulations and allows for the consultation of suppliers (both incumbent and prospective) in order for officers to:</p> <ul style="list-style-type: none"> • understand fully what the market can deliver in general terms in relation to the provision being procured • prepare and plan the procurement activity • use experts to help inform and refine the provision being procured <p>It is essential that all steps possible are taken to ensure that the procurement legal requirements of being Transparent, Proportionate and Non-Discriminatory are adhered to at all times. Officers also need to ensure that any engagement doesn't lead to distortion of competition by being shaped by one supplier more than another. The provision/requirement whilst taking into account feedback from the marketplace needs to primarily still be based on and meet the full needs of the Council.</p> <p>Full minutes/comprehensive notes must be kept of the meetings held and ideally where possible all suppliers should be asked the same initial questions. It is essential that this is undertaken as these can be disclosable and may be appended to the tender documentation issued to be fully transparent.</p> <p>Ideally a Prior Information Notice (PIN) should be published by the Procurement Manager notifying the market that this process is being undertaken and asking those that interested in taking part register their interest.</p> <p>The Procurement Manager should always be consulted prior to any engagement with the market in relation to a forthcoming tender.</p>

9.3	Open Process
	The “open” procedure is where there is a limited marketplace, and it is not anticipated that there will be a high volume of interest. It is a one stage process which assesses both the history/standing of the contractor alongside its ability to deliver the specification. Submissions are undertaken by way of Invitation to Tender. The documentation is a combination of the Selection Questionnaire (SQ) and Invitation to Tender (ITT) used within the restricted process.
9.4	Restricted Process
	<p>The “restricted” procedure is where it is anticipated that the marketplace is large, and interest will be high. This route allows for the shortlisting of suppliers by way of an assessment using a standard selection questionnaire followed by the completion of an ITT by those that have been selected for the second stage. The Standard Selection Questionnaire (SQ) is a standard document which assesses various general aspects of the contractor such as:</p> <ul style="list-style-type: none"> • Financial standing • Company policies i.e. Equality & Diversity, Health & Safety • Previous relevant experience <p>It should be noted that any criteria assessed at this stage cannot be used again at ITT (Award stage).</p>
9.5	Procurement Notices (PIN, VEAT, Contract Notice, Award Notice)
	<p>PCR’s 2015 mandate the use of various procurement notices at various stages of the procurement. The publication of these is the responsibility of the Procurement Manager.</p> <p>The main notices used are:</p> <ul style="list-style-type: none"> • PIN – prior information notice – this can be used as a notice to alert the marketplace that the Council is potentially looking to procure the provision within the next 12 months. It can also be used as a call for expressions of interest in relation to pre-market engagement • Contract Notice – this notice is the formal notification to the marketplace that the proposed procurement activity is to commence • Award Notice – this is the notice that informs the marketplace that the procurement activity has concluded and that an award has been made • VEAT – voluntary ex anti notice - this notice is to inform the marketplace of the intention to enter into a contract where no formal procurement activity has been followed.
9.6	Standard Selection Questionnaire (SQ)

	<p>Following the PCR 2015 coming into force there is a fundamental change in the use of standard selection questionnaire. Historically, Councils' have used these documents as a way of shortlisting for procurement exercises under thresholds. The legislation now clearly states that this is no longer possible for under threshold exercises.</p> <p>Where the tender process is over the relevant threshold and a restricted process is being followed, a SQ can be used. This is a standard document which takes a historic look at the operation of the supplier, from both a financial and experience perspective. Information assessed at this stage cannot then be assessed at the ITT stage.</p> <p>The use of the SQ enables a reduction in the number of bidders to be undertaken. It is essential though that any shortlisting be identified within the contract notice and in the SQ itself. This can either be a range or an exact number.</p>
9.7	Invitation to Tender (ITT)
	<p>All exercises must be conducted by way of using the electronic portal. No other method is permitted. Submissions received after the deadline will not be considered under any circumstances.</p> <p>The standard template must be used, and this has to be finalised prior to the publication of the contract notice.</p> <p>The ITT must:</p> <ul style="list-style-type: none"> • Include a full specification which must describe clearly the Council's requirements in sufficient detail to enable the submission of competitive offers. In preparing the specification, the Lead Officer must have regard to any guidance given from a procurement perspective. • It should also clearly state that the Council is not bound to accept any tender submission. • Detail the award criteria to be applied when evaluating the submission. • Clearly state that submissions will only be accepted electronically.
9.8	Evaluation Process and Role of Evaluation Team Members
	<p>Where tender submissions are received (SQ and/or ITT), they will need to be formally reviewed and assessed in accordance with the selection and/or award criteria laid out within the tender documents. These Officers will need to ensure that they have read and fully understand the tender documents issued and will be required to have a training/refresher session</p>

	<p>with the Procurement Manager to ensure that they aware of the requirements of evaluating tender submissions.</p> <p>Evaluations will be based on the requirements as detailed within the relevant tender documents but in general will be based on the following:</p> <ul style="list-style-type: none"> • A price/quality split which has been set in order to provide the most economical tender being awarded. • A set of assessment questions in relation to the quality submission, each of which will have weighting/score attached to it. • An overall scoring matrix which will determine whether the submission is non-complaint to excellent. This will be applied to the question weighting to determine its score per question then added together to provide an overall score. <p>It is the role of the Evaluation Team Members to undertake the initial review and ghost mark on an individual basis prior to a moderation/scoring meeting being held.</p> <p>They will also be expected to complete an evaluators scoresheet which will provide comprehensive reasoning and justification as to why the score attributed to each supplier's assessment question was as such.</p> <p>Evaluating Officers must justify all comments on an objective basis. The more contentious the comments the fuller the justification needs to be. Evaluating Officers must take great care to ensure that the scores match the written record for each evaluation and that there is consistency across all Bidders. It is essential that the written record demonstrates why the highest scoring Bidder provided the best submission.</p> <p>Evaluating Officers must ensure that all scoring commentary is in a professional, business-like language which helps to justify the score that has been awarded. Evaluating Officers should be aware that their commentary may be disclosed to Bidders if there is a legal challenge or a Freedom of Information request. Evaluating Officers should be aware that the evaluation process is an activity where the risk of legal challenge is high.</p>
9.9	Communication With and Clarification of Tender Documents by Bidders
	<p>No form of communication is allowed for with bidders other than via the electronic procurement portal. If site visits are allowed for within the tender process that led officers should ensure that minimal communication is undertaken and that where clarifications are sought from the bidder these are requested to be submitted through the electronic procurement portal. These will then be responded too by following the protocol as outlined below.</p>

	<p>Bidders are allowed to seek clarity on the information included within the tender documentation. Clarifications can only be made electronically through the procurement portal. If Bidders seek clarification via any other method, then no response will be given, and they will be asked to submit via the portal.</p> <p>Where clarifications are received the use of Q&A log will be required and this will detail the clarification sought and the Council's response. It will not detail who raised the clarification, but the Q&A log must be shared with all bidders.</p> <p>Clarifications will have to be submitted within the permitted timeframe detailed within the tender documents.</p>
9.10	Presentations
	<p>The use of presentations is permitted where it is deemed proportionate and relevant to the procurement activity being undertaken. It will be a requirement of the tender documentation to include full details of the process. This will include but not be limited to the following:</p> <ul style="list-style-type: none"> • Setting the presentation question • scoring attributable to the presentation question set • mechanism for how the presentation will work.
9.11	Moderation/Scoring Meeting
	<p>Once all submissions have been evaluated/reviewed individually by the team then a moderation meeting will be held whereby the scores will be discussed to ensure that there are no major discrepancies. Depending on the detail held within the tender documentation this meeting will either be to moderate the scores so that they are within one mark of each in order to ensure consistency or be to discuss each question and agree to an agreed score. Details of this process will be detailed within the relevant tender documentation issued as part of the procurement process.</p> <p>The meeting will require all evaluators to attend and will be chaired by the Procurement Manager.</p>
9.12	Alcatel (Standstill Period)
	<p>Where the contract value is over the relevant threshold then the Alcatel period (which is a mandatory standstill period) will need to be followed. This is a 10-day period (calendar not working days) between the issuing of a successful/unsuccessful letter and the formal award letter. Allowance needs to be made for any bank holidays.</p> <p>During this period, no contact can be made with the successful tenderer. The purpose of the standstill period is to give unsuccessful bidders some time to consider the feedback and seek further information, this is also the</p>

	<p>time when an unsuccessful tenderer can legally challenge the proposed award. They have to do so in writing formally within the 10-day period. If a “challenge” is made, then the Authority has to respond as soon as is possible (preferably within 24 hours of receipt of the letter) in order to not delay the pending award of contract.</p> <p>The City Solicitor and the Procurement Manager are responsible for responding to any challenges received. It is their decision in conjunction with the relevant Director for the service area as to whether the challenge is to be defended. Their combined decision is final and will be communicated to all suppliers/contractors involved where appropriate.</p>
9.13	Award
	<p>Once the Alcatel period has passed without an upheld challenge being made, then the award letter can be issued. This will be undertaken by the Procurement Manager.</p> <p>Once the award letter has been issued and formal confirmation of acceptance of the appointment has been received from the successful bidder then a formal contract award notice will be issued. This will be undertaken by the Procurement Manager.</p>
9.14	Regulation 84 Report
	<p>This report is a requirement of the regulations and captures a full audit trail of the process followed throughout the procurement exercise. It doesn't have to be published but has to be available if requested to be disclosed. The Procurement Manager will complete this report and hold on file.</p>
	<i>Procurement Act 2023</i>
9.15	Procurement Notices (Pre-Commencement; Award; During Contract)
	<p>One of the most significant changes within the new Procurement Act is the number of new notices that contracting authorities legally have to produce when undertaking a procurement activity.</p> <p>There are a significant number of Notices that could be required to be published in respect of each procurement activity (contract value dependant) and one of these is a requirement to detail significant advance planning (a minimum of 18 months) of procurement activity. Failure to comply with these requirements will result in a high risk of legal challenge.</p> <p>The following tables shows all the notices that could be required to be published in respect of both the procurement process and also following award, as part of the contract management of the provision.</p> <p>The Procurement Manager will publish these notices as required. However, it is the responsibility of the Contract Manager and their Assistant</p>

<p>Director to ensure that all information required to complete this function is provided in a timely manner to the Procurement Manager. It is not the responsibility of the Procurement Manager to populate or chase for this information.</p> <p>Notices numbered 1 to 5 are all published prior to the “go live” date of the tender process</p> <p>Notices numbered 6 to 8 are all part of the “live” tender process</p> <p>Notices numbered 9 to 11 are all part of the award of contract stage</p> <p>Notices numbered 12 to 16 are all part of the contract delivery stage</p> <p>Notices numbered 17 to 18 are all part of the termination process</p>				
	Notice	£25k to Threshold (Goods & Services)	Threshold (Goods & Services) to £1m	Above £1m
1	Pipeline Notice (Corporate Procurement Service – annually)		Advisable	Yes (£2m)
2	Pre-Market engagement activity		Yes	Yes
3	Lot Division		Yes	Yes
4	SME barrier removal		Yes	Yes
5	Preliminary Market Engagement Notice		Yes	Yes
6	Tender Notice		Yes	Yes
7	Dynamic Market Notice		Yes	Yes
8	Transparency Notice		Yes	Yes
9	Assessment Summary		Yes	Yes
10	Contract Award Notice		Yes	Yes
11	Contract Notice Details	If below threshold notice used	Yes	Yes

	12	Contract Performance Monitoring		Yes	Yes
	13	KPI Publication (annually)			Yes
	14	Contract Performance Notice (annually)		If monitored	Yes
	15	Contract Change Notice		Yes	Yes
	16	Payment Compliance Notice (annually)	Yes	Yes	Yes
	17	Contract Termination Notice (for any reason, including natural end)	If below threshold notice used	Yes	Yes
	18	Procurement Termination Notice (for any reason other than award)	If below threshold notice used	Yes	Yes
Further information in relation to the above is available from the Procurement Manager.					
9.16	Open Process				
	<p>The Open Procedure has been carried over from the current regime. It is the only one that has a prescribed form in the Act — namely, a single stage tendering procedure without a restriction on who can submit tenders.</p> <p>The main difference between the current Open Procedure and the new one is that the minimum time limits set out between the publication of a contract notice and the deadline for the receipt of tenders is no longer procedure specific. Instead, time limits are generally dependent on other factors, as set out in s.54 of the Act. This means that the Open Procedure no longer has its own specific time limits.</p>				
9.17	Competitive Flexible Process				
	<p>This procedure is described in the Act as a competitive tendering procedure “<i>which is such procedure as the contracting authority considers appropriate for the purpose of awarding the public contract.</i>”</p> <p>In essence it could be used to construct a “restricted process” as previously allowed within PCR (2015).</p> <p>S.20 of the Act clarifies that when using this procedure, contracting authorities may:</p>				

	<ul style="list-style-type: none"> • limit the number of participating suppliers — either generally or in respect of particular tendering rounds or selection processes • provide for the refinement of award criteria • prevent participation of suppliers that didn't submit a tender in an earlier round of tendering or were excluded following an earlier round • let a contract by using lots (to which the number of lots a supplier is bidding for can be limited). <p>This represents a significant shift away from the current regime. There is no mandatory process for the procedure provided that it's "a proportionate means of awarding the public contract, having regard to the nature, complexity and cost of the contract" (as stated in the Act). Again, there are no procedure specific time limits beyond the general time limits in s.54.</p> <p>This move away from a regulated framework for undertaking a procurement procedure is designed to offer more flexibility to contracting authorities and allow them to design their own procurement procedures that best fit the opportunity for which they are advertising. This helps to meet their needs without the contract in question being straitjacketed into a specific procedure. Also, a more complex procurement can require a more complex procurement procedure without any need to justify whether any gateway for such procedure is met.</p> <p>It should be noted, however, that such flexibility also places a significant burden on contracting authorities. A contracting authority must ensure that whatever process they design for a specific procurement complies with the general procurement objectives and meets the proportionality requirement mentioned above. Given the increased transparency requirements woven throughout the Act, there will be greater scrutiny on the contracting authority's approach.</p> <p>Regulation 19 of the Procurement Regulations 2024 (which expands on a number of points in the Act) sets out what would be required in a tender notice for a competitive flexible procurement.</p> <p>These requirements include:</p> <ul style="list-style-type: none"> • a description of the process that the procedure will follow • clarity on the number of suppliers that will be invited at different stages • any limits on the number of tenderers • how tenders can be submitted. <p>This demonstrates a need for a fully realised process to be established prior to going to market.</p> <p>Advice should be sought from the Procurement Manager at the earliest opportunity to ensure compliance.</p>
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9.18	Direct Award/Negotiated Procedure without Prior Publication
	<p>Direct awards are available in limited circumstances under the current regime as part of the Negotiated Procedure without Prior Publication. Under s.41, the new Act allows for direct awards — provided that one of the limited grounds in Schedule 5 is present. While this is relatively similar to the current regime, the direct award ability is widened out to additional abilities in s.42 and s.43.</p> <p>It should be noted that this is not direct awards as allowed for under threshold values (i.e. Council set levels) and also those which are allowed within any framework arrangements.</p>
9.19	Evaluation Process and Role of Evaluation Team Members
	<p>Where tender submissions are received, they will need to be formally reviewed and assessed in accordance with the selection and/or award criteria laid out within the tender documents. These Officers will need to ensure that they have read and fully understand the tender documents issued and will be required to have a training/refresher session with the Procurement Manager to ensure that they are aware of the requirements of evaluating tender submissions.</p> <p>Evaluations will be based on the requirements as detailed within the relevant tender documents but in general will be based on the following:</p> <ul style="list-style-type: none"> • A price/quality split which has been set in order to provide the most economical tender being awarded • A set of assessment questions in relation to the quality submission, each of which will have weighting/score attached to it • An overall scoring matrix which will determine whether the submission is non-complaint to excellent. This will be applied to the question weighting to determine its score per question then added together to provide an overall score <p>It is the role of the Evaluation Team Members to undertake the initial review and ghost mark on an individual basis prior to a moderation/scoring meeting being held.</p> <p>They will also be expected to complete an evaluators scoresheet which will provide comprehensive reasoning and justification as to why the score attributed to each supplier's assessment question was as such.</p> <p>Evaluating Officers must justify all comments on an objective basis. The more contentious the comments the fuller the justification needs to be. Evaluating Officers must take great care to ensure that the scores match the written record for each evaluation and that there is consistency across all Bidders. It is essential that the written record demonstrates why the highest scoring Bidder provided the best submission.</p>

	Evaluating Officers must ensure that all scoring commentary is in a professional, business-like language which helps to justify the score that has been awarded. Evaluating Officers should be aware that their commentary may be disclosed to Bidders if there is a legal challenge or a Freedom of Information request. Evaluating Officers should be aware that the evaluation process is an activity where the risk of legal challenge is high.
9.20	Presentations
	See paragraph 9.10.
9.21	Moderation/Scoring Meeting
	See paragraph 9.11.
9.22	Clarification of Bids
	See paragraph 9.12.
9.23	Award
	<p>This is one of the most significant areas of change within the new Act.</p> <p>Where previously the suppliers were notified whether they had been successful or not by way of a letter which then enacted the standstill period this is now replaced by the publication of an Assessment Summary Notice on the required procurement platform. Once published this should be followed by letters being issued to each bidder as previously undertaken but only once the letters have been issued does the standstill period commence. The standstill period has also been changed and this is now 8 working days rather than 10 calendar days.</p> <p>Once this period has been successfully navigated, then the contract needs to be issued for signing by both parties and only on completion of this (and within 30 days of this being completed), is the Contract Award Notice published.</p>
9.24	Regulation 84 Report
	This report is a requirement of the regulations and captures a full audit trail of the process followed throughout the procurement exercise. It doesn't have to be published but has to be available if requested to be disclosed. The Procurement Manager will complete this report and hold on file.
10.	Light Touch Regime
10.1	Overview
	The light touch regime is a specific set of rules which covers certain service contracts that tend to be of low interest to competition. These services

	<p>replace those that prior to the PCRs (2015) were known as Part B services and include areas such as social, health and educational services as defined by Common Procurement Vocabulary (CPV) codes.</p> <p>The threshold for LTR procurements is detailed within Section 4.</p> <p>There are a number of regulations within the PA23 which clearly define how a LTR procurement should be undertaken. Further guidance on this can be obtained from the Procurement Manager prior to the commencement of any related procurement activity.</p>
11.	Contract Formalities
11.1	Contract Register
	<p>The Contract Manager is responsible for ensuring that the Council's contract register is kept up to date with all the relevant information pertaining to all contracts with a total value over £5,000 which fall within their remit. This will be in relation to the initial entry following award (where the award has been made by way of a direct approach or via a framework provision) and also any subsequent modifications such as a variation and allowed for extensions. Please note that all contracts mean:</p> <ul style="list-style-type: none"> • procured the "normal" way via RFQ/Full Tender • procured via a framework • procured via a direct approach • procured which relate to agency or consultancy appointments • procured via an exception to the normal route <p>However, where the initial procurement exercise was undertaken electronically (by way of a RFQ or full tender process or mini competition via a framework) it will be the responsibility of the Procurement Manager to populate the initial contract register entry and assign this to the named contract manager. It will then be the contract manager's responsibility to ensure that this is correct and assume responsibility for the entry moving forward.</p> <p>The Council's contract register can be viewed at:</p> <p>www.eastmidstender.org click view contract register</p> <p>Entries/amendments/updates will be made through the Council's procurement portal, Pro Contract. Log In (due-north.com)</p> <p>Guidance and training are available from the Procurement Manager.</p>
11.2	Contract Documentation
	<p>Contract Managers should ensure that contracts are in place clearly set out requirements in respect of contract management and performance, in</p>

	<p>addition to requirements re specification, pricing, business continuity and exit plan, where relevant.</p> <p>The Contract Manager is responsible for ensuring that all tender documentation originally issued, and the supplier’s submission is pulled together into the relevant contract template. This should be undertaken in conjunction with Legal Services and a thorough check made to ensure that no amendments have been made to the original form of contract etc that has not been officially agreed too.</p> <p>Contract Managers will need to issue the contract to the supplier for signing and then on return ensure that two copies of the contract are signed/sealed as per paragraph 11.4 below. Once fully signed by both parties, one copy should be issued to the supplier and the other lodged with Legal. They should also ensure that they retain a copy of all contracts for which they are responsible to enable contract management and monitoring to be undertaken effectively and efficiently.</p>												
11.3	Supplier/Sub-contractor/Supply Chain												
	<p>In accordance with relevant legislation every contract must state that the council will pay the supplier’s undisputed invoices within 30 days from receipt of a valid invoice.</p> <p>In addition, the contract should also require that the supplier has a responsibility to pay their sub-contracted suppliers within 30 days of them submitting an undisputed, valid invoice. Please note that this is not 30 days from when the Council has paid the main supplier. It should also be noted that this process should pass down through the supply chain.</p>												
11.4	Contract Signing and Sealing Requirements												
	<table><tr><th>Total Contract Value</th><th>Method of Completion</th><th>By Whom</th></tr><tr><td>Up to £25,000</td><td>Signature</td><td>Service Manager with responsibility for the area</td></tr><tr><td>£25,001 to £75,000</td><td>Signature</td><td>Assistant Director with responsibility for the area</td></tr><tr><td>Above £75,000</td><td>Signature/ Sealing</td><td>Legal & Democratic Service Manager/City Solicitor</td></tr></table>	Total Contract Value	Method of Completion	By Whom	Up to £25,000	Signature	Service Manager with responsibility for the area	£25,001 to £75,000	Signature	Assistant Director with responsibility for the area	Above £75,000	Signature/ Sealing	Legal & Democratic Service Manager/City Solicitor
Total Contract Value	Method of Completion	By Whom											
Up to £25,000	Signature	Service Manager with responsibility for the area											
£25,001 to £75,000	Signature	Assistant Director with responsibility for the area											
Above £75,000	Signature/ Sealing	Legal & Democratic Service Manager/City Solicitor											
11.5	Lodging of Contracts												

	<p>Where possible all contracts should be lodged with Legal Services and a copy kept by the contract manager. However, the minimum requirement in respect of the lodging of contracts is as follows:</p> <p><u>Total contract value over £75,000</u></p> <p>Once a contract or an agreement has been sealed, then legal services will retain one original copy to be allocated a deed packet number and then stored in the Deed Room, with another original copy to go to the other party(ies). Officers will then be notified of the deed packet number for your records. The Contract Manager must keep a copy of any contract or agreement entered into, with a note confirming that the original is in the deed room with the relevant number so it can be traced if needed.</p> <p><u>Total contract value under £75,000</u></p> <p>Whilst it is not a requirement, it is good practice for any signed contract or agreements to store the original documents with Legal Services so that it can be allocated a deed packet number and then stored in the deed room, with the other original going to the other party(ies). Again, you will be given a deed packet number for records. It is advisable that the Contract Manager retains a copy of any contract or agreement entered into, with a note confirming that the original is in the deed room with the relevant number so it can be traced.</p>
12.	Contract Management
	<p>Contract management must be an integral part of the consideration when seeking to award a new Contract. All contracts should have in place a named Contract Manager. It is their responsibility to ensure that:</p> <ul style="list-style-type: none"> • the contract delivers all the elements that have been tendered for • that suppliers are paid in a timely manner but only for services/works that have been delivered • that all contract related report information is provided in a timely manner • that the supplier has in place a dedicated contract manager • that contract management meetings are held, and the details recorded in accordance with the risk assessment of the contract • they know and understand their contract fully • they obtain all relevant certificates i.e. insurance on an annual basis • all associated costs, KPI's, deliverables, requirement etc is reviewed on a regular basis and formally updated to reflect current position as and when required <p>It should be noted that, whilst all of the above are elements that should be included within contract management, it should be set at a level that is proportionate and relevant to the provision being managed.</p> <p>All Contracts should contain a dispute resolution procedure. If a contractor raises a dispute, which is not clearly within the terms of a contract, the contract manager must not enter into any form of negotiation regarding a</p>

	settlement until discussions have been held with the relevant Assistant Director, The City Solicitor and the Chief Finance Officer.	
12.1	Contract Management Risk Assessment	
	The following table, based on the Council's Contract Tiering Tool, sets out the frequency of which contract management meetings should be undertaken. The requirement for contract management meetings should be clearly set out in the contract documentation.	
	Total Value of Contract (£)	Process to Be Followed
	Value is Under Current Threshold for Goods & Services but includes for Works, LTR, Concessions etc.	<p>Six monthly contract meetings initially but can be flexed to annual if no issues or concerns with contract deliver.</p> <p>Where contract includes for delivery of specific events a formal post event debrief meeting should take place.</p>
	Over threshold for goods & services but below £2.5m - Works Contract only	<p>Goods & Services should have in place quarterly contract management meetings initially but can be flexed to half yearly if no issues or concerns with contract delivery.</p> <p>Works will be monthly project meetings.</p>
	Goods & Services over threshold plus works over £2.5m	<p>All contracts to be subject to tiering tool and ranked:</p> <ul style="list-style-type: none"> • Bronze - Goods & Services should have in place quarterly contract management meetings initially but can be flexed to half yearly if no issues or concerns with contract delivery Works will be monthly project meetings. • Silver - Goods & Services should have in place monthly contract management meetings initially but can be flexed to half yearly if no issues or concerns with contract delivery Works will be monthly project meetings • Gold - Monthly contract management meetings should be in place for goods, services and works provisions. No allowance for meetings to be moved to less frequent.

	<p>Where there is a proposal to move the meetings to a less frequent timeline, then a short evidence-based report should be signed off by the appropriate Director.</p> <p>All Contracts should contain a dispute resolution procedure. If a contractor raises a dispute, which is not clearly within the terms of a contract, the contract manager must not enter into any form of negotiation regarding a settlement until discussions have been held with the relevant Assistant Director, The City Solicitor and the Chief Finance Officer initially.</p>
12.2	Contract Management Meetings
	<p>Contract Management Meetings should be subject to a formal agenda which is issued at least 3 working days in advance. All relevant reports/information to be discussed should also be issued with the agenda so as to allow Officers to digest the information and proper scrutiny be undertaken during the meeting. Agendas should contain standing items such as the following, however it should be accepted that not all will need to be discussed at all meetings.</p> <ul style="list-style-type: none"> • Previous Action Points Update • Invoicing/costs • Delivering the requirement/compliance with specification • Performance • Risk Management • Issues <p>Minutes and action points from the meetings should be issued within promptly (ideally within 2-3 working days) following the meeting taking place so as to enable them to be formally agreed by all parties and also to ensure that action points are reviewed and completed by the assigned person(s) where possible, prior to the next meeting.</p> <p>Performance management should also be discussed in detail at these meetings and where necessary any issues with performance addressed.</p> <p>An escalation procedure should also be in place for any disputes arising from the contract and where it is not possible for this to be resolved by the two contract managers.</p> <p>Internally contract management should form part of Directorate Management meetings as a standing item and evidence provided to these (or to the relevant Assistant Director) so that this can be clearly monitored.</p>

13.	Contract Modifications
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	<p>Modifications to contracts can be undertaken where the contract allows for this to happen and/or where it meets the strict requirements of the relevant procurement legislation under which the contract was procured – Public Contract Regulations 2015 and Procurement Act 2023</p> <p>Any modifications to contract need to be formally captured within the contract documentation and as such, no agreement should be entered into without first consulting with the Procurement Manager and/or the City Solicitor</p>
13.1	Contract Extensions – included for within existing provision
	<p>Contract Extensions can only be entered into where the original contract has provision to do so. It is the contract managers responsibility to ensure that they are aware of these provisions as well as the relevant clauses which pertain to the relevant notification periods that must be observed where an extension is to be granted. It is also their responsibility to ensure that they have also discussed any related increases to cost/pricing schedules for the extension period and also any updates to the original contract i.e. specification requirement, KPI's etc.</p> <p>The contract managers checklist for extensions/variations should be completed for these changes so that the relevant officers can ensure that the proposed changes are in line with legislation etc.</p> <p>Legal Services will draft the letter based on the information provided and pass this to the Contract Manager to issue.</p>
13.2	Contract Extensions – not included for within existing provision
	<p>Where there is no provision for an extension within the original contract then an extension cannot be entered into. However, there are limited exceptions to this, and advice should be sought from the Procurement Manager and/or the City Solicitor prior to extending the current term i.e. where regulations are not breached in relation to modifications to contracts.</p> <p>All contract extensions must be updated in the council's contract register and a copy of the extension letter must be lodged with the original contract.</p>
13.3	Contract Variations
	<p>As with contract extensions, variations can only be made where there is provision within the original contract for them to be made. Where provision has not been made, then prior to any being granted, compliance with the relevant legislation which was in place when the procurement was undertaken originally will need to be followed.</p>

	<p>Any variations that are undertaken should be done so via the contract managers checklist prior to any agreement being entered into with the supplier.</p> <p>Legal Services will provide the formal contract variation documentation once it has been determined that there are grounds within which the variation can be enacted.</p> <p>It is the responsibility of the contract manager to provide all the relevant information in order for this instruction to be undertaken and also for ensuring that the variation is formally signed/sealed by both parties involved.</p> <p>The contracts register should also where relevant be updated with any variations granted and the formal variation lodged with the original contract in Legal Services.</p>
14.	Other Formalities
14.1	Performance Bonds
	<p>A Performance Bond is an insurance policy under which the Council can make a claim if the supplier does not deliver the requirements as detailed within the contract. It is there to provide protection against a level of costs arising from the Supplier's failure.</p> <p>Factors to be considered as to whether a Performance Bond is required will include:</p> <ul style="list-style-type: none"> • If the contract is of a high value • Where it's a construction contract • Where it's a high profile/high risk contract • If there is no retention on a contract • Any other factor considered to be relevant <p>If a Performance Bond is required, then 10% is a reasonable standard percent to use in most circumstances, however, if there were significant contracts with a higher risk, it may mean that consideration is given to increasing this based on the circumstances.</p> <p>This will be included for within the tender documents issued and each bidder will have to agree to put this place prior to the commencement of any contract. The form of contract/terms and conditions may also need to be amended to reflect the use of a performance bond.</p> <p>Advice should always be sought from Financial Services prior to the commencement of any procurement activity, by way of the contract managers checklist.</p>

14.2	Parent Company Guarantees								
	<p>A Parent Company Guarantee is a legally binding contract between the council and the parent of a subsidiary company which is entering into the contract (the supplier). If the supplier fails to do what it is supposed to do under the contract, then the Council can require the parent company to step in and ensure the provision is delivered. This will be included for within the tender documents issued and each bidder will have to agree to put this place prior to the commencement of any contract. The form of contract/terms and conditions may also need to be amended to reflect the use of a performance bond.</p> <p>Advice should always be sought from Financial Services prior to the commencement of any procurement activity, by way of the contract managers checklist.</p>								
14.3	Financial Reviews/Assessments - During Initial Contract Term & Prior to Extensions								
	<p>During the lifetime of a contract regular reviews should be undertaken as to the financial standing of the supplier. Whilst the following is proposed as a minimum process to follow, where appropriate and proportionate to the contract being delivered the frequency of reviews maybe regular.</p> <p>Instances when this may arise could be market intelligence showing a significant change in circumstances for the supplier; information received by way of contract monitoring meetings; whistle blowing by supplier employees; supply chain issues etc. All financial reviews will be undertaken by Financial Services.</p> <p>Financial Reviews as a minimum should be undertaken as follows:</p> <table border="1"> <thead> <tr> <th>Total Value of Contract (£)</th><th>Process to Be Followed</th></tr> </thead> <tbody> <tr> <td>Value is Under Current Threshold for Goods & Services but includes for Works, LTR, Concessions etc.</td><td>Prior to the end of the initial period of the contract ending and an extension being granted but only where the contract manager has concerns.</td></tr> <tr> <td>Over threshold for goods & services but below £1.5m - Works Contract only</td><td>Prior to the end of the initial period of the contract ending and an extension being granted.</td></tr> <tr> <td>Goods & Services over threshold plus works over £1.5m</td><td>Based on the tiering tool and ranked:</td></tr> </tbody> </table>	Total Value of Contract (£)	Process to Be Followed	Value is Under Current Threshold for Goods & Services but includes for Works, LTR, Concessions etc.	Prior to the end of the initial period of the contract ending and an extension being granted but only where the contract manager has concerns.	Over threshold for goods & services but below £1.5m - Works Contract only	Prior to the end of the initial period of the contract ending and an extension being granted.	Goods & Services over threshold plus works over £1.5m	Based on the tiering tool and ranked:
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Over threshold for goods & services but below £1.5m - Works Contract only	Prior to the end of the initial period of the contract ending and an extension being granted.								
Goods & Services over threshold plus works over £1.5m	Based on the tiering tool and ranked:								

		<ul style="list-style-type: none"> • Gold – financial review should be undertaken on an annual basis • Silver – financial review should be undertaken on a minimum 2-year period • Bronze – financial review should be undertaken on a minimum 3-year period 	
14.4	Fraud & Corruption		
	<p>All Officers involved with the procurement exercise must comply with the Council's Code of Conduct and must not accept any gift, hospitality or reward from a supplier (or a related subsidiary of the company) whilst the procurement activity is in progress. Where Officers believe that there could be a conflict, they should notify the Procurement Manager and/or City Solicitor immediately for them to make a decision as to whether it is appropriate that they are involved within the process further.</p> <p>Any gifts, hospitality and/or rewards should be recorded on the Council's gifts and hospitality Register. It should also be noted that this should be undertaken at any time, not just during a procurement process.</p>		
14.5	Conflict of Interests		
	<p>From time to time there will be conflicts of interests that occur during a procurement activity. This can be where a close relative works for the supplier bidding for work etc. Where an Officer feels there is a conflict, it is their responsibility to notify immediately their Line Manager and also the Procurement Manager. A decision can then be made as to whether there is a conflict of interest. In the event that it is deemed there is a conflict, then the officer will be removed completely from the process in order to remove any risk of challenge to the Council. Any advice on this should be given by the City Solicitor.</p>		
14.6	Purchase Orders		
	<p>A Purchase Order should be raised and issued to the supplier, for each contract that is entered into. Financial Services will provide advice as to how this is to be done and for what amount etc.</p>		
14.7	Local Policy		
	<p>The Council has in place a Local Purchasing Strategy which details its requirements in detail. However, the definition below defines what is meant by "local" and this is to be adhered too when selecting the required number of "local" suppliers when tendering under threshold provisions.</p>		

	<i>“Those suppliers whose trading premises are located within Lincolnshire and/or a 20-mile radius of the county of Lincolnshire’s boundary”.</i>								
14.8	Form of Contract/Terms & Conditions								
	Procurement activity can include various forms of contract/terms & conditions. It is a legal requirement that the ones being used are published along with the initial contract notice. It is therefore essential that discussions are held with both Legal and Finance as to the suitability of proposed forms/clauses so as to mitigate risk exposure to the Council. The contract managers checklist should be completed, and this should detail the process followed in developing the form of contract. This form will then be used to help respond to any queries raised during the tender process.								
14.9	Risk Register								
	<p>The contract manager must identify, minimise, and manage risk within the contract being procured. This includes supply risk, demand risks, process risks, control risks, environmental and social risks. If a risk is identified, it should be reported to the relevant Assistant Director or Director and then formally monitored as part of the contract management meetings (where there is no formal risk register in place).</p> <p>In line with its approach to contract management meetings and financial assessments, the Council utilises its contract tiering tool to identify where specific risk registers are required. The requirements under the Lincoln Project Management Model (LPMM) are also taken into consideration.</p> <table><tr><td>Total Value of Contract (£)</td><td>Process to Be Followed</td></tr><tr><td>Value is Under Current Threshold for Goods & Services but includes for Works, LTR, Concessions etc.</td><td>No formal risk register required, unless identified as part of LPMM.</td></tr><tr><td>Over threshold for goods & services but below £1.5m - Works Contract only</td><td>No formal risk register required, unless identified as part of LPMM.</td></tr><tr><td>Goods & Services over threshold plus works over £1.5m</td><td>Based on the tiering tool and ranked:<ul style="list-style-type: none">• Gold – formal risk register required during procurement process and as part of ongoing contract management for goods and services. For works, risk</td></tr></table>	Total Value of Contract (£)	Process to Be Followed	Value is Under Current Threshold for Goods & Services but includes for Works, LTR, Concessions etc.	No formal risk register required, unless identified as part of LPMM.	Over threshold for goods & services but below £1.5m - Works Contract only	No formal risk register required, unless identified as part of LPMM.	Goods & Services over threshold plus works over £1.5m	Based on the tiering tool and ranked: <ul style="list-style-type: none">• Gold – formal risk register required during procurement process and as part of ongoing contract management for goods and services. For works, risk
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	<p>register required as part of LPMM, during procurement activity and contract period.</p> <ul style="list-style-type: none"> • Silver – formal risk register required during procurement process for goods and services. For works, risk register required as part of LPMM, during procurement activity and contract period. • Bronze - For works, risk register required as part of LPMM, during procurement activity and contract period.
	<p>Where a formal risk register is required (based on the tiering tool) these should be put in place at the start of the procurement activity. During the procurement activity they should be a standing item on the relevant operation team meeting/board meeting and any amendments captured as the procurement progresses.</p> <p>Following award, they should be a standing item on the contract management meeting and reviewed/updated as part of this process. Where appropriate risks may need to be highlighted to Directorate Management meetings as part of the Contract standing item on those departmental meetings and appropriate action taken/recorded.</p>
14.10	Collateral Warranties
	<p>Collateral warranties are used as a supporting document to a primary contract where an agreement needs to be put in place with a third party outside of the primary contract. It can also provide the third-party contractual rights enabling it to claim for losses which would not otherwise be recoverable.</p> <p>The Council has standard Collateral Warranties.</p> <p>This will be included in the tender documents and terms and conditions, as required. Advice can be sought from Legal Services in respect of this.</p>
15.	Definitions
	The following table provides definitions of the key terms that have been referred to within this document.

Key Term	Definition
Award Criteria	The criteria used by the Council in order to assess/evaluate the suppliers bids against the

	<p>requirement detailed within the specification. Criteria can be as follows but not limited to:</p> <ul style="list-style-type: none"> • Price, total cost, schedule of rates • Quality such as resources, qualifications, H&S, innovation, risk mitigation, compliance with the requirement, deliverability of scheme, social value, staff experience, company experience, financial standing
Bidders/Tenderers/Suppliers	Those who will be engaged to deliver the provision being let
Chief Finance Officer	This is the Council's statutory lead financial officer and designated S151 officer
City Solicitor & Monitoring Officer	This is the Council's statutory lead legal officer
CMT	Corporate Management Team comprising: Chief Executive, Director of Housing & Investment, Director of Community & Environment and Director of Major Developments
Code of Conduct	Council's policy for regulating the conduct of Officers and Members
Collaborative Arrangements	Use of a framework which is managed by a third party such as Pagabo, Espo OR a joint procurement exercise which involves two or more parties
Constitution	This is a document approved by Full Council which allocates the powers and responsibilities within the Council. It delegates authority to act to the Executive, Committees, Executive Councillors and Officers as well as regulating behaviours of individuals and groups through rules of procedure, codes and protocols
Consultants	An individual contracted for a specific length of time to work on a defined project/provision with clear outcomes to be delivered. They are usually engaged to bring specialist skills or knowledge to the process and to bridge the gap within the Council where there is no ready access to employees with the relevant skillset, experience and/or capacity to undertake the requirements
Contract Register	An electronic register which is held by the Council and contains all contractual engagements entered into with a value of over £5,000. It is a legal requirement for this to be maintained

Contract Tiering Tool??	The corporate mechanism to be used into the assess the contract management requirement of a contract
Corporate Contract	A contract used by more one than one department
Deed	A signed and sealed instrument containing a legal transfer, bargain or contract
Dynamic Purchasing System	A fully electronic compliant “Approved List” which operates on a similar basis to a framework other than suppliers can join at any point while the DPS is liv, subject to them meeting the relevant criteria
Electronic Tendering	A secure online facility for undertaking a procurement process
Estimated Total Contract Value	This is estimated value based on the annual spend x number of years the provision is in place for
Evaluation Team	This is the officers chosen to review, assess and score the submissions received in respect of the provision being procured
Financial Procedure Rules	These are the rules which outline officer responsibilities for financial matters
Form of Contract	This is a type of term and condition and as such is the legal/financial model which determines how the contract will operate
Framework Agreements	A legislation complaint agreement between a third party and a supplier(s), the purpose of which is to establish the terms under which subsequent procurement related appointments/awards can be made by a contracting authority
Framework Supplier	A supplier who has been successful in attaining a place on a framework
Invitation to Tender	A key stage/document within the tender process. Used to assess the supplier’s suitability to deliver the stated provision
Modification of a Contract	Any change to the original provision of the tender and/or contract
Parent Company Guarantee	A contract which binds the parent of a subsidiary to act if the subsidiary fails to do so.

PA23	Procurement Act 2023 is the legislation that sets out how procurement should be undertaken. It comes into force with effect from 24 th February 2025. Any procurement undertaken from this date will be governed by these requirements.
PCR 2015	Public Contract Regulations 2015 is the legislation that was embedded into UK law and set out how procurement should be undertaken. Any above threshold procurement from February 2015 to 24 th February 2025 is governed by the requirements of this.
Performance Bond	This is a form of insurance policy which provides protection to the contracting authority in the event that the supplier fails to deliver on the requirements of the contract
Request for Quotation	Procurement process for under threshold value exercises
Seal	Process by which a contract is “signed” when over a certain limit and when executing a deed
Selection/Standard Questionnaire	This is the government form which must be used for over threshold tenders to assess a suppliers suitability based on pre-determined selection criteria
Small and Medium Sized Enterprises (SME's)	Any business with fewer than 250 employees and either an annual turnover of less than £45m or a total balance sheet of less than £40m
Specification	This is the council's requirement in relation to the delivery of the provision being tendered for
Teckal company	This is a company set up by a contracting authority to deliver some of the Council's functions. It is as defined within PCR 2015 regulation 12
Terms and Conditions	These are the legal/financial related clauses which define and determine how the contract will be operated, and which govern all parties involved
Total Contract Value	This is the total value of the successful bidder's response to the requirement being tendered
TUPE	Transfer of Undertakings (Protection of Employment) – this is the legislation that governs the process to be followed where staff are to be transferred from one supplier to another. It is there

	to ensure that the rights of employees are transferred along with the business
Value for Money	This is where cost and quality combine to produce a service which meets the technical requirements of the provision as well as the cost at an acceptable level

16.	Procurement Flow Chart
	<p>For ease of use the Procurement Flow Chart has been split in order to clearly capture the new processes for below threshold procurement in respect of Goods, Services & Light Touch Regime and Works.</p> <p>There is no detailed flow chart for processes over threshold under the Procurement Act 2023 given the potential variations/complexities around mandatory timelines.</p>

Procurement Flow Chart – Below Threshold for Goods, Services & Light Touch Regime

Identify the need to Procure & estimate the total value of the contract

Contract Value: annual value x contract length

e.g. £20 k spend per annum x 5-year contract = £100,000 total value of contract

**Total Value less than
£5,000**



Competitive quotations are not required. A direct approach to a **single** supplier is acceptable. A local supplier should be engaged where possible. **No requirement** for a formal contract to be in place

**Total Value exceeds
£5,001 but less than
£20,000 (Goods) or
£30,000 (Services/LTR)**



Competitive quotations are not required. Review available frameworks (ESPO, OGC etc). A direct approach to a **single** supplier is acceptable. A local supplier should be engaged where possible. A formal contract **STILL** needs to be in place. Where the market is unknown then the process for above £20,001(Goods) or £30,001 (Services) should be followed.

**Total Value exceeds
£20,001 (Goods) or
£30,001(Services/LTR)
but is under the
Threshold for Goods &
Services**



Four quotations must be requested via the Request for Quotation documentation. The process should be conducted electronically utilising the electronic procurement portal (currently Pro Contract). Where possible at least two of the quotes should be obtained from a local supplier.

Where a compliant framework is being utilised then the above value bands do not apply and an appointment for any value allowed for within the framework agreement can be entered into. Frameworks can be accessed via use of further competition or via direct award

Completion of the Contract Managers checklist is required prior to the commencement of **ALL** procurement activity – this includes a direct award **UNLESS** under £5k total value.

Where a framework agreement is being used and a direct award is being made, it is advisable for a file note to be kept. See Section 18

Full details of contract award (over £5k in total value) need to be held on the Contracts Register. A direct award process, this is the sole responsibility of the contract manager. If the procurement portal is used the Procurement Manager is responsible.

A thorough review of whether there is TUPE implications should be undertaken prior to commencing on any procurement activity and this should be undertaken in consultation with Legal Services and Human Resources.

Procurement Flow Chart – Below Threshold for Works

Identify the need to Procure & estimate the total value of the contract

Contract Value: annual value x contract length

Total Value less than
£1,000,000



A direct approach to a **single** supplier is acceptable. A local supplier should be engaged where possible. A formal contract required to be in place.

Total Value exceeds
£1,000,001 but less than
£2,500,000



Three quotations from local suppliers (where possible) must be requested via the RFQ documentation. The process must be conducted electronically utilising the procurement portal.

Total Value exceeds
£2,500,001 but is under
Threshold for Works



Four quotations from local suppliers (where possible) must be requested via the RFQ documentation. The process must be conducted utilising the procurement portal.

Where a compliant framework is being utilised then the above value bands do not apply and an appointment for any value allowed for within the framework agreement can be entered into. Frameworks can be accessed via use of further competition or via direct award

Completion of the Contract Managers checklist is required prior to the commencement of **ALL** procurement activity.

Where a framework agreement is being used and a direct award is being made, it is advisable for a file note to be kept. See Section 18

Full details of contract award (over £5k in total value) need to be held on the Contracts Register. A direct award process, this is the sole responsibility of the contract manager. If the procurement portal is used the Procurement Manager is responsible.

A thorough review of whether there is TUPE implications should be undertaken prior to commencing on any procurement activity and this should be undertaken in consultation with Legal Services and Human Resources.

A purchase order should be raised for all contracts.

17.	Exception to the Normal Route Request Template

APPROVAL EXCEPTION TO CONTRACT PROCEDURE RULES	
Contact Name:	
Job Title:	
Date:	
Description of Contract – this should include the estimated value; brief details of service; contract duration etc.	
Reason for Request – this should relate to the relevant CPR against which the exception is being sort, together with full supporting information.	
Assistant Director: (Print & Sign Name) Date:	
Recorded and Approved by Procurement Manager: Date:	
Approved by City Solicitor: Date:	

18.	Business Case/File Note Template
	Below is a template which can be utilised when detailing why a certain process has been followed rather than any other.

BUSINESS CASE TEMPLATE	
Contract Manager:	
Job Title:	
Date:	
Description of Process Followed:	
Reason for Process Followed:	
Assistant Director: (Print & Sign Name) Date:	
Recorded and Approved by Procurement Manager: Date:	
Approved by City Solicitor: Date:	

19.	Contract Managers Checklist
	<p>The following references the two checklists that should be completed along with the relevant appendices which provide additional information to help contract managers understand what the various sections are for. All documentation is available to download within Net consent.</p> <p>Contract Managers Checklist – New Provision/Contract</p> <p>Contract Managers Checklist – Extension/Contract Variation</p> <p>Appendix One – Contract Manager Procedures V8.0 - 08.03.2024</p> <p>Appendix Two – Procedures for Financial Matters in Procurement Processes V3.0 031022</p> <p>Appendix Three – Contract Management Meeting Agenda V 5.0 - 26.02.2024</p> <p>Appendix Four – Addendum to Contract V 2.0 171122</p> <p>Appendix Five - Signing & Sealing Guidelines V 2.0 171122</p> <p>Appendix Six - Sealing Authority V 0.3 171122</p>

Officer Employment Procedure Rules

1. RECRUITMENT OF HEAD OF PAID SERVICE AND CHIEF OFFICERS

Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:-

- (a) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (b) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

2. APPOINTMENT OF HEAD OF PAID SERVICE

Where the post of Head of Paid Service has been advertised in accordance with paragraph 2 above, an appointments panel appointed by the Council and including at least one member of the Executive will:-

- (a) interview all qualified applicants for the post; or
- (b) select a shortlist of such qualified applicants and interview those included on the shortlist; and
- (c) recommend an appointment to the Council.

Council may only approve the appointment of the Head of Paid Service where no well-founded objection has been made by any member of the Executive. If an objection is made by a member of the Executive, the Council, must consider such objection and satisfy itself that either the objection is unfounded or that it has taken action in respect of the objection .

3. APPOINTMENT OF CHIEF OFFICERS

Where a Chief Officer or Deputy Chief Officer post has been advertised in accordance with paragraph 2, the appointment will be made by an Appointment Panel consisting of five members and appointed by the Council, which shall be politically balanced. The Leaders of the Controlling Group and Opposition shall choose their respective members depending on the appointment to be made. The offer of appointment cannot be made until the Director/Head of Paid Service has been consulted.

4. OTHER APPOINTMENTS

- (a) Officers below Chief Officer - Appointment of officers below chief officer is the responsibility of Corporate Management Team or his/her nominee, and may not be made by councillors.

5. DISCIPLINARY ACTION

- (a) Councillors will not be involved in the disciplinary action against any officer below Chief Officer.

6. DISMISSAL OF SENIOR STATUTORY POSTHOLDERS

- a) The Head of Paid Service, the Monitoring Officer, and the Chief Finance Office ('Senior Statutory Postholders') may not be dismissed unless the procedure set out below is complied with.
- b) Any decision to dismiss a Senior Statutory Postholder must be taken by Council.
- c) Council must appoint a Panel at least 20 working days before a meeting of the Council at which a vote regarding whether to dismiss a Senior Statutory Postholder will be taken.
- d) At least two Independent Persons must be invited to be members of any Panel. An Independent Person is someone appointed under section 28(7) of the Localism Act 2011.
- e) Any Independent Persons must be invited to be members of the Panel in accordance in the following priority order:
 - 1. Any Independent Person who has been appointed by the Council and is registered as a local government elector within the city's administrative boundaries.
 - 2. Any other Independent Person who has been appointed by the Council.
 - 3. Any Independent Person who has been appointed by another authority or authorities.
- f) Any remuneration, allowances or fees paid to an Independent Person appointed to the Panel must not exceed the level payable to that Independent Person in respect of that person's role as Independent Person under the Localism Act 2011.
- g) Before taking any decision to dismiss any of the above Senior Statutory Postholders, the Council must take into account the following factors:
 - 1. Any advice, views or recommendations of the Panel.
 - 2. The conclusions of any investigation into the proposed dismissal.
 - 3. Any representations from the relevant Senior Statutory Postholder.

- h) Nothing in this process shall remove an officer's extant contractual rights.

7. OTHER DISMISSALS

Councillors will not be involved in the dismissal of any officer below Chief Officer.

8. APPEALS

Any appeal against dismissal will be heard by the Personnel Appeals Panel.

Part 5: Codes and Protocols

Code of Conduct for Members	1
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Code of Conduct for Members

1.0 Application

- 1.1 This code applies to you whenever you are acting in your capacity as a member of this authority and it is your responsibility to comply with the provisions of this Code.
- 1.2 You are a representative of this authority and the public will view you as such therefore your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.
- 1.3 The Code is based upon the 'Nolan Principles – the seven principles of public life' which are set out as **Appendix 1**.

2.0 Interpretation

- 2.1 In this Code –

“meeting” means any meeting of:

- (a) the authority;
- (b) the executive of the authority;
- (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members.

“member” includes a co-opted member and an appointed member.

3.0 General Conduct

- 3.1 The Code applies to you whenever you are acting in your capacity as a member of the Council, including:
 - (a) at formal meetings of the Council, Executive, Committees and Sub-Committee, Joint Committees, Panels or Working Groups.
 - (b) when acting as a representative of the authority.
 - (c) in taking any decisions as an Executive Member or Ward Councillor.
 - (d) in discharging your functions as a Ward Councillor.

- (e) at briefing meetings with officers.
- (f) at site visits.
- (g) when corresponding with the authority (other than in a private capacity).

3.2 When acting in your role as a member of the authority:

- (a) do treat others with respect and not bully any person.
- (b) do provide leadership to the authority by personal example.
- (c) do not conduct yourself in a manner which is likely to bring the authority into disrepute.
- (d) do use your position as a member in the public interest and not for personal advantage.
- (e) do not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - a. reasonable and in the public interest
 - b. made in good faith and in compliance with the reasonable requirements of the authority; and
 - c. you have consulted with the Monitoring Officer prior to its release if appropriate
- (f) do not prevent another person from gaining access to information to which that person is entitled to by law.
- (g) when using or authorising the use by others of the resources of the authority:

1. Do act in accordance with the authority's reasonable requirements including the requirements of the authority's ICT policy, copies of which have been provided to you and you are deemed to have read;
 2. Do make sure that such resources are not used improperly for political purposes (including party political purposes); and
 3. Do have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 3.3 In politics, rival groupings are common, either in formal political parties or more informal alliances. It is expected that members will campaign for their ideas, and may also seek to discredit the policies and actions of their opponents. Criticism of ideas and opinion is part of the democratic debate, and does not in itself amount to failing to treat someone with respect.
- 3.4 Ideas and politics may be robustly criticised, but individuals should not be subject to personal attacks. This particularly applies when dealing with the public and officers.

4.0 Bullying and Harassment

- 4.1 You must not bully, harass or intimidate any person. This is completely unacceptable and will be considered to be a breach of the Code.
- 4.2 Harassment, bullying, discrimination, intimidation and victimisation (either directly or indirectly) are unacceptable and should not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as the wider organisation in terms of morale and effectiveness.
- 4.3 **Bullying** is inappropriate and unwelcome behaviour which is offensive and intimidating and which makes an individual or group feel undermined humiliated or insulted. It is the impact of the behaviour rather than the intent which is the key.
- 4.4 Bullying usually arises as a result of an individual misusing their power and can occur through all means of communication. Bullying can be a pattern of behaviour or can be a one-off serious incident that becomes objectionable or intimidating.
- 4.5 Examples of bullying behaviour are set out below (these are not exhaustive):
- unwelcome physical, verbal or non-verbal contact
 - intimidating behaviour including verbal abuse or the making of threats
 - making someone's work life difficult

- disparaging, ridiculing or mocking comments and remarks
 - physical violence
- 4.6 **Harassment** is any unwelcome behaviour or conduct which makes someone feel offended, humiliated, intimidated, frightened and/or uncomfortable. Harassment can be experienced directly or indirectly and can occur as an isolated incident or as a course of persistent behaviour.
- 4.7 As a Councillor you should be aware of the inherent influence your role brings and ensure that you are demonstrating respect for others and encouraging colleagues to do the same.
- 4.8 Where you have witnessed bullying and harassment you have a responsibility to speak out. You should challenge inappropriate behaviour as it happens and consider making a complaint.
- 4.9 As with bullying, even if the behaviour is unintentional, it can still be classed as a form of harassment. Harassment can occur through verbal or written comments, including those made online. Examples of harassment are set out below (these are not exhaustive):
- unwelcome physical contact such as touching or invading 'personal space'
 - inappropriate remarks or questioning such as comments about someone's appearance, lewd comments and offensive jokes (such as those of a racist, sexual or sectarian nature)
 - intrusive questioning for example on sexual orientation, religious or political beliefs (either directly or with others)
 - sending unwelcoming and/or inappropriate emails, messages or notes, circulating or displaying explicit or inappropriate images
- 4.10 Your specific duties as a Councillor:
- you should behave in accordance with the Code in all situations where you act as a councillor or are perceived as acting as a councillor, including representing the Council on official business and when using social media
 - you should treat all individuals with respect when carrying out your duties as a Councillor. You should not participate in, or condone, acts of harassment, discrimination, victimisation or bullying.

5.0 Use of Social Media

- 5.1 The use of Social Media (Twitter, Facebook, blogs etc) is a very effective tool for Councillors to communicate with their local communities, and taking part in social networks and interactive activity online is now a majority activity which will certainly grow.

- 5.2 The Council has a Social Media Policy which members should be familiar with and sets out how to use social media in a positive way and how to avoid pitfalls.
- 5.3 There is a difference between communicating on behalf of the Council on social media and as a private citizen, and the former will be held to a higher standard than the latter.
- 5.4 The key to whether your online activity is subject to the Code is whether you are giving the impression that you are acting as a Councillor.
- 5.5 The Code of Conduct applies equally to your online activity in the same way it applies to other verbal communication or face to face meetings.

6.0 Disclosable Pecuniary Interests

You must:

- 6.1 Comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest. The statutory requirements with regards to disclosable pecuniary interests are attached as **Appendix 2** to this code.
- 6.2 Ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
- 6.3 Make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item or business affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.

7.0 Other Interests

- 7.1 You must, within 28 days of:
 - (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later), notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.
- 7.2 You have a personal interest in any business of your authority where either it relates to or is likely to affect:

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
 of which you are a member or in a position of general control or management;
- (iii) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.

7.3 You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph 7.1, notify the Monitoring Officer of the details of that new interest or change.

8.0 Disclosure of interests

8.1 Subject to paragraphs 8.2 to 8.5, where you have a personal interest described in paragraphs 7.2 or 8.2 in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- 8.2 (A) You have a personal interest in any business of your authority:
- (i) where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a *relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or
 - (ii) it relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest.
- (B) In paragraph 8.2(A), a *relevant person* is:
- (c) a member of your family or any person with whom you have a close association; or

- (d) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (e) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (f) any body of a type described in paragraph 7.2.

8.3 Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 7.1(i) or (ii)(aa) you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

8.4 Where you have a personal interest but, by virtue of paragraph 10, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

8.5 Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

9.0 Register of interests

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

10.0 Sensitive interests

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

11.0 Non-participation in case of pecuniary interest

11.1 Where you have a personal interest in any business of your authority you also have a pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business—

- (g) affects your financial position or the financial position of a person or body described in paragraphs 6.2 or 7.2; or
 - (h) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraphs 6.2 or 7.2.
- 11.2 Subject to paragraphs 11.3 and 11.4, where you have a pecuniary interest in any business of your authority—
- (a) You may not participate in any discussion of the matter at the meeting and should leave the room during consideration of the relevant matter.
 - (b) You may not participate in any vote taken on the matter at the meeting.
 - (c) If the interest is not registered, you must disclose the interest to the meeting.
 - (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days. In addition this Code and Standing Orders requires you to leave the room where the meeting is held while any discussion or voting takes place.
- 11.3 Where you have a pecuniary interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- 11.4. Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of your authority in respect of:
- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and

- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

- 11.5. Where, as an executive member, you may discharge a function alone, and you become aware of a pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

12.0 Interests arising in relation to scrutiny committees

- 12.1 In relation to any business before a scrutiny committee of the authority (or of a sub-committee of such a committee) where-

- 12.1.1 That business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

- 12.1.2 At the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph 12.1.1 and you were present when that decision was made or action was taken;

Or

- 12.1.3 that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Council's constitution or under delegated authority from the Leader);

You may attend a meeting of the scrutiny committee of your local authority or of a sub-committee of such a committee but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise.

13.0 Gifts and Hospitality

- 13.1 You must within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value of in excess of £50 which you have accepted as a member from any person or body other than the authority.
- 13.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- 13.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

Holders of public office should act solely in terms of the public interest.

INTEGRITY

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

OBJECTIVITY

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

ACCOUNTABILITY

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

OPENNESS

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

HONESTY

Holders of public office should be truthful.

LEADERSHIP

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Disclosable pecuniary interests

This note explains the requirements of the Localism Act 2011 (Ss 29-34) and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction.

1 Notification of disclosable pecuniary interests

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

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

(In the extracts from the Regulations below, 'M' means you and 'relevant person' means you and your partner, as above)

<i>Subject</i>	<i>Prescribed description</i>
<i>Employment, office, trade, profession or vacation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain.</i>
<i>Sponsorship</i>	<p><i>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</i></p> <p><i>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</i></p>
<i>Contracts</i>	<p><i>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</i></p> <p><i>(a) under which goods or services are to be provided or works are to be executed; and</i></p> <p><i>(b) which has not been fully discharged.</i></p>
<i>Land</i>	<i>Any beneficial interest in land which is within the area of the relevant authority.</i>
<i>Licences</i>	<i>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</i>

Corporate tenancies

*Any tenancy where (to M's knowledge)—
(a) the landlord is the relevant authority;
and
(b) the tenant is a body in which the
relevant person has a beneficial interest.*

Securities

*Any beneficial interest in securities of a
body where—*

*(a) that body (to M's knowledge) has a
place of business or land in the area of
the relevant authority; and
(b) either—*

*(i) the total nominal value of the
securities exceeds £25,000 or one
hundredth of the total issued share
capital of that body; or*

*(ii) if the share capital of that body is of
more than one class, the total nominal
value of the shares of any one class in
which the relevant person has a
beneficial interest exceeds one
hundredth of the total issued share
capital of that class.*

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

*“body in which the relevant person has a beneficial interest” means a firm in
which the relevant person is a partner or a body corporate of which the relevant
person is a director, or in the securities of which the relevant person has a
beneficial interest;*

*“director” includes a member of the committee of management of an industrial
and provident society;*

*“land” excludes an easement, servitude, interest or right in or over land which
does not carry with it a right for the relevant person (alone or jointly with another)
to occupy the land or to receive income;*

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

*“relevant period” means the period of 12 months ending with the day on which M
gives a notification for the purposes of section 30(1) or section 31(7), as the case
may be, of the Act;*

*“relevant person” means M or any other person referred to in section 30(3)(b) of
the Act;*

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

2 Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority’s website.

3 Sensitive interests

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2).

4 Non participation in case of disclosable pecuniary interest

A) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,

1. You may not participate in any discussion of the matter at the meeting.
2. You may not participate in any vote taken on the matter at the meeting.
3. If the interest is not registered, you must disclose the interest to the meeting.
4. If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition, Standing Orders require you to leave the room where the meeting is held while any discussion or voting takes place.

B) Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

5 Dispensations

The authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

6 Offences

It is a criminal offence to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register

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

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

Local Assessment and Review of Complaints of Breaches of the Member Code of Conduct: Criteria, Guidance and Procedure

1.0 PRE- ASSESSMENT

1.1 When a written complaint has been received, the Monitoring Officer in consultation with the independent person, will;

1.2 Determine whether the complaint should be investigated; whether to refer the decision on investigation to the Assessment Sub-Committee; or whether another course of action is appropriate, including seeking local resolution or to take no action at all.

1.3 If a complaint is raised with the Monitoring Officer verbally, the Monitoring Officer should ask the complainant to formally put the matter in writing. If the complainant does not want to do this then the Monitoring Officer should consider options for informal resolution to satisfy the complaint.

1.4 Once the Monitoring Officer has determined that the complaint should be investigated, he/she will acknowledge receipt of the complaint and the member who the allegation is made against will be informed that a complaint has been made against them alleging a breach of the member code of conduct.

1.5 Before any investigation of the complaint begins, the Monitoring Officer and the Independent Person/Assessment Sub-Committee must be satisfied that the complaint meets the following tests: -

- **It is a complaint against a named member of the Council**
- **The named member was in office at the time of the alleged conduct and acting in their official capacity**
- **The complaint if substantiated would be a breach of the member code of conduct in force at the relevant time**

1.6 If the complaint fails one or more of these tests it cannot be investigated as a breach of the code and the complainant must be informed that no further action will be taken in respect of the complaint.

2.0 ASSESSMENT CRITERIA

2.1 The following criteria have been developed for the Monitoring Officer and the Independent Person/Assessment Sub-Committee to assess new complaints against and decide what action, if any to take.

2.2 Information

Has the complainant submitted enough information to satisfy the Monitoring Officer that the complaint should be referred for investigation or other action?

The complainant must provide sufficient information to enable the Monitoring Officer and the Independent Person to decide whether or not there is prima facie evidence of a breach of the Member Code of Conduct. If insufficient information has been provided to make a decision, the matter will not normally be referred for investigation or other action.

2.3 Length of time

Is the complaint about something that happened so long ago that there would be little benefit in taking action now?

The Monitoring Officer and the Independent Person/Assessment Sub-Committee should have regard to the length of time that has elapsed since the alleged conduct occurred. It will not normally investigate or pursue other action where the alleged conduct took place more than 6 months prior to the date of the complaint. However if there are exceptional circumstances (e.g. where the conduct relates to a pattern of behaviour which has recently been repeated) events or incidents which are more than 6 months old could be considered.

2.4 Seriousness of the Complaint

Does the complaint appear to be simply malicious, politically motivated, a repeated complaint or 'tit-for-tat'?

The Monitoring Officer and Independent Person/Assessment Sub-Committee will not consider complaints or make a decision to refer matters for investigation, which they believe to be malicious, vexatious, trivial, politically motivated, a repeated complaint, or tit-for-tat.

2.5 Public Interest

Is it in the public interest to refer a matter for investigation?

The Monitoring Officer and the Independent Person/Assessment Sub-Committee will determine whether the public interest would be served by referring a complaint for investigation or for any other action in cases where the subject matter has died, resigned or is seriously ill. Similarly, if the member has offered an apology or other remedial action the Monitoring Officer may decide that it is appropriate to take no further action. In making a decision to investigate, the Monitoring Officer should also consider whether the complaint is serious enough to justify the resources required to investigate.

2.6 Other Investigations

Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct, or has the complaint been the subject of an investigation by other regulatory authorities?

If the complaint has already been the subject of an investigation or other action relating to the Member Code of Conduct, or the subject of investigation by another regulatory authority, it is unlikely that it will be referred for investigation by the Monitoring Officer.

2.7 Anonymous Complaints

Has the complaint been made anonymously?

The Monitoring Officer and Independent Person/ Assessment Sub-Committee will not normally make a decision to consider anonymous complaints unless there is additional independent documentary evidence to support the complaint.

2.8 Multiple Complaints

It is not uncommon for one event or incident to give rise to similar complaints from a number of different complainants. Wherever possible, these complaints will be considered at the same meeting by the Monitoring Officer and Independent Person/ Assessment Sub-Committee.

2.9 Criminal Investigations

If a complaint made against a member is also subject to a police investigation, the Monitoring Officer and Independent Person/Assessment Sub-Committee should still investigate the facts as far as they are able to ascertain whether there has been a breach of the code of conduct.

3.0 CONFIDENTIALITY

3.1 As a matter of fairness and natural justice, a member should normally be told that a complaint has been made against them alleging a breach of the code of conduct, who has made the complaint and what this relates to. However, there may be cases where the complainant requests that his or her identity is withheld from the member. Such requests should only be granted in exceptional circumstances, such as: -

- the complainant has reasonable grounds for believing that they or their family will be at risk of physical harm if their identity is revealed.
- The complainant is an officer who works with the member and they would have concerns of any consequence to their employment if their identity is revealed
- The complainant suffers from a serious health condition which might adversely be affected if their identity is revealed.

4.0 Withdrawing Complaints

4.1 A complainant may ask to withdraw their complaint before the Monitoring Officer and Independent Person/Assessment Sub-Committee has made a decision on it. The Monitoring Officer and Independent Person should consider the following when deciding whether to grant the request: -

- Does the public interest in pursuing the complaint outweigh the private interest of withdrawing it?
- Could action, such as an investigation, be properly carried out without the participation of the complainant?
- Is there a reason why the complainant has been asked to withdraw the complaint (e.g. is there any pressure/intimidation to withdraw the complaint from the member or any colleagues)?

5.0 ASSESSMENT DECISIONS

5.1 The Monitoring Officer or Assessment Sub-Committee should complete its initial assessment of an allegation within an average of 20 working days and to reach a decision on what should happen with the complaint.

5.2 The Monitoring Officer or Assessment Sub-Committee is required to reach one of the three following decisions on a complaint in relation to the Code of Conduct:

- **Refer the complaint for investigation**
- **Take ‘other action’ including seeking local resolution**
- **Take no action**

6.0 THE DECISION NOTICE

6.1 The Monitoring Officer/Assessment Sub – Committee is required to produce a Decision Notice which requires a written summary detailing: -

- **the main points considered during its deliberations**
- **its conclusions in respect of the complaint**
- **the reasons for its conclusions**

6.2 The Decision Notice should give the name of the member who is the subject of the allegation and details of the allegation unless doing so is not in the public interest or would prejudice any separate or subsequent investigation.

6.3 The Decision Notice will be sent to the member and the complainant unless there is a significant risk that by sending it to the member the complainant or any potential witnesses will be intimidated by the subject member or any evidence will be compromised or destroyed.

6.4 The Decision Notice should be issued as soon as possible after the Monitoring Officer/ Assessment Sub-Committee meeting and ideally within 5 working days.

6.5 The Decision Notice shall be made publicly available (e.g. at Council offices and on the Council's website) for a period of 6 years.

7.0 DECISION TO TAKE NO ACTION

7.1 The Monitoring Officer/Assessment Sub-Committee can decide that no action is required in respect of a complaint. For example this could be because the Monitoring Officer/Assessment Sub-Committee does not consider that the complaint is sufficiently serious to warrant any action. Alternatively it could be because of the length of time that has elapsed since the allegation.

7.2 The decision reached by the Monitoring Officer/Assessment Sub-Committee and the reasons for it should adhere to the assessment criteria set out in this document. If the Monitoring Officer has made the decision this must be reported to the Standards Committee.

7.3 As soon as possible after making the decision, and ideally within 5 working days, the Monitoring Officer/Assessment Sub-Committee must give written notice of that decision to the complainant and the member, summarising the complaint and setting out clearly the reasons for the decision to take no action.

7.4 It is important to note that where no potential breach of the Code of Conduct is disclosed by the complaint, no matter what its source or whoever the member was, no action can be taken by the Standards Committee in respect of it. The matter of referral for investigation or other action does not arise.

Member Code of Conduct Complaint Form

MAKING A COMPLAINT ABOUT A COUNCILLOR

The City of Lincoln Council is committed to maintaining high standards of conduct by its councillors and officers. This form is intended to provide an opportunity for any person to report concerns that a councillor's conduct may have fallen below the expected standards. If your concern relates to an alleged criminal matter you should consider contacting the police regarding your concerns.

If you require any guidance or assistance in completing this form, please contact Democratic Services at the City of Lincoln Council, either by emailing democratic.services@lincoln.gov.uk, visiting City Hall, or by calling 01522 873370.

1. Your Contact Details

Title:		Name:	
Address:			
Email address:			
Home telephone:		Mobile telephone:	

2. Do you need to register this complaint anonymously?

Yes ☐ No ☐

Please note that it may be necessary to disclose some of your personal details to those affected by the complaint, including the relevant councillor. These details will not include your telephone number or email address unless you explicitly consent to this. However, it may be necessary to share your name and address in order for the complaint to be properly investigated. As such, if it is not possible to handle your complaint anonymously we will contact you to consider suitable options, which may include withdrawing or rejecting your complaint.

- 3. If you answered yes to Question 2, please specify why in the box below:**

--

- 4. Which councillors are the subject of your complaint?**

Councillor Name(s):	
----------------------------	--

If you are unsure of the identity of the councillor(s) you are complaining about, you may find it useful to view pictures of our councillors by [clicking here](#) (if using a computer) or by contacting Democratic Services for advice.

- 5. What has caused your complaint?**

--

In order for us to investigate this complaint properly, please try to include the following information if it is relevant to your complaint:

- Which parts of the Member Code of Conduct have been breached (the Code can be viewed on our website or by request at City Hall)

- The times and dates on which any incidents occurred
- The names of any witnesses who may have observed any incidents
- The specific actions of the councillor or any other involved parties
- The words used by you or the councillor
- Whether anything in the incident relates particularly to a 'protected characteristic', such as your gender, race, or a disability

If you need additional space please continue on a separate sheet. You can also submit any photographs or other relevant items via Democratic Services.

6. What outcome do you hope to achieve from your complaint?

Please note that the principal purpose of submitting a complaint against a councillor is to ensure the appropriate behaviour of councillors. It will not normally be appropriate or possible to provide compensation to someone submitting a complaint. However, remedies could include an apology from the relevant councillor or for the councillor to receive training in behaving more suitably in future.

7. Signature

Please sign and date below to confirm that the information provided above is true to the best of your knowledge. If submitting the form by email, please complete your name and the date below.

Name:

Date:

What will happen next?

Your complaint will be submitted to the City of Lincoln Council's Monitoring Officer. The Monitoring Officer will consider the complaint and determine whether it requires investigation. The Monitoring Officer may consult an Independent Person regarding your complaint in order to reach a suitable outcome. Your complaint may then be resolved by the Monitoring Officer or referred to a separate group of councillors for consideration.

You will be advised of the outcome of your complaint when one has been reached and the Monitoring Officer will also update you during the course of any investigation regarding any progress if this is appropriate and necessary.

Hearing Sub-Committee: Outline Procedure for Hearings Panel (Contested)

- 1 Preliminary Procedural Issues
 - a. Introductions
 - b. Declarations of Interests
 - c. To consider any requests for the exclusion of the Press and Public
- 2 Monitoring Officer (or his/her representative) to present summary of the case and refer to outcome of any pre-hearing process.
- 3 Investigating Officer to present the report and call such witnesses (including the complainant) as he/she considers necessary, and make representations to substantiate his/her conclusions within the report.
- 4 The Sub-Committee to raise any issues or clarify any matters with the Investigating Officer's report and to question and clarify matters with any of the witnesses called.
- 5 The member to raise any issues or clarify any matters with the Investigating Officer's report and to question and clarify matters with any of the witnesses called
- 6 The member responds to the investigation report, makes representations and calls such witnesses as he/she considers necessary.
- 7 The Investigating Officer to raise any issues, question or clarify any matters with the member and any witnesses called.
- 8 The subcommittee to raise any issues, question or clarify any matters with the member and any witnesses called.
- 9 Views of the Independent Person sought.
- 10 The Sub-Committee then retires along with the Monitoring Officer to determine whether there has been a breach of the code of conduct.
- 11 The Sub-Committee will either return to the Hearing to report the decision or (in more complex cases) the decision will be reported back by the Democratic Team Leader and Elections Manager.

Action to be taken

- 12 Monitoring Officer (or his/her representative) to outline possible sanctions
- 13 Member to respond with any mitigation
- 14 Views of Independent Person sought
- 15 Sanction (if any) given



CITY OF
Lincoln
COUNCIL

Employee Code of Conduct Policy

1 The Purpose of this Code

1.1 The public is entitled to expect the highest standard of conduct from all local government employees so they have complete confidence in the Council. This code is to make sure that you understand the standards of behaviour and conduct we expect of you.

1.2 This code includes new as well as existing policies and requirements, but it is not exhaustive. It gives examples of the type of conduct we expect but it may depend on particular circumstances so, if you are not sure, ask your manager. The code covers:

- your role
- the principles of conduct
- customer care
- colleagues
- time keeping and attendance
- laws, regulations and guidelines
- disciplinary action
- outside interests
- additional employment
- declaration of interests
- political considerations
- confidentiality
- care of council resources
- computer security
- patent and copyright
- accepting gifts
- foreign travel
- promotional sales
- alcohol and drugs
- smoking at work
- whistle blowing
- dealing with the media
- equalities.

1.3 It is important that you read this code and ask about anything that is not clear. We would not accept ignorance as a defence if the Council decided to take disciplinary action against you for not complying with these standards.

1.4 **Your role as a public servant**

The Council provides services that the public pay for; they are our main customers so your role as a Council employee is to serve the public in the best way possible.

2 **Responsibilities**

2.1 **Responsibility of Directors/Assistant Directors/Managers**

- To follow this code of conduct and to ensure that any breaches of the code are dealt with in accordance with Council policy.
- To make sure new employees are aware of the code of conduct and that it is explained to them during the induction period.
- To ensure that the content and ramifications of the code of conduct is included in staff briefings and to ensure that all team members complete the Council's Code of Conduct E'Learning programme at least once in a 3 year period.
- To give Trade Union representatives the time required to support their Membership.

2.2 **Responsibility of HR**

- To advise Managers and staff on the application of this Policy as required.
- To regularly review and update this policy as required.

2.3 **Employee Responsibility**

- This code applies to all council employees and it is each employee's responsibility to be aware of and follow this code.
- All employees must ensure that they complete the Council's Code of Conduct E'Learning programme at least once in a 3 year period.

3 **Principles of conduct**

3.1 These principles of conduct set out how the Council expects you to behave when doing your job. We have expanded on some of them in later sections.

- **Leading by example** - promote this principle by behaving in a way that gives people complete confidence in the Council.

- **Uphold the law** - you have a responsibility to uphold the law, and to act in line with the trust the Council, and the public it serves, places in you.
- **Constituency** - you have a responsibility to help the Council to act in the interests of the whole community that it serves, as far as possible.
- **Public interest** - you must never use your position to make gains for yourself, family, friends or others. This includes financial benefits, preferential treatment or any other advantage.
- **Honesty, integrity and propriety** - you must not get in a position where your integrity could be questioned by a financial or any other obligation. As well as avoiding actual impropriety, you must be **seen** to avoid it so that your honesty and integrity is beyond question.
- **Gifts and hospitality** – the golden rule is that you should not accept gifts or hospitality. Even with the best of intentions, people could think gifts or hospitality might influence, or be intended to influence, your judgement. The exceptions to this are set out in the attached Gifts and Hospitality Guidance.
- **Objective decisions** – any decision you make in your job must be made solely on merit, including appointing someone, awarding contracts or recommending people for rewards or benefits.
- **Accountability** - you are accountable for your actions and for your part in making decisions, so you must cooperate with whatever scrutiny is appropriate to your post.
- **Openness** - you must be as open as possible about your actions and your part in reaching decisions, and seen to be open so that people are confident there is nothing underhand about your conduct.
- **Confidentiality** - you must make sure that you handle anything confidential, including information about others, in accordance with the law; you must not use it for private purposes.
- **Council resources** - you have a responsibility to make sure that the Council uses its resources prudently and in accordance with the law.
- **Declarations** - you have a legal duty to declare any private interests relating to your employment and to resolve any conflicts that may arise.
- **Relations with colleagues and councillors** - respect councillors and other employees, treating them with mutual respect at all times.

4 Customer care and courtesy

- 4.1 We expect you to be welcoming, helpful, informative and courteous as well as being professional to the public and to our internal and external clients.
- 4.2 You must be presentable and suitably dressed for your particular job, including wearing safety clothing and equipment, if appropriate to your duties, under Health and Safety regulations.

- 4.3 Your own department or section may have its own customer care policy, which you must follow in addition to these corporate standards.
- 4.4 Employees working with children and adults have a responsibility to safeguard and promote the welfare of children and adults during the course of their work.

5 Conduct towards colleagues

- 5.1 You must always act in a polite and friendly manner to colleagues, making sure that your behaviour does not cause offence.
- 5.2 The Council will not tolerate any form of bullying, oppression, sexual harassment, violence or aggression and will use its Disciplinary Policy to support this.

6 Time-keeping and attendance

We expect you to be ready and able to carry out your duties at agreed times, within reason. You must record your time at work accurately, as falsifying records is a disciplinary offence.

7 Complying with written guidelines, laws and regulations

- 7.1 Make sure that you comply with the laws and regulations relevant to your job which you are aware of, or are told about. If in doubt, get advice.
- 7.2 Make sure that you understand the conditions of service under which you are employed. The details are in the HR Policy Handbook. Ask your manager for clarification about anything you are not clear about.
- 7.3 You must also comply with corporate guidance, such as contract procedure rules and financial regulations, as well as any specific departmental guidelines.
- 7.4 You, together with all employees, have a responsibility to contribute to developing new procedures and to respect them when they are in place.
- 7.5 If you are a member of a professional institute or association, you are also obliged to comply with the professional code and standards of practice relating to that organisation.

8 Conduct and disciplinary action

- 8.1 The Council will use its disciplinary process to deal with any conduct that falls below that expected, if serious. Full details of misconduct and gross misconduct are in the Disciplinary Policy and Procedures, but here are some examples...

Misconduct examples could be:

- refusing a reasonable instruction
- unauthorised absence
- abusing the sickness procedure
- failure to report the offer of a bribe or inducement.
- Refusal to carry out reasonable instructions.
- lateness.
- Failure to comply with the sickness absence procedure.
- Failure to perform to standards as set out by City of Lincoln Council.
- Computer misuse or abuse.
- Unauthorised outside employment or self-employment.

Gross misconduct examples could be:

- deliberately falsifying time sheets or other records
- disclosing confidential or exempt information
- gross dereliction of duty
- accepting bribes or inducements.
- Theft of Council's, clients' or employee's property or money
- Housing Benefit or Council Tax fraud or deliberate falsification of timesheets or other records.
- Fighting, intimidation or physical assault.
- Deliberate damage to Council's, clients' or employees' property.
- Conflict of interest/failure to disclose other employment or outside interests which could potentially lead to a conflict of interest arising.
- Deliberate disclosure of privileged and/or confidential information to unauthorised people.
- Falsification of particulars on seeking employment.
- Serious negligence which causes or might cause unacceptable loss, damage or injury.
- Serious disregard of health and safety rules.
- Unauthorised removal of Council's, clients' or employees' property.
- Gross abuse or insubordination.
- Bringing the City of Lincoln Council into serious disrepute.
- Criminal activities.
- Breach of suspension conditions.
- Serious incapability whilst on duty brought on by alcohol or drugs.
- Serious breaches of an individual's human rights.
- Serious computer misuse or abuse.

9 Outside interests

- 9.1 Your life away from work is your own concern but you must not put yourself in a position where your job and your personal interests conflict. This includes behaviour which, because of the nature of your employment, would undermine the Council's confidence or trust in you.

- 9.2 An example would be if you are facing criminal charges, regardless of whether these were incurred on or off duty. You must tell your manager immediately particularly if the charges are in any way relevant to your employment, such as drug offences, crimes of violence, dishonesty or driving offences if your job involves the use of a car or Council vehicle. If you are in any doubt about this, consult your line manager.

10 Additional employment

Employees have a duty to take reasonable care of their own health and safety.

- 10.1 The Council will not stop you taking additional employment as long as it does not affect your duties and responsibilities or conflict with the interests of, or weaken public confidence in the Council.
- 10.2 If you are thinking of taking on additional work, you must get permission from your manager beforehand by completing the online Secondary Employment form on City People and we will maintain a record of approval. This conduct rule applies to any employment, paid or unpaid, for example taking up office in an outside organisation. This would include charities such as local community associations.
- 10.3 If you are paid for work which arises principally as a result of your work-related skills, you must not use assets or information belonging to the Council, without getting prior permission from your Assistant Director.
- 10.4 You must also make sure that any customer realises the private nature of the work you are doing, which is in no way connected to the business of Council.
- 10.5 You must declare any income received to Inland Revenue, but you do not have to inform Payroll as well.

11 Declaring interests, including financial or other interests in contracts

- 11.1 If a conflict of interest, or even a potential conflict, arises during the course of business, you must declare it immediately. Management will then consider whether it is appropriate for you to take any further part in the matter.
- 11.2 An example would be a financial or other interest in a contract being awarded by the Council, and may be a direct or indirect interest. An example of a direct interest would be if you or your partner were involved with the contract. Indirect interests can relate to close family members or friends being involved in contracts.

- 11.3 The responsibility to declare an interest lies with you. If it came to light later, you could be challenged for not disclosing it earlier. You must also consider whether others would consider whether there is a direct or indirect conflict of interest.

If you have any concerns about actual or potential conflicts of interest, discuss them with your line manager straight away.

- 11.4 When you do declare an interest, it must be recorded in the register of interests held by the Chief Executive's department.

12 Political considerations

- 12.1 Politically restricted posts fall into two broad categories: specified posts and sensitive posts.

Specified posts:

- the Head of the Paid Service (s4 LGHA)
- the Statutory Chief Officers and Non- statutory Chief Officers (Corporate Directors)
- Deputy Chief Officers (Assistant Directors)
- the Monitoring Officer (s 5 LGHA)
- officers exercising delegated powers, i.e. persons whose posts are for the time being specified by the authority in a list maintained in accordance with s 100G(2) of the LGA 1972
- Assistants to political groups

- 12.2 All these post holders are politically restricted without rights of appeal for exemption to the Local Authority's Standards Committee (in England) or to the Independent Adjudicator to Local Authorities in Wales.

- 12.3 **'Sensitive' posts.** A sensitive post is one which meets one or both of the following duties-related criteria:

- giving advice on a regular basis to the Council itself, to any committee or sub-committee of the Council or to any joint committee on which the Council is represented; or where the Council are operating executive arrangements, to the executive of the Council; to any committee of that executive; or to any executive councillor who is also a member of the authority.
- speaking on behalf of the authority on a regular basis to journalists or broadcasters.

- 12.4 These employees may not stand for a political post or engage in certain political activities - such as canvassing or speaking publicly. Other employees are not eligible to stand for office as a member of parliament or of the City Council, but may participate in any county, borough or parish council activities.

- 12.5 As a Council employee you are required to serve the Council, therefore you cannot be accountable to political groups. You should follow the Council's protocol for relationships between members and staff when considering participation in political activity.

13 Confidentiality and use of information

- 13.1 In your job you will come across confidential information. You must maintain the privacy and confidentiality of such information at all times, unless you are expressly authorised to divulge it, or are required to do so by law.
- 13.2 You must not supply information about another employee's private affairs to anyone outside the Council without the consent of the employee, nor to anyone within the Council unless that person has authority or responsibility for such information.
- 13.3 You must not use Council contracts or purchasing arrangements for personal benefit or to benefit any external function or organisation, unless you get written approval from your Assistant Director beforehand.
- 13.4 You must not divulge any business information, for example charge-out rates, unit costs, work plans, quality assurance documents and so on to any third party or use it other than for the purpose of furthering the interests of the Council.
- 13.5 You must not disclose the proceedings of any committee meeting unless you are legally required, or have been authorised, to do so. If you are obliged to disclose information, you must make sure that it is accurate.
- 13.6 If you have any reservations about any request to supply information, refer it immediately to your line manager

14 Caring for and using the Council's resources

- 14.1 You may not use Council resources, whether tangible assets such as materials, equipment and cash or business information such as trade secrets, other than for Council business.
- 14.2 All equipment belonging to the Council should be treated with due care and respect. If you wish to use something or make equipment available to someone else for non-Council business, you must get permission from your manager in advance.

15 Computer security and data protection

- 15.1 The information stored and processed on the Council's information technology systems is of paramount importance to its day-to-day activities. Consequently, it is essential that the data and systems are adequately secured against risks such as operator errors, equipment theft, unauthorised access to or copying of programmes, use of unauthorised software on Council machines - which increases the risk of importing computer viruses - and natural hazards such as fire, flood and power failures.
- 15.2 You must comply with all the Data Protection policy, General Data Protection regulations (which come into force in May 2018), IT Policies and any supplementary guidance which can be found on the intranet in order to ensure that all customer and employee's personal data is protected. You must further comply with the Computer Misuse Act, which seeks to secure computer material against access or modification.
- 15.5 The Council has issued specific guidance on computer security to all employees and you can obtain copies from the IT section of City People.
- 15.6 You must make sure that no unauthorised person gains access to equipment or data that you are responsible for.
- 15.7 You must not disclose your user password to anyone, and should change these regularly.

16 Patent and copyright

16.1 Patents

You must tell your manager about any issue, item or idea capable of being patented under the Patents Act that you develop or discover, on your own or with colleagues, in the course of your duties. Subject to the provision of the Act, anything like this belongs to the Council. It is then the Council's responsibility to decide whether to apply for patent or other protection in law for any such invention.

16.2 Copyright

- 16.2.1 All records, documents and other papers that you compile or acquire in your job relating to the Council's finance and administration are the Council's property together with the copyright.
- 16.2.2 It is your responsibility to be aware of, and not infringe, any third party copyright and take reasonable steps not to allow others to infringe those rights.

- 16.2.3 However, the copyright will belong to you of any academic work you do, such as projects you do as part of a course to further your professional career, including books, contributions to books, articles and conference papers.

17 Accepting gifts and hospitality

- 17.1 You must be very careful about accepting any offer of a gift or hospitality but you can accept items of low intrinsic value, such as diaries and calendars, if used at work.
- 17.2 You can also accept reasonable hospitality, such as a working lunch, but you must record it. You must decline, politely but firmly, anything of greater value or significance - taking care not to give offence by explaining why, as a local government employee, you may not accept. Even when you decline offers, you must record them in the appropriate gifts and hospitality registers. More information can be found in the Gifts and Hospitality guide which is attached to this code.

18 Foreign travel

- 18.1 You must seek approval in advance from committee for all foreign travel on Council business. Once approved, details of all foreign travel must be recorded in the register maintained by the Chief Executive.

19 Promotional sales

- 19.1 You must decline offers from companies of promotional sales and tell your manager, who will then inform the Chief Finance Officer. Improved discounts are the only form of promotion that the Council would normally find acceptable.

20 Alcohol and drugs

- 20.1 Alcohol is not permitted on Council premises, unless specifically approved by your manager.
- 20.2 The Council prohibits the use, possession, distribution or sale of illicit or illegal drugs at work, or when doing Council business and will report any such activity to the Police.
- 20.3 We may use the disciplinary procedures to deal with any unsatisfactory performance, attendance or behaviour caused by excess alcohol consumption or by drugs, depending on circumstances.
- 20.4 We view alcohol and drug dependency problems as medical cases, and managers will provide help, whenever possible.
- 20.5 Support and counselling is available by way of HR to all employees on this and other issues relating to breaches of this Code of Conduct.

21 Smoking at work

- 21.1 Smoking is strictly prohibited on all parts of the Council's premises, and at City Hall and Hamilton House. The Council has adopted a Smoke Free Policy which can be found on City People. The smoke free policy has extended the smoking ban to include entrances or anywhere on its grounds including car parks.
- 21.2 The policy further states that if employees want to smoke this must take place in their own time either before work at lunch time or after work outside of Council premises and their grounds and this includes whilst on site visits.

22 Whistle blowing - reporting criminal offences and poor conduct

- 22.1 You are expected to report any suspected cases of fraud, irregularity or conduct issues to your manager. The Council has developed a separate whistle blowing policy under which you can disclose information. Any information you provide in good faith will not lead to disciplinary action being taken against you but we will treat any malicious reports very seriously.
- 22.2 If you were identified as participating in fraudulent activities disciplinary action may follow.

23 Dealing with the media

- 23.1 You may only talk to the media as a representative of the Council if you have been specifically authorised to do so. We have specially appointed employees to deal with media enquiries as well as preparing and issuing public statements or press releases
- 23.2 If your comments are required, make sure that they are well considered, sensible, well informed, in good faith, in the public interest, without malice and that they enhance the Council's reputation and status.
- 23.3 Trade Union representatives can speak to the media as representatives of their respective unions. However, this will not be as a representative of the Council.

24 Use of Social Media

- 24.1 The Council respects an employee's right to a private life. However, the Council must also ensure that confidentiality and its reputation are protected, and that its Employees are protected.

24.2 Employees should be aware that social networking websites are a public forum, particularly if the employee is part of a “network”. Employees should not assume that their entries on any website will remain private.

24.3 The Council therefore requires employees using social networking websites to:-

- ensure that they do not conduct themselves in a way that is detrimental to the employer;
- ensure that abuse or defamatory messages are not posted about the Council and/or its employees
- take care not to allow their interaction on these websites to damage working relationships between members of staff and clients of the Council.
- You may be entitled to use social media for investigations into individuals however this must be done in accordance with the Regulatory of Investigatory Powers (RIPA) Policy which is on the intranet.

Any employee breaching the above may be subject to disciplinary action.

25. Equality issues

25.1 Your behaviour should accord with the spirit and the detail of the Council's Equality and Diversity Policy. We will not tolerate racist, sexist, homophobic and other discriminatory remarks and behaviour. Deliberate discrimination will result in disciplinary action.

26. Review of Policy

26.1 This policy will be reviewed at intervals of three years, or earlier at the request of either the management or staff side.

Human Resources Reviews

February 2018

Approving Body & Date

Executive – February 2018

Gifts and Hospitality Corporate Guidance

1 The Purpose of the guidance

- 1.1 The main reason for having guidelines is to ensure that Councillors and Officers maintain high standards of the Council. High standards are expected of Local Government generally and their maintenance is necessary to uphold the integrity and reputation of the Council.
- 1.2 All Councillors and Officers are subject to the provisions in Financial Regulations relating to Gifts and Hospitality; Officers have further guidance contained within the Local Joint Scheme of Conditions of Service. Councillors will also be subject to a code of conduct adopted in compliance with legislation. The purpose of these guidelines is to re-inforce these provisions.
- 1.3 The third and perhaps most important reason for these guidelines is that failure to comply with Financial Regulations and Conditions of Service can give rise to disciplinary action including dismissal. Criminal proceedings can arise from failure to declare pecuniary interests in accordance with the Local Government Act 1972 and under the Prevention of Corruption Acts.

2 Seek advice; be open and honest; apply common sense.

- 2.1 The Council does not encourage the practice of giving or receiving gifts, even of nominal value. When gifts, hospitality, favours or other benefits are given or received they should pass (at least) the following tests.
 - Is it lawful and ethical?
 - Is it necessary?
 - Is it considered to be of nominal or moderate value?
 - Is it received too frequently?
 - Is it capable (in most cases) of reciprocation?
 - Is it properly authorised and recorded?
 - Could it be interpreted reasonably as an improper inducement?
 - Is it considered appropriate to the business responsibilities of the individual concerned?

They should not be interpretable as an improper inducement, nor be extravagant or too frequent.

- 2.2 There will be occasions when a gift, hospitality or other benefit is offered which is not covered by these guidelines, but which may nevertheless be acceptable. Similarly there will be occasions when hospitality offered appears to come within these guidelines but should nevertheless be refused. These guidelines attempt to cover most areas, but are not meant to be a substitute for judgement and commonsense.

3. Potential Conflict between personal and job roles

- 3.1 It is sometimes difficult to distinguish between personal and job roles. On some occasions an offer of hospitality etc will clearly be personal in that there is no connection whatsoever with your job. On other occasions an offer of hospitality will be clearly made to you in your job role.
- 3.2 However, there is an area in which the two roles merge, particularly with Chief and Senior Officers. It is difficult to give guidance which would cover all circumstances, but the following are examples:
- If an offer of a gift, hospitality, favour or other benefit purports to be personal, the Officer should question whether it would have been made if he or she did not hold their position within the Council. If not, then almost certainly it should be treated as job related.
 - If the person or organisation making the offer has any connection or potential connection (say via a third party) with the Council, the offer should be treated as job related.
- 3.3 If you are in any doubt, the only safe course is to treat the offer as job related; at the very least advice must be sought from a Senior Officer.
- 3.4 If an offer of a gift, hospitality, favour, or other benefit is job related these guidelines must be applied to it.
- 3.5 These guidelines may not cover all types of job related offers; job related offers may on occasion be made outside the normal workplace and out of normal working hours. Councillors and Officers must be alert to job related offers that may not, at first, appear obvious. Job related offers can also be made indirectly by another party or agent, which could be construed as having originated from another source perhaps linked to the Council.
- 3.6 Councillors and Officers of the Council are responsible to avoid any real or apparent conflict between their own personal interests and those of the Council.

4. Acceptance of Gifts

- 4.1 Gifts should not be accepted other than items of very small intrinsic value such as business diaries, calendars or pens which must be used in the workplace.
- 4.2 There are few permissible exceptions to this general rule, but there are occasionally special circumstances such as:

- Civic occasions - From time to time there are civic occasions on which personal gifts may be given to Councillors and Officers. For example, a Councillor or Officer may be given a personal gift by a delegation from abroad which is here as part of a twinning arrangement. To refuse it would cause unnecessary offence. Therefore in such circumstances, it is permissible for the Councillor or Officer to accept the gift provided its value is not excessive. If it is a gift which is not personal, it should be treated as belonging to the Council and dealt with accordingly. The important point is that such matters should be dealt with openly and honestly.
- Unsolicited Gifts of Value - You may receive unsolicited gifts of more than small but still modest value, for example, bottles of spirits at Christmas. If you do, you should consider whether they should be immediately returned, together with a note explaining why you cannot accept. If this is impracticable or would cause unnecessary offence, the gift should be presented for charitable purposes (e.g. the Mayor's Charity), or similar appropriate action taken. In such circumstances tell the donor what you have done and why. In any event, valuable gifts must be returned.

5. Acceptance of Hospitality

- 5.1 Reasonable hospitality may be accepted where it is secondary to a specific working agreement (ie an integral part of a working arrangement). Caution should be exercised where the invitation is predominantly of a social nature unless it falls into one of the exceptions mentioned later in this guidance.
- 5.2 A test which Councillors and Officers should apply in considering any offers of hospitality is that of public scrutiny. Would the acceptance of such hospitality, if made public, be open to misrepresentation or doubt as to the integrity and motives of the provider and the recipient?

Lunches, dinners and drinks - they must be of a small or modest value; extravagance must be avoided.

Civic hospitality - it is permissible to accept Civic or Twinning hospitality provided by other Local Authorities, and similar hospitality provided by other public organisations. On such occasions Councillors and Officers will receive formal invitations and any such hospitality is open and above board. Similarly, it is acceptable if you are invited in your official capacity to represent the Authority at a function or event unless it falls into one of the excluded categories in these guidelines.

Commercial organisations - this is an area which requires utmost care and is divided into two areas:

1. Existing Business

Hospitality provided by a commercial organisation with which the Council has an existing business relationship. In this situation modest hospitality is an accepted courtesy of a business relationship. This is likely to fall into two categories:

- a) The kind which is secondary to the specific Council business.
- b) The kind which is not specifically business related but which is provided for representatives of the Council as a client. It is reasonable to accept this kind of hospitality as long as it is modest unless:
 - The renewal of the firm's contract with the Council is imminent
 - The firm is or is likely to be seeking other contracts with the Council in the immediate future.

However as a general rule business relationships must not become too cosy or too close and a proper distance should be kept; Officers must be able to remain fair and objective in all business dealings.

2. New Business

Hospitality provided by a commercial organisation with which the Council does not have an existing business relationship. The general rule must be to refuse. There may be possible exceptions, for example, a local connection such as a firm with its headquarters in the City, which invites leading Councillors and / or Chief Officers of the Council. However, any exceptions must be carefully considered and, if need be, advice sought.

6. Conferences and / or Seminars.

- 6.1 It is the practice at some Conference / Seminars for the sponsors or interested organisations to provide hospitality / entertainment for those participating generally, it is permissible for Councillors or Officers to accept this kind of hospitality but a distinction needs to be drawn between such hospitality which is generally provided (ie all the participants or a large group of them are invited) and individual hospitality, for example, you alone are invited by a sponsor or firm. The former is acceptable, but the latter is unlikely to be acceptable.

7. Study Trips

- 7.1 If these are promoted by commercial organisations or involve commercial organisations they should be dealt with as under section 6. Generally you should participate only if the invitation to join is one which is general and not confined to you or a select few.

8. Exhibitions / Demonstrations / Tours of Inspection (premises etc)

- 8.1 Care should be exercised before accepting offers to visit exhibitions / demonstrations or premises; at the expense of other organisations. If there is a good reason to inspect equipment etc which the Council is considering purchasing then it may be acceptable. Even in such

circumstances you should give consideration to the Council meeting any costs. An invitation which is made to a wide range of people is more likely to be acceptable than one which is made to you alone. Hospitality provided in such cases must not be extravagant. Where hospitality is not required or would appear unnecessary (for example a short visit, made locally) ; this should be made clear before hand.

9. Entertainment.

- 9.1 Generally guidance given above relating to the acceptance of hospitality also applies to the acceptance of invitations coming under the heading of Entertainment, such as invitations at someone else's expense to sporting occasions, theatre trips etc. Generally such invitations should not be accepted unless they can be justified under one of the sections within these guidelines.

10. Trips abroad

- 10.1 If you are invited to go abroad at the expense of someone else (for example, a study visit or conference) and wish to accept you must obtain approval from Committee.

11. Pressure Selling / Company Inducements to Purchase

- 11.1.1 Be aware of the possibility of personal inducements being offered by companies in order to achieve orders for goods. The acceptance of such a personal inducement would lay you open to criminal prosecution and disciplinary action including dismissal. Any such offer should be reported to your Assistant Director or line manager, who in appropriate cases, will alert the Director of Resources and other relevant Chief Officers. Care needs to be taken if the Council still wishes to purchase goods from the firm concerned notwithstanding that the personal inducement has been refused and reported. It would be appropriate for written representations to be made to the firm concerned to make them aware that the practice was unacceptable and should cease.
- 11.2 You should take care where companies offer free goods when placing orders; some companies make it very clear what "free" items are available; verbal offers may also be made at the time of ordering. You should avoid companies that offer personal incentives which are not for the benefit of the Authority and you should report these to your line manager. You should remember that even if goods are described as free, if they are received, they remain the property of the Council.

12. Acceptance, Refusal and Recording.

- 12.1 In any circumstance where a gift, hospitality, favour or other benefit is made, full details must be recorded in the appropriate register.

12.2 Each department maintains a register of all gifts / hospitality offered.
The entry will include:

- The amount of money, nature of gift, type of hospitality or other benefit offered
- From whom it was offered
- The reason the offer was made
- Whether it was accepted or refused

12.3 Councillors should record the required details in the register maintained by the Chief Executive

13. Review

13.1 These guidelines will be reviewed to reflect changes in legislation and other developments as and when they occur.

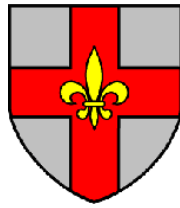
Human Resources

October 2014

Approving Body & Date

JCC 13 January 2015

Executive 19 January 2015



CITY OF
Lincoln
COUNCIL

Smoking Policy

1 Introduction

- 1.1 The Council recognises that the health, safety and welfare of employees, councillors, any contractors who undertake activities on behalf of the Council on our premises and anyone else directly affected by the council's operations are of prime importance. The Council has therefore developed and enforces a dedicated smoking policy, conforming to the requirements of the smoke-free legislation.

2 Application

- 2.1 This policy is applicable to all employees, councillors and contractors who undertake activities on behalf of the Council on our premises and visitors and customers at City Hall and Hamilton House. This policy and its mandatory application will be communicated to all employees, councillors, contractors who undertake activities on behalf of the Council on council premises visitors and customers.
- 2.2 As part of the Council's induction process, new starters will be told about this policy and shown where it is located. Employees are responsible for informing the visitors and customers that they are serving of this policy.

3 Prohibition on smoking

- 3.1 Smoking is strictly prohibited on all parts of the Council's premises, and at City Hall and Hamilton House this also includes entrances or anywhere on its grounds including car parks.
- 3.2 If employees want to smoke this must take place in their own time either before work at lunch time or after work outside of Council premises and their grounds this includes whilst on site visits.

4 Vehicles

- 4.1 The Council does not permit employees to smoke in company vehicles.
- 4.2 Privately owned vehicles used for Council business are to be smoke free at all times when being used for work related activities.

5 Homeworkers

- 5.1 Homeworkers are not required to refrain from smoking during the course of work that is carried out for the Council in their home, unless they invite others into an area of their home for work purposes.

6 Electronic cigarettes

- 6.1 Although electronic cigarettes fall outside the scope of smoke-free legislation, the Council prohibits the use of electronic cigarettes in the workplace. The Council's rationale for a ban on e-cigarettes is that, some e-cigarette models can, particularly from a distance, look like real cigarettes, making a smoking ban difficult to police, and creating an impression for visitors, customers and other employees that it is acceptable to smoke on council premises.
- 6.2 This ban will also extend to the charging of electronic cigarettes on Council premises.

7 Signage

- 7.1 The Council displays signs that make it clear that smoking is prohibited on its premises.

8 Assistance for employees to give up smoking

- 8.1 The Council recognises the difficulty that employees who wish to give up smoking may face, and will support employees who wish to stop smoking.

9. Non-compliance

- 9.1 Any infringement of these rules by an employee may result in appropriate disciplinary action, which will be dealt with in accordance with the Council's Disciplinary Policy.
- 9.2 Customers who are smoking in smoke-free areas should be reminded of the no-smoking signs and asked to stop.

10 Review

- 10.1 This policy will be updated to accommodate legally binding changes, and reviewed every 3 years or at the request of Management or Trade Unions.

Approving Body & Date

JCC 5th August 2014

Executive 22nd September 2014

Probity in Planning: Code of Practice

A guide to procedures and protocol for Councillors and Officers involved in making decisions on planning applications and other planning matters.

1. PREFACE

- 1.1 The Code has been prepared for the guidance of Councillors and officers, having regard to the recommendations of the Nolan Committee, guidance prepared by the Local Government Association, the National Code of Conduct for Councillors, and the Royal Town Planning Institute Code of Conduct for Chartered Planners. The Code also takes account of the Government's proposals for a new ethical framework for Local Government.
- 1.2 The intention of having this Code is to enhance openness, propriety and accountability in serving the planning role within the Authority. The Code is intended to ensure there is fairness and impartiality in decisions made by the Authority and that the public clearly see this to be so. The planning role includes determination of planning applications; policy-making decisions relating to the development plan; the making of tree preservation orders and enforcement issues. Planning issues will usually be determined under the scheme of delegation or at the Planning Committee.

2. INTRODUCTION

- 2.1 Planning Authorities make statutory decisions which can have a considerable effect on the value of land and on the lives and amenities of people living near development sites. The principles upon which decisions must be made are set out in national Planning Policy Guidance Notes, and in statutory County Structure Plans and Local Plans. The Town and Country Planning Act requires decisions to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 2.2 However, many planning decisions depend to a greater or lesser degree upon judgement and interpretation of policies and guidance. It is therefore essential that decisions are made having regard only to proper planning considerations and are made impartially and in a way that does not give rise to public suspicion or mistrust.

PART 1 : CONDUCT OF COUNCILLORS AND OFFICERS

1. Voting and Impartiality

- 1.1 Councillors should vote in the interests of the whole District. Their overriding duty is to the whole community, rather than just the people living in their Ward.
- 1.2 Members of the Planning Committee must not declare which way they intend to vote, in advance of the consideration of an application by the Committee. To do so would in effect be pre-judging the application and expose the Council to the possibility of legal challenge or charge of maladministration. Members must not make their minds up until they have read the relevant Committee reports and heard the evidence and arguments on both sides.
- 1.3 If a Member of the Committee does declare his or her outright support or opposition for a proposal before the matter has been put before the Planning Committee where that Member would be entitled to vote, he or she must make an open declaration of their view to the Committee and take no part in the voting on that particular item. This does not mean that Members of the Committee cannot make a comment or reflect local concerns about a proposal before it is considered by the Committee. But the view or comment must not pre-determine or be seen to pre-determine the way that Members will vote.
- 1.4 Also Members of the Committee should not organise support for or against a planning application and should not lobby other Councillors since this would also signal that they had made up their mind before hearing the evidence. Each Member should make up his or her own mind on the evidence and facts presented to the Committee. (See Section 7 re lobbying).
- 1.5 Councillors must not favour or show bias against any particular person, company or group, or any particular site or locality. They should not put themselves in a position where they may appear to do so.

2. Gifts and Hospitality

- 2.1 Councillors must not accept any gift or hospitality (other than minor refreshments) and must record all 'offers' of hospitality whether or not accepted, in a Hospitality Book kept at the Council Offices by the Chief Executive.

3. Independence and Impartiality of Officers

- 3.1 Councillors should not instruct Officers to take a particular course of action or make a particular recommendation other than through a decision of the Council or one of its Committees. Officers must always

act impartially and advise the Council of their professional opinion. Chartered Town Planners must abide by the Royal Town Planning Institute's Code of Professional Conduct. Chartered Town Planners may only advocate their own professional view and cannot be required to attend or advise party political meetings.

- 3.2 Whilst Chartered Town Planners appearing as the Council's expert witnesses at Planning Inquiries have a duty to set out the Council's case, they must, if asked, give their own professional view in accordance with the Royal Town Planning Institute's Code of Professional Conduct.

4. Declarations of Interests

- 4.1 Members must always declare personal interests in accordance with the Members Code of Conduct. If in doubt an interest should be declared. It is the duty of each Member to declare an interest and also to advise the Chief Executive of any new interest which must be added to the Register of Members Interest.
- 4.2 Personal interests are defined in paragraph 5 of the Members' Code of Conduct.
- 4.3 Declaring a personal interest does not debar a member from speaking and voting, unless the interest is also a pecuniary interest.
- 4.4 Pecuniary interests are defined in paragraph 9 of the Code of Conduct for Members. The test is whether a member of the public with knowledge of the relevant facts would reasonably regard the interest as so significant, that it is likely to prejudice the member's judgement of the public interest.
- 4.5 Interests should whenever possible be declared at the beginning of a meeting. At the very latest, interests should be declared before the item to which they relate is considered. If it only becomes apparent during consideration of an item that a member has an interest in it, he or she should declare it as soon as it becomes apparent. Whenever a matter in which a member has a pecuniary interest is under consideration, he or she must withdraw from the room, and must not attempt to improperly influence the committee's decision in any way.

5. Involvement of Councillors with Applicants

- 5.1 Members of the Planning Committee should not act as agents, or submit planning applications for other parties or voluntary bodies. To do so would give rise to suspicion that the Member was not impartial or may influence other Members in the decision making process. Any Member who is a planning or similar agent should not be appointed to the Planning Committee.

- 5.2 Where Councillors need to submit planning applications on their own behalf, or on behalf of their employer as part of their job, they must declare an interest and take no part in the processing of the application or in the decision making process. Decisions on any proposals submitted by or relating to land owned or controlled by a serving Councillor should only be determined by the Planning Committee (or Full Council).
- 5.3 The same rules apply if a Councillor's employer submits an application, irrespective of whether the Councillor is involved in the application, its preparation or submission.

6. Council Development Proposals

- 6.1 The Council's own proposals for development must be dealt with on exactly the same basis as applications submitted by members of the public. Officers must make recommendations having regard only to proper planning matters and must not have regard to any other benefit, financial or otherwise, which may accrue to the Council as a result of any particular decision on a planning proposal.

7. Lobbying of Councillors and Circulation of Unofficial Information

- 7.1 Lobbying is an attempt to influence a Councillors view in order to achieve a particular decision. It is a normal part of the political process but where Councillors are making statutory decisions, such as planning decisions, it can result in decisions being made improperly. Planning decisions must be made strictly on the basis of the facts and policies relating to each case. Members must not only act in a way that is fair to all parties but must be seen to do so. In particular Members must not prejudge proposals before they have read the officer's reports and considered all the evidence.

- 7.2 Lobbying can take two forms:

- Lobbying of Councillors by applicants, agents or objectors.
- Lobbying by other Councillors.

Lobbying may be verbal or by the circulation of letters or documents to all or some Councillors.

- 7.3 It can cause particular problems if Members are given information or assurances by applicants, which are not part of the formal application or proposal and which are not therefore enforceable. Problems can also arise if Members are given information by objectors which may be misleading, untrue or irrelevant. It is also problematical if officers are unaware of submissions by applicants and objectors and are therefore unable to consider them and advise the Committee about their relevance or enforceability.
- 7.4 Circulation of unofficial papers at a Committee meeting also constitutes lobbying. Planning applications must be determined on the basis of the documents and information formally submitted. Only submissions from applicants, agents or objectors, which are formally

received by the Department of Planning can properly be taken into account in making a decision. The Committee could be materially misled if Members or other parties circulated 'unofficial' documents or introduced new information on behalf of an applicant or objector, or expressed what they believed to be an applicant's intention, if this did not form part of the application documents and correspondence which had been submitted to the Department of Planning. (See also Appendix 1 Committee Procedures).

8. Ward Member / Planning Committee Member

- 8.1 Members serving on the Planning Committee and deciding planning applications will be contacted by applicants or objectors. A Councillor's role as a Ward Member is quite distinct from that as a member of the Planning Committee. It is appropriate, therefore, that a Ward Member not sitting on the Planning Committee is able to take a view if convinced of a particular argument. She/he would, therefore, be able to take an advocacy role, either for or against a proposal, and with the Committee's approval present it accordingly. Any member wishing to act as an advocate in respect of a planning application must inform Democratic Services by 4pm on the day before the meeting.

9. Political Decisions on Planning Applications

- 9.1 Decisions on planning applications must not be taken in political group meetings prior to a Committee meeting. The view of the Ombudsman is that 'the use of political whips at group meetings is contrary to the National Code and amounts to maladministration.' It could also give rise to a legal challenge of any decision by Judicial Review.

PART 2 : THE DECISION MAKING PROCESS

1. Pre-Application Discussion

- 1.1 Councillors should not, themselves, seek to advise applicants or agents about the likely acceptability of planning proposals. They should advise prospective applicants to contact the appropriate Officer for advice on both merits and procedures. If Councillors do give an indication of their initial reaction to a proposal they should make clear that they will only be in a position to take a final decision after having considered the officer's reports and any representations, and heard any debate at the Committee meeting.
- 1.2 Councillors must not have discussions with applicants or agents in connection with major or contentious proposals or enter into negotiations about such proposals either prior to or after the submission of an application, unless at least one Professional Officer is present. Such meetings must be arranged through the Chair of the Committee who will ensure that the appropriate officers are present.
- 1.3 A note will be taken of any such meetings held. This will be put on the office working file and will constitute a Background Paper for the purposes of the Access to Information Act. The fact that Councillors have discussed any such proposal with the applicant or objectors must

be made clear when the application is before the Committee for determination.

2. Reports to Committee

- 2.1 Officer reports to Committee should be concise, clear and accurate, avoid the use of jargon, and cover all the relevant policies, considerations and issues, the views of consultees and objectors. Members must have regard to any planning policies or national advice e.g. PPG's, referred to in officers' reports. Reports should contain a clear written recommendation.
- 2.2 All relevant information, material to the decision to be made, which has been received prior to 16:00 on the working day preceding of the meeting, will be summarised in an 'Update Sheet' circulated prior to the meeting commencing. Information received after 16:00 on the working day preceding the meeting will not normally be reported or taken into account.
- 2.3 Amended plans and additional information of a substantive nature submitted to overcome an identified objection can only be taken into account if they are received in time for the amendment to be properly assessed by the Council's Officers, this will be a minimum of 5 working days prior to the committee meeting. A further site inspection or further consultations may be necessary. Only minor amendments can be taken into account after the Agenda has been printed.

3. Decisions Called In for Determination by Committee

- 3.1 Where Members wish an application to be determined by the Committee rather than through powers delegated to the Strategic Director of Communities and Environment, members must complete a pro forma supplied by the Strategic Director of Communities and Environment giving clear reasons for the request and identifying full and clear planning reasons for "calling in" the application.

4. The Committee's Decisions

- 4.1 The Committee's decisions must be in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. Where Members propose to make a decision contrary to the officer recommendation, the proposer must set out clearly the reasons for so doing. The Chair will ensure that the planning officer is given an opportunity to comment before a vote is taken.
- 4.2 Any decision contrary to the provisions of the Development Plan or officer recommendations must be clearly justified and recorded. The personal circumstances of an applicant will rarely provide such grounds.
- 4.3 There should be good and substantial planning reasons which need to be formulated and recorded as reasons for refusal of planning applications, contrary to officers' advice. Members should be aware that in the event of an appeal, an order for costs could be made against the Council for unreasonable behaviour in, for example, failure to substantiate reasons for refusal, or failure to take into account relevant policy statements, and in the matter having to be determined by the Inspector or the Secretary of State.

- 4.4 In the event of an appeal against the refusal of permission Members should have an opportunity to support the Council's case, irrespective of whether or not the decision was contrary to recommendation. Where a refusal is against recommendation and is subject to an appeal, then it may be appropriate in certain instances for a Member or Members to form part of the team representing the Council at any subsequent hearing or inquiry.

5. Councillors Invited to Committees

- 5.1 Any Ward Member, not on the Planning Committee, who is invited to address the committee in respect of any application shall be aware that the committee will only take into account any material planning considerations in determining the application. Furthermore, that Members shall be required to comply with this Code of Practice in addressing the committee.

6. Public Speaking on Planning Applications

- 6.1 National guidance and indicators encourage Local Authorities to enable applicants for planning permission or their representatives, and objectors or their representatives, to be given the opportunity to attend the Planning Committee to express their views on planning applications.
- 6.2 In accepting the principles of public speaking on planning applications, the Council wish to ensure that the enhanced role of non-regulatory committee members is recognised. Such members are best placed to act as advocates, either for or against proposals, and speak on behalf of the local community. Further guidance will be provided on public speaking on planning applications and will be appended to the Code of Practice in due course.

7. Committee Site Visits and Deferments

- 7.1 The decision on any application should not be deferred without proper justification. Justification for deferring a decision might be to ensure that all the proper consultation procedures have been followed, or to secure amendments, without which the application would have to be refused. However, where an amendment would be significant a fresh application should be requested since re-consultation/re-notification of interested parties will also be necessary.
- 7.2 Any requests for Committee site visits must be justified in planning terms. The reason for deferring for a site visit must be clearly set out by the proposer and recorded in the Minutes.
- 7.3 Site visits must be carried out in accordance with the Council's agreed procedures (see separate procedure note - Appendix II). Applicants, agents, objectors or other parties will not be allowed to make representations at a site visit.

PART 3 : ADMINISTRATIVE MATTERS

1. Member Training

1.1 In accordance with Council policy, all Councillors are required to attend annual training sessions. Members who do not participate in training will be excluded from voting on planning matters. Members will be given regular updates to keep them informed of important changes in legislation, procedures or practices either verbally, at meetings, or as briefing notes (for example in the Members Information Bulletin).

1.2 A record will be kept by the Chief Executive of the training undertaken by each Member. The Monitoring Officer will be advised of any Member who fails to meet the training requirements determined by the Council.

2. Record Keeping

2.1 The planning application files should contain sufficient information itemising events so that the reason for the ultimate decision can be understood by anyone who reads the file without a detailed knowledge of the application. However, only 'Background Papers' as defined in the Access to Information Act, are automatically available as of right to third parties. This would include in addition to the application documents and associated letters, and supporting information, replies from consultees and letters from objectors.

3. Monitoring of Decisions

3.1 The Planning Committee will monitor planning decisions taken, on an annual basis, both in terms of quality and consistency.

3.2 A review of decisions will take place each year (normally in June). This will include a sample of a broad range of categories of applications and sample appeal decisions, enforcement cases and, where appropriate, Listed Buildings and advertisements. The results of the monitoring will be summarised and reported to the Committee along with any recommendation to improve quality, consistency or performance. The monitoring report will also be submitted to the Performance Scrutiny Committee.

4. Monitoring of Appeals

4.1 All notification of appeals against refusal of consents will be reported to the Planning Committee for comment and consideration of Member involvement.

4.2 All notification of appeal decisions, including any awards of costs, will be reported to the Planning Committee. The Performance Scrutiny Committee will also receive regular reports on appeals and the decisions thereon.

5. Complaints

5.1 Any complaints received in writing about the way in which a planning application or other planning matter have been dealt with in terms of procedures or fairness, will be investigated under the Council's Complaints Procedure. The fact that someone may disagree with the decision the Council has reached is not a complaint which will necessitate investigation as such, although officers will endeavour to explain the reasons for the Council's decision in any particular case.

- 5.2 Where any complaint about a Council decision made contrary to the officer's recommendation is received, a copy will be forwarded to the Chair of the Committee.

Probity in Planning: Code of Practice - Appendix I

Planning Committee Procedures

This note sets out the procedures to be followed by the Council's Planning Committee in determining planning applications. These procedures have evolved in order to ensure that most applications can be determined within the handling targets set by the Government, whilst at the same time ensuring that Members have before them all relevant information and responses.

Local Planning Authorities are judged nationally on the percentage of applications they are able to determine within set timescales. Any applications deferred by the Committee will therefore have a significant effect on the Council's overall performance figures, and could contribute to the risk of the Local Planning Authority being put in 'special measures'.

1. Standing Orders

The Council Procedure Rules will apply to the conduct of business, unless suspended by resolution of the Committee. Any suspension of Council Procedure Rules shall be for the duration of the discussion of the specified item(s) under consideration only.

2. Decisions on Items in the Planning Report

The Chair will call each item in the report. No vote will be taken at that stage unless a proposition is put to alter or amend the printed recommendation. Where a proposition is put and a vote taken, the item will be decided in accordance with that vote. In the case of a tie where no casting vote is exercised the item will be regarded as undetermined.

At the end of the Planning Report on all applications the Chair will put a proposition that the report and recommendations therein, with the exception of any items previously voted upon (including those items that remain undetermined) be adopted, and that the wording of any new or amended conditions or reasons for refusal be delegated to the Chief Planning Officer.

3. Expiry of Representation Periods

In order to avoid unnecessary delay in determining applications some applications may be reported to Committee prior to the expiration of the formal consultation/notification period. However, no decisions will be issued until the relevant period has expired.

In cases where recommendations are headed "Subject to no contrary representations being received by [date]" a planning permission will not be issued where representations are received within the specified time period which relate to matters not previously raised. The application with the representations received within the prescribed consultation/notification period will be presented to the next available meeting of the Committee for determination.

4. Update Sheets

Any information received after the preparation of the planning report, which is relevant to the determination of an application will be summarised on an update sheet circulated immediately prior to the commencement of the meeting, provided that such information is received by the Planning Department by 16:00 on the working day preceding the Committee Meeting. Information or documents received after 16:00 on the working day preceding the meeting will not normally be reported or taken in account.

5. Amended Plans

Amended plans received after the preparation of the printed Committee Report will not normally be able to be taken into account in determining an application, unless they are able to be checked carefully by the Council's officers, and involve only minor changes to a proposal which would not necessitate re-consultation to neighbours or other interested parties.

Amended plans seeking to overcome a reason for refusal of an application set out in the printed Committee papers will rarely be able to be taken into account, since there will be insufficient time for officers to assess the proposals and carry out consultations.

In such cases the Committee should normally determine the application as submitted and, where appropriate, advise the applicant that a fresh application should be submitted.

6. Deferments and Site Meetings

Decisions on applications should not be deferred by the Committee, unless it is to enable information to be obtained which has not previously been requested, or where Members feel that they are unable to accept the officer's advice without assessing a proposal on site.

The reasons for a deferment should be clearly set out by the proposer and recorded in the Minutes. Applications should not normally be deferred to request or consider amended plans since re-assessment, re-notification and re-consultation will normally be necessary, which ought to be secured by means of a fresh application.

NB The protocol for the Members Site Visits is set out in Appendix II.

7. Statements by Members at Committee

Members should not seek to report to the Committee information they may have been given or told by applicants or a third party, which has not been submitted to the Planning Department in connection with the application under consideration. To do so could lead to the Committee being materially misled, and it may be that such hearsay information, if submitted in advance, would have resulted in officers recommending planning conditions or restrictions in a legal agreement.

8. Clarification and Correction of Information by Officers

Where statements are made by Members at a Committee meeting in relation to any particular application, the Chair of the Committee should give the Officers present the opportunity to seek clarification, or to comment upon or correct anything which has been said, prior to the item being put to a vote.

9. Circulation of Unofficial Documents at Committee

The only documents which may be taken into account in determining a planning application are those submitted formally to the Planning Department, in connection with the application under consideration.

Councillors, applicants or third parties must not circulate other papers to Members in the Committee Room/Chamber, prior to or during the meeting. All documents need to be seen by the Council's officers prior to 16:00 on the working day preceding the Committee Meeting, so that they can be properly assessed and incorporated in the 'Update Sheet.'

Taking into account letters or documents which have not been submitted as part of the application could result in the Council's decision being challenged.

10. Declaration of Letters and Documents Received by Members

Any Member receiving a letter from or on behalf of an applicant or third party, in connection with an application before the Committee, should establish whether the letter has first been formally submitted to the Council (via the Planning Department), and if not the Member should declare receipt of such letter or document to the Committee prior to any decision being taken on the application.

11. Decisions Contrary to Officers Recommendations

Where a proposition is put contrary to the officer's written recommendation (or amended recommendation on the Update Sheet) the proposer must set out clearly the planning justification in support of the proposition and, as appropriate, the proposed reasons for refusal or the principal conditions to be imposed.

The final formal wording of reasons for refusal and planning conditions shall be delegated to the Strategic Director of Communities and Environment to determine, and shall appear in the official Minutes of the Meeting reported to the Council.

12. Background Papers

For the purposes of Section 100 (d) of the Local Government (Access to Information) Act 1985 all consultation replies listed in the planning report, along with the application documents and any accompanying letters or reports submitted by the applicant, constitute Background Papers which are available for inspection following publication of the Committee report, unless such documents contain Exempt Information as defined in the Act.

CITY OF LINCOLN COUNCIL

PLANNING COMMITTEE

SITE VISITS CODE

1. Introduction

- 1.1 This Code has been prepared following recommendations from the Probity in Planning Audit 1999/2000. The recommendations from that report sought ground rules for transparency to be established and for a site visit code.
- 1.2 This code therefore covers the procedures to be followed when a site visit is required or requested; circumstances when site visits may be necessary; arrangements for and attendance on visits; protocol covering conduct on site through to final decision.
- 1.3 Much of what follows is generally already followed as standard in Development Control but it has not, to date, been recorded as a standard procedure. Based upon the District Audit recommendations and agreed actions, this code is for inclusion into the Planning Code of Conduct - which has been dependent on Corporate progress following national requirements for a general code for Members of the Council. The Planning Code of Conduct was described as being a need for a clear statement to stakeholders about what to expect from decision makers.

2. The decision to hold a site visit

- 2.1 The general philosophy behind the Scheme of Delegation and reporting to Committee is that Committee considers only those applications where any one of the following apply:
 - a) a planning related objection is received and there is a recommendation to grant,
 - b) the application is contrary to Plan policy or adopted guidance and there is a recommendation to grant,
 - c) the application site has a significant or controversial planning history or Committee consideration history.
- 2.2 When an application comes to Committee, the written report should clearly set out all material facts, assessment and recommendation.
- 2.3 Notwithstanding the desire to improve presentational techniques at Committee to reduce the need for site meetings there will still be occasions where a visit is desirable and necessary. Whilst these have traditionally been triggered by a Committee decision having considered a report leading to a recommendation it is clear that this route adds delay to the process. If there is a clear understanding that a site inspection is going to be necessary to help the consideration and determination of a proposed development then, with the approval of the Chair, Members or Officers will be able to suggest that a site visit takes place. An example of this may be to understand the complexities of issues associated with a Masterplan which need to be fully understood within the townscape context.
- 2.4 In view of the overall target of determining all applications within 8 weeks, and the local Performance Indicator of recording and monitoring reasons for delay - site visits should be restricted to those matters where it appears essential and a case can be recorded

sufficient to justify the delay if a deferral and site visit would take the application determination period outside of 8 weeks.

- 2.5 Most often, the reasons for a site visit have been given as Members needing to familiarise themselves with site distances or relationships on contentious proposals when the considerations appear to be weighted evenly or when objections need to be assessed on the ground and for Committee to seek a compromise in a direction which may not have been considered before.
- 2.6 The recorded reason for an inspection should give a clear brief for the site visit to inform the applicant and interested parties, and to indicate any additional Officers which are required to attend.
- 2.7 Delays attributed to deferrals for site visit is less than 3% of out of time applications for the period Jan to June 2001. In that period, 75% of decisions were delegated and therefore were not determined by Committee.

3. Checklist for arranging Committee site visit

- 3.1 The applicant/agent should be advised in writing of the decision to hold a site visit and of the recorded reason. A target should be established that this letter will be despatched [e-mail] within a defined number of days following the Committee decision.
- 3.2 Similarly, consultees who have expressed an interest [objected] to the scheme, or who may have requested that the Committee hold a site visit should receive notification within the same timescale.
- 3.3 Both the applicant and 'objectors' letters should contain, mostly standard, paragraphs - as appropriate, setting out the following:
 - ◇ date, time, reason for site visit [normally 4.15pm on the afternoon of the next scheduled meeting although in winter months an earlier time will be necessary to ensure sufficient daylight].
 - ◇ requesting permission to enter site [with their confirmation in writing.
 - ◇ how the visit will be conducted [see para.4].
 - ◇ that Committee may wish to see the site from a particular vantage point [objectors' house] and would it be convenient etc.
 - ◇ that it is not expected that Committee will wish to hear from either side on the pro's and con's of the of the application, but they may have factual questions for them.
- 3.4 Any additional Officers to attend, which had been identified by Committee, should receive confirmation of arrangements.
- 3.5 Officers will be responsible for ascertaining any particular Health and Safety requirement i.e. protective clothing and providing it.
- 3.6 Final arrangements, confirmation of permissions, any special entry arrangements will be confirmed by the Case Officer by a telephone call a few days before the scheduled visit.

- 3.7 On multiple site visits, the Chief Development Control Officer in consultation with the Chair will agree the order of inspections, intended purely to achieve the most efficient route between sites.

4. Procedure on site

- 4.1 Members have traditionally made their own way to the site visit. Where additional arrangements are necessary to transport the Committee 'en bloc' the Chief Executive will arrange coach hire.

4.2 The visit is 'chaired' by the Chair of the Committee but it is not a formal meeting. Formal considerations of the application are undertaken in Committee at the public meeting to follow.

- 4.3 The Chief Development Control Officer, out of courtesy, advise the applicant/agents that a visit is taking place. That Officer will also, at the conclusion of the visit, advise the same that the meeting is finished. Will also go to any other properties who might have been expecting a visit - to let them know that, for example, Committee have left and they chose not to go to other properties.

- 4.4 Generally, the CDCO would introduce item to assembled Members, recount application, objectors, reason for visit and be able to answer any questions.

- 4.5 Under the leadership of the Chair, Members endeavour to stay together so information can be shared by all.

- 4.6 Applicant or other interested parties may listen to the proceedings. There should be no communication between Members and these parties, in common with formal meetings, unless the Members have questions for them which are necessary to attain facts not opinion.

- 4.7 There are occasions when applicant will need to accompany the group around a site at all times [Health & Safety] and Officers will ensure all necessary Risk Assessments are in place. Refer to para 6.

5. After the site visit

- 5.1 Consideration of the application the subject of a site visit will follow at the Committee meeting immediately after the visit.

- 5.2 An existing Officer recommendation would not normally have changed between the resolution to undertake a site visit and the finalisation of the report to be considered following the site visit.

- 5.3 Due to the compact nature of the City of Lincoln and detailed knowledge by Members of the City it is reasonable for Members to decide what role they can play in the decision making process if they have not been able to attend the site meeting. Each Member must exercise discretion when, because they feel insufficiently informed, to take a reasonable and active role in the determination.

- 5.4 The debate and resolution on the application, the subject of the visit should, in the minute, record the reason for the visit and the debate and decision which followed it at the committee meeting.

6. Health & Safety (Independent Visits)

- 6.1 If a councillor is unable to attend the committee site visit for any reason and chooses to access the site independently where the site can be viewed from a public area, he/she should adhere to the protocol established for site inspections respecting the principle that no communication takes place with other parties.
- 6.2 Where a visit requires access to a site beyond a public area independent site visits should not be carried out. To do so would raise probity issues and potentially places the councillor at a Health and Safety risk

Protocol on Public Speaking

COMMENTING ON PLANNING APPLICATIONS AND PUBLIC SPEAKING AT PLANNING COMMITTEE

1. YOUR CHANCE TO COMMENT

Finding out what members of the public think about new development and planning applications, is a fundamental part of the Development Control Service. The City Council aims to consult as widely as possible, in order that the views and opinions of local citizens can be considered when the City Council is determining whether planning permission should be granted or not.

In addition to consulting the general public, the City Council also has a responsibility to consult a range of statutory consultees. These can include:

Highway Authority
Environment Agency
English Heritage
Anglian Water

Anyone can comment on a planning application. The plans and other information submitted as part of the application are available to be viewed at the reception of the Planning Department in City Hall.

- You can comment in writing, by e-mail, by fax or on audio cassette tape. We cannot accept formal comments over the telephone as they could be misinterpreted.
- There will always be an officer to help you at Planning Reception, but if you need to speak to a Planning Officer you may need to make an appointment.
- You may also wish to discuss your concern with your Ward Councillor, who may wish to support your objection in writing.
- If you are genuinely unable to come and see the application e.g. you are unwell or infirm, contact the Planning Officer who will be able to send you the plans or visit you.
- We will disregard any objections and comments containing racial abuse or racist views or defamatory comments.

Relevant Comments

When making decisions on planning applications, the Council can **only take into account relevant planning matters**.

These include whether:

- The proposed use is a suitable one for the area.

- The appearance and size of the new building is in keeping with the surrounding area.
- The external alterations are in character with the existing property
- Adjoining properties will be overshadowed or overlooked, or will suffer a loss of privacy.
- There will be any increase in noise and disturbance e.g. from extra traffic or other activities (but not associated with the construction works).
- There is adequate car parking.
- The new roads and access are safe for road users and pedestrians.
- Any advertisement would be too brightly lit or out of scale with its surroundings.
- The proposal accords with planning policies contained within the City of Lincoln Local Plan.
- The proposal takes proper account of the effect on established trees which have amenity value within the site.

We cannot take into account:

- ✖ Loss of your view.
- ✖ Boundary and other disputes between neighbours.
- ✖ Loss of trade from individual competing companies.
- ✖ Loss of value to your property.
- ✖ Moral objections e.g. to betting shops or amusement arcades.

All relevant comments will be taken into account when reaching a decision on a planning application and will be recorded on the planning application file (which is a public document available for anyone to look at).

Delegation

Not all applications are considered at Committee. Only those where:

- the application is recommended to be granted and objections have been received
- Councillor asks for the application to be considered at Committee
- the decision is finely balanced

The same criteria will apply to those applications which have a request for someone to speak on them. Therefore a request to speak will not necessarily guarantee that the application is considered at Committee.

2. PROCEDURES AT COMMITTEES

We support public debate about planning applications and allow for the principle that people may be better able to communicate their views if they are not limited to making comments in writing. For those applications considered at Committee, public speaking allows those directly affected by the planning process a chance to have their say.

The remainder of this leaflet answers a number of basic questions about how the system for public speaking at Planning Committee works at the City of Lincoln Council.

Who can speak?

A member of the public or their spokesperson who wishes to object to or support an application will be given an opportunity to do so providing the arrangements set out below are complied with. An applicant or agent appointed to deal with the application will be given the opportunity to reply to an objector's presentation.

- Public speaking will only be permitted where you are the applicant or agent or your comments have previously been submitted in writing within the consultation period (or in another approved form – see above) and the procedure for registering to speak has been complied with.
- The Democratic Services Officer must be notified by 4pm on the Tuesday immediately preceding the Committee meeting in either writing, e-mail, fax or by telephone. You must leave your name, address, a daytime contact number and details of the application. You must also indicate what your interest in the application is.
- The number of people permitted to speak will be limited to one from each side (i.e. either in objection or support). Where several people wish to speak on an application, the Chair will require that a spokesperson be appointed to represent the issues of the supporters or objectors as the case may be.
- If a member of the public speaks in support of an application or is objecting to an application, the Chair shall allow one member of the public a right to reply even if that member of the public has not given prior notice of their right to speak.
- No member of the public will be permitted to speak for longer than 5 minutes. Those people addressing the Committee will be advised when they have one minute of their allotted five minutes remaining. They will have to cease talking immediately on being advised that the five minutes are up.
- No member of the public shall distribute any photographs or other documentation at the committee meeting or raise any new issues.

If consideration of the application is deferred for any reason members of the public wishing to speak will be able to do so either at the meeting when the proposal is first considered or at the meeting following the deferral, or both.

Any Councillor may speak at Committee on behalf of the community either in support of a proposed development, objecting to it or, indeed setting out both points of view. They may then not be involved in voting for or against the proposal. These speakers will also not be permitted to speak for longer than 5 minutes.

3. ORDER OF BUSINESS

The Chair will open the meeting and invite Councillors to declare if they have an “interest” in any item on the agenda. The order set out in the written agenda will be followed as far as practicable but efforts to accommodate applications with speakers present will be taken.

- The Chair will introduce each item and advise the meeting of the recommendation.
- The Planning Officer will advise the meeting of any new relevant information and then the Chair will invite the speakers (including members) to present their views.
- The Committee will then consider the application and ask questions of the Planning Officer who will be allowed to make concluding remarks.
- The Committee will then vote on any proposition or amendment which is moved and seconded. The Chair will clearly communicate the decision to committee members, members of the public and others present, i.e. the press.

Members of the Committee will not speak or vote on any matter on which oral representations have been received from or on behalf of the applicant or any member of the public unless they have been present throughout the presentation of all such representations.

Code of Practice on Publicity for Planning Applications

Approved by the Planning Committee on 14 September 2016.

INTRODUCTION TO THE CODE

The planning system involves taking decisions about the use and development of land in the wider public interest having regard to the Development Plan, National Planning Guidance and other material considerations. Planning can be highly contentious because its decisions affect the daily lives of individuals, landowners and developers. This is heightened by the openness of the system and legal nature of Development Plans and decision notices. In considering planning applications and reaching planning decisions the requirements of the individual whether the applicant or a neighbour, have to be balanced against the broader public interest.

This is the Code of Practice of the City of Lincoln Council for publicity for applications made under all the Planning Acts. It is a local code, based upon local circumstances and it describes, in those areas where there is discretion over the manner in which planning applications are advertised in a locality, what the policy of this Local Planning Authority will be. This Code of Practice is designed primarily to assist officers in the Planning Service so that any elected Members, applicants, developers and interested members of the public can see the guidance that officers are working to.

The responsibility for advertising planning applications falls to local planning authorities (i.e. City of Lincoln Council). These legislative requirements for publicity can be found at

<http://planningguidance.communities.gov.uk/blog/guidance/consultation-and-pre-decision-matters/>. This Code is, therefore, largely concerned with the notification to neighbours of the receipt of a planning application and its publicity in a locality. Because the discretion is restricted by the planning legislation, this Code could be the subject of change if the legislation changes.

It is vital that the consultation process is consistent, as the level of publicity given to applications is often under scrutiny by the public and by Members.

DEVELOPMENT DEFINITIONS USED IN THIS CODE

‘Primary Application’

Developments which require or are accompanied by an environmental statement; applications which represent a Departure from the Development Plan or applications which affect a public right of way.

‘Major’ Applications

Developments which involve 10 or more houses or where the site area is greater than 0.5 hectare (1.24 acres); and in other cases where 1,000 sq.metres (10,700 square feet) or more of floorspace is created or where the site area is 1 hectare (2.47 acres) or more.

'Minor' Application

Those applications which are neither 'Primary' applications, or 'Major' applications.

Neighbour Notification

The legal requirements for neighbor notification are set out in Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.

15(5) and by giving requisite notice –

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or
- (b) by serving the notice on any adjoining owner or occupier.

15(10) In this article –

“adjoining owner or occupier” means any owner or occupier of any land adjoining the land to which the application relates

'Adjoining the land to which the application relates' – This is not further defined, but we are interpreting that as including land that adjoins a boundary of the land to which the application relates. 'To which the application relates' will include all adjoining land where the development is located. So for a front dormer application or a front extension to a house, an adjoining property to the rear would count as land to which the application relates.

Letters remain an effective method of notification, when properties may be affected and the owners/occupiers are unknown. They are considered necessary for hard to reach communities and residents without access to the internet. For this reason, even though they are more expensive to administer than site notices, we will use letters for adjoining land to which the application relates and any others close by that are directly affected. (Wherever an e-mail address is known, e-mail will be used for notification in preference to a letter, as it is much quicker and can provide a link to the relevant documents on the web site)

1.0 Application publicity

- 1.1 For the purposes of this Code, the previously referred to definitions of Primary, Major and Minor applications are employed here.
- 1.2 For Primary applications, the City Council will publish a press notice, post a site notice and undertake individual Neighbour Notifications.
- 1.3 For Major applications, the City Council will publish a press notice, post a site notice and undertake individual Neighbour Notifications.
- 1.4 Wider neighbour notification will be appropriate where the development proposed is considered to have the potential for widespread impacts, such as a major development leading to significant traffic increases or the proposed development being widely visible and potentially visually obtrusive.

Wider notification of adjacent residential properties that might be affected by the development proposed is considered to be appropriate for the following development types, for example:

- Hot food take-aways
- Bars
- Nightclubs
- Telecommunication masts
- Wind turbines
- Industrial polluters
- Traveller's sites

‘affected’ – refers to material planning considerations only.

This list refers to significant applications – new uses, extended hours, new flues etc. - not minor alterations, amendments, small apparatus, condition discharge, non-material amendments etc.

How:

Typically, wider neighbour notification will be achieved through residents, businesses and community groups registering with the Council their interest, statutory advertisements in the local press (where required), and media coverage.

Where wider neighbour notification is considered appropriate, letters will be sent to adjacent residential properties.

‘adjacent’ – means nearby properties and those directly opposite.

Where considered relevant, notification will include additional site notices on the immediately surrounding main streets affected. Whilst letters are considered desirable to reach all occupiers of residential

properties, for non-residential properties it is reasonable to rely on site notices. The Council will determine the appropriate mix of measures.

- 1.5 For Minor applications, the City Council will undertake individual Neighbour Notification.
- 1.6 If there has been a recent similar application in the previous three years, this will be examined and any consultees community groups/elected representatives that might possibly still have an interest, including the secretary/chair of an action group and the organiser of a petition will also be notified. Wider notification will be in accordance with this Code of Practice, not a repeat of historic practices.
- 1.7 All supplementary and amended plans submitted are scanned as soon as possible after submission and indexed to identify them on the Council web site. The case officer will judge when substantial amendments or amendments which may significantly worsen or add new areas of concern for neighbours merit an additional round of individual neighbour notification to those directly affected by the amendment. A reduced consultation period may be reasonable if the content of the proposal is still broadly similar, but any reduced consultation period shall never be less than seven days from the date of the notification letter or site notice.
- 1.8 The accuracy, extent and coverage of Neighbour Notification will be checked at the time of the Case Officer's site visit. Any additional notifications required would then be initiated.
- 1.9 The occupiers of the properties which are the subject of development proposals will be notified when those persons are not the applicants and where there is no obvious relationship between them and the applicant.
- 1.10.1 In addition to those individual Neighbour Notifications described above, the Council has a local list of local amenity, special interest and other interested parties to notify specified types of application.
- 1.10.2 Following the introduction of the new public access system the Council will encourage all local amenity, special interest and other interested parties to register to use the system. Public access will allow users to choose the exact area and type of applications they are interested in and submit comments online. Those who register on the system will be notified weekly of the applications they have chosen to be notified of. A tracking option is available which allows users to identify applications they are most interested in and will be notified when the status of an application changes. Existing local amenity societies etc will also be encouraged to use the new system.

1.10.3 To register for public access please go to the following website and choose the register option <https://development.lincoln.gov.uk/online-applications>. Or contact the development team between the hours of 9am to 4.30pm Monday, Tuesday and Thursday, 10am to 4.30pm Wednesday and 9am to 4pm Friday who can take you through registration step-by-step or register for you.

1.11 The application form and plans can be viewed online by visiting our website <https://development.lincoln.gov.uk>. The application file can be inspected at City Hall, by appointment, between the hours of 9am to 4.30pm Monday, Tuesday and Thursday, 10am to 4.30pm Wednesday and 9am to 4pm Friday. Appointments and enquiries can be made by contacting the Development Team on (01522 873474/873484) during the above hours.

Anyone unable to attend the Council Offices, for instance due to mobility difficulties, and do not have access to a computer, a copy of the application can be posted or it may be possible for a Planning Officer to visit their home to explain the proposal.

2.0 Response Time

2.1 Legislation requires that an application shall not be determined before the end of a period of 21 days beginning with the date when a site notice was first displayed and before the end of a period of 21 days beginning with the date the notification was first sent to an adjacent occupier.

2.2 The City Council will go beyond this minimum requirement in that letters of notification to neighbours from this Authority will give a 'response required by date' which is 23 days from the date of that letter.

2.3 Letters of notification to neighbours from this Authority will indicate the existence of the 'Scheme of Delegation' and emphasise that no positive decision will be taken under 'delegated powers' until the 'response required by' date has passed.

2.4 All applications submitted to the department are delegated to the Planning Manager unless one of the following occurs:

- four planning related objections are received from consultees and there is a recommendation to approve;
- the application is contrary to Plan policy or adopted guidance and there is a recommendation to approve;
- the application site has a significant or controversial planning history or committee consideration history;
- the application has been submitted by/on behalf of an officer or Member of the Council
- a request from any Member is received for it to be determined by Committee; or,

- where the Planning Manager decides not to exercise his delegation.
- 2.5 It is important therefore that objections to an application are received prior to the date specified in the consultation letter, otherwise the Council may progress to a delegated decision.
 - 2.6 Applications for determination by Committee will not normally be presented to Committee for determination before the expiry of the periods given in 2.1 and 2.2 above. However, there may be occasions where that application would not be determined within the prescribed eight week period if it has to await the next scheduled Committee. In these instances it may be presented to an earlier Committee, with any decision being delegated to the Planning Manager to take upon the expiry of the periods given in 2.1 and 2.2 above. If further representations are received which raise new issues which have not previously been considered by Committee, they will be reported to the next available Committee.
 - 2.7 The contents of letters of representation received by the specified date in any publicity will be taken into account when an application is determined and reported to Committee taking the decision where relevant. The relevance of any comments to the application will be explained to Committee Members where appropriate. Representations received after the publication of the written report, will be copied onto the update sheet for Committee, if received before 4 pm on the day before Committee.
 - 2.8 The receipt of letters of petition after the publication of the report (with more than one signature from more than one household) will be copied onto the update sheet for Committee, if received before 4 pm on the day before Committee.
 - 2.9 The public also have the opportunity to speak at Committee and present their views on a particular application. Notification of when the application is to be considered by the Planning Committee and how to register to speak at Committee will be made to those who have commented on the application.
 - 3.0 Notification of Outcome
 - 3.1 All representations received in response to publicity will be acknowledged within a reasonable period of receipt.
 - 3.2 The Authority will continue its present practice of notifying the senders of representation of the outcome of an application, once the decision has been released to the applicant; this will be undertaken as soon as reasonably possible. A copy of the decision notice will be available to view on the website once the decision has been issued.

- 3.3 The receipt of a petition, likewise, be acknowledged. When a decision is taken the originator of the petition will be advised of the outcome and where the identity of the originator is not clear, the acknowledgement and notification will be sent to the first signatory of the petition.

4.0 Amendments to applications

- 4.1 Non- material amendments are applications which propose a minor change to an approved scheme. Dependent on the context of the overall scheme - what may be non-material in one context may be material in another.
- 4.2 The Local Planning Authority has discretion in whether and how they choose to inform other interested parties or seek their views on non-material amendments. As by definition the changes sought are non-material, it is not expected that consultation or publicity would be necessary. This would be down to the Case Officers discretion.
- 4.3 Minor Material amendments will be publicised at the level consistent with this Code and an application for planning permission.

5.0 Post Decision Making Process

- 5.1 Once an application has been determined the applicant has a certain time period to implement the permission usually 3 years. The Council monitors the process through building regulation records and writing to the applicant. If it is suspected that development is taking place that is not in accordance with the approved plans you should contact the Enforcement Team at planningenforcement@lincoln.gov.uk or on 01522 873296.
- 5.2 Complaints received will be treated in confidence and the complaint thoroughly investigated. Complainants will be kept informed about how the complaint is being investigated and any decisions that are taken. Liaison will take place with other agencies and bodies that may have an interest in the investigation.
- 5.3 As a principle, we will negotiate where possible to find solutions to breaches of planning control and we will ensure that enforcement action is proportionate to the impact of the unauthorised development.

6.0 Other application publicity

- 6.1 Applications for the approval of any or all of the 'reserved matters' (siting, design, external appearance, landscaping and means of access), following the grant of an outline planning permission, will be publicised in accordance with this Code.
- 6.2 The commitments to publicity of applications outlined above are not changed by the existing requirements for other applications such as

those relating to listed buildings or in conservation areas. In addition to the statutory requirements applications will also be publicised in accordance with this Code, unless to do so would duplicate the notification process.

- 6.3 We do not neighbour notify for advertisement applications, unless the advertisement proposed is particularly obtrusive, such as a large hoarding directly opposite residential properties.

7.0 Proposals by Lincolnshire County Council and City of Lincoln Council

- 7.1 Applications deemed to have been made by City of Lincoln Council will be publicised by this planning authority in accordance with this Code.

- 7.2 The City of Lincoln Council will request that the proposals of Lincolnshire County Council are publicised by that Authority in accordance with their Statement of Community Involvement.

8.0 Consultations from other Local Planning Authorities

- 8.1 The receipt, by this Local Planning Authority (City of Lincoln Council), of consultations from neighbouring local authorities for proposals adjacent to or straddling the City boundary will be publicised by the City of Lincoln Council in accordance with this Code, unless it is clear that publicity has already been undertaken which fulfils its requirements.

9.0 Data Protection

- 9.1 Planning applications are open to the public and press and any letter/online comments you send us will have to be made available for public inspection and published on our website in order to comply with the Local Government (Access to Information) Act 1985. For this reason, **comments cannot be treated as confidential**. Please ensure that you only provide information, including personal information belonging to you that you would be content to be made available to others in this way. You must also ensure that you have read the guidance notes regarding the 'Confidentiality of your Comments and Compliance with the Data Protection Act 1998 (DPA)' available at www.lincoln.gov.uk/CommentsPrivacy (attached as an addendum to this report) before you return any comments to us.

Part 6: Members' Allowance Scheme

MEMBERS' ALLOWANCES

(with effect from 1 April 2025)

- **Introduction**
- **Who to Contact**
- **Income Tax & National Insurance**
- **Register of Allowances Paid to Members**
- **Local Government Pension Scheme**
- **The Scheme**

ALLOWANCES TO MEMBERS

1. Introduction

Allowances available to Members fall into two categories:-

- (a) Basic Allowance and Special Responsibility Allowance (where appropriate), both of which are paid automatically by monthly instalments, directly into Members' bank accounts.
- (b) Travel and Subsistence together with Childcare and Dependant Carers' Allowances have to be claimed on the claim form via iTrent and assistance can be provided by the Payroll Team. You should submit claim forms on the 15th day of each month (or within three days for inclusion with the payment of the following month's basic allowance). Claims must be made within two months of the date of the duty for which allowances are claimed.

You will receive a payslip detailing the amount of any Income Tax and National Insurance deductions made and the amount which has been paid into your bank account.

2. Who to Contact

The Payroll Section within the Chief Executive and Town Clerk's department will give Members help on any matters in connection with Members' Allowances and Members should feel completely free to contact that office at any time. Payroll deal with Members' Allowances and will be only too happy to help with any enquiries.

3. Income Tax & National Insurance

- (a) Basic Allowance and Special Responsibility Allowances are liable for Income Tax and National Insurance.
- (b) Travel allowances for Members will be subject to tax and National Insurance contributions as appropriate.
- (c) Day subsistence allowances are not taxable if paid for a period of attendance at a meeting or conference which had been deemed an approved duty.
- (d) Payroll receive a personal tax code for each Member from HM Inspector of Taxes. In some cases, it will be necessary for newly elected councillors to complete various forms for the City Council and the Tax Office.
- (e) Councillors who suffer tax deductions on their allowances may be eligible to claim tax relief in respect of expenses incurred. A

series of “Agreed Expenses Allowances” are negotiated with the Inland Revenue each year.

Details, once agreed, will be provided by the Payroll Section.

Other expenses may attract tax relief but no Standard Rate has been agreed with the Inspector who should be consulted in this respect.

Members wishing to claim tax relief should consult Inland Revenue.

Political expenses do not attract tax relief.

- (f) National Insurance deductions will arise when the payment in any month exceeds the thresholds set by the relevant Government Department.
- (g) Certain married women and widows may have already elected to pay the reduced rate of contribution. Any female Member who has so elected and holds a reduced rate certificate should forward it to the Payroll Section immediately. Members who have reached retirement age (65 for men and 60 for women) and have retired should be eligible for the status of non-liability, thereby being exempt from deductions. Exemption certificates are obtainable from the local office of the Benefits Agency appropriate to the Member’s home address and should be forwarded to the Payroll Section immediately.
- (h) For National Insurance purposes it is necessary for a record to be held of each Member’s date of birth and National Insurance number. Please supply this information to the Chief Finance Officer.
- (i) The pensions of Members who are retired may be affected by the payment of allowances, as a result of the earnings rule. Members who are pensioners are advised to obtain information on their personal position at their local Benefits Agency office.

4. Local Government Pension Scheme

Councillors are no longer able to join the Local Government Pension Scheme. Any historic benefits are available to previous contributors in accordance with relevant legislative and contractual rights.

5. Register of Allowances Paid to Members

This statutory register is maintained by the Payroll team and is open to inspection by members of the public (including the press and other media) who are local government electors in Lincoln.

The 2003 Regulations require annual publication, at the financial year end, of certain allowances paid to each Member.

Members' Allowances and Travel and Subsistence Scheme

1. General

- 1.1 The Members' Allowance Scheme for the City of Lincoln Council has been prepared in accordance with the Local Authorities (Members' Allowances) (Amendment) Regulations 1995, the Local Authorities (Members Allowances) (England) Regulations 2003 and other appropriate legislation.
- 1.2 This scheme is effective from 1 April 2025 until 31 March 2026. It is applicable to all elected Members of the City of Lincoln Council.
- 1.3 Within the scheme "year" refers to the financial year ending on 31 March and "day" or "daily" refers to a 24-hour period beginning at 3am as specified in Regulations.

2. Allowances

There are three types of allowance which are outlined below. The power to pay attendance allowance was abolished from 28 July 2001.

- 2.1 Basic Allowance – Payable to all elected Members. The amount for each year is shown in Schedule 1 to this scheme.
- 2.2 Special Responsibility Allowance – For each year, a Special Responsibility Allowance shall be paid to those Members who hold posts in Schedule 1. The amount for each post is also shown in Schedule 1.

In the event of one Member holding more than one specified post, only one Special Responsibility Allowance, whichever is the greater or greatest, shall be paid.

- 2.3 Basic and Special Responsibility Allowances are paid in respect of each year or part year.
- 2.4 Childcare and Dependant Carers' Allowance – An amount of £5 per hour may be claimed for each child or dependant who requires cover whilst a Member undertakes their duties. Payment will be made following submission of receipted invoices.

3. Renunciation

- 3.1 A Councillor may, by notice in writing given to the Payroll Section, elect to forego any part of his/her entitlement to an allowance under this scheme.

4. Travel and Subsistence

- 4.1 All duties for which travel and subsistence expenses can be claimed are outlined in Schedule 4 and the payment rates and procedures are reproduced in Schedule 3.
- 4.2 Any claim for travel and subsistence must be made on the claim form which is available from the Payroll team. The claim form must be supported by relevant receipts.

SCHEDULE 1 – Allowances

Basic Allowance

The Basic Allowance is £5,700 per member.

Special Responsibility Allowance

The table below shows the posts for which a Special Responsibility Allowance is paid together with the amount of payment per year. These allowances apply from 1 April 2025.

Special Responsibility	Allowance
Leader's Allowance	£11,922
Deputy Leader's Allowance	£7,710
Portfolio Holders	£6,309
Scrutiny Chairs	£4,908
Chair of Planning	£4,908
Chair of Hackney Carriage and Private Hire	£4,908
Chair of Audit	£4,908
Chair of Housing Appeals	£1,398
Chair of Personnel Appeals	£1,398
Chair of Licensing	£2,805
Chair of Ethics and Engagement	£1,398
Leader of the Opposition	£2,805

SCHEDULE 2 – Duties Eligible for Childcare and Dependant Carer's Allowance

- A meeting of the Executive.
- A meeting of a Committee of the Executive.
- A meeting of the Authority.
- A meeting of a Committee, Sub-Committee or Panel of the Authority.

CONDITIONS

An hourly rate equivalent to the highest bracket of the National Living Wage plus £1.00. Claims must be supported by a valid receipt. Payments to other members of the household will be excluded. Claims must be made to the Democratic Services and Elections Manager monthly. This change is detailed in Appendix A to the report.

SCHEDULE 3 – Travelling and Subsistence Allowances

TRAVEL ALLOWANCES

Public Transport

1. The cost of a standard fare for public transport will be reimbursed for approved duties, subject to the submission of a receipt or proof of purchase.

Private vehicles

2. Rates payable for travel by a private vehicle used by a Member and for official passengers will be those equivalent to HM Revenue and Customs Approved Mileage Rates for the time being. Rates and changes in rates will be notified to Members.

Members are responsible for ensuring that private vehicles used by them comply with all relevant legislation for the purposes for which they are used including safety, taxation and insurance.

3. Car parking and tolls will be reimbursed at the actual cost incurred with claims supported by receipts.

Taxi Cab

4. In case of urgency, or where no public transport is reasonably available:-
 - (a) the amount of the actual fare and any reasonable gratuity paid; and
 - (b) in any other case, the amount of the fare for travel by appropriate public transport.

Subsistence Allowances

5. The rate of subsistence allowance shall be:-
 - (a) In the case of an absence, not involving an absence overnight, from the usual place of residence of more than four hours for each meal claimed:-

(i)	Breakfast	£4.92
(ii)	Lunch	£6.77
(iii)	Tea	£2.67
(iv)	Evening Meal	£8.38

- (b) In the case of an absence overnight from the usual place of residence - £79.82, provided that for such an absence overnight in London, or for the purpose of attendance at an annual

conference including an annual meeting of the Local Government Association or such other association of bodies, as the Secretaries of State may for the time being approved for the purpose - £91.04.

Any rate determined under this sub-paragraph shall be deemed to cover a continuous period of absence of twenty-four hours.

7. The rates specified above shall be reduced by an appropriate amount in respect of any meal provided free of charge by an Authority or body during the period to which the allowance relates.
8. When main meals (i.e. full breakfast, lunch or dinner) are taken on trains during a period for which there is an entitlement to day subsistence, the reasonable cost of the meals (including VAT), may be reimbursed in full. However, in such circumstances, reimbursement for the reasonable cost of a meal would replace the entitlement to the day subsistence allowance for the appropriate meal period.

SCHEDULE 4 – Duties for which Travel and Subsistence may be claimed

Any attendance at a meeting or seminar outside of the City of Lincoln which has been deemed an approved duty.

Part 7: Member-Officer Protocol

A Protocol for Relationships between Members and Staff

1. Introduction

1.1 Mutual trust and respect between members and officers is at the heart of a Council's good governance. They are essential if the partnership necessary for the effective running of a local authority is to succeed.

1.2 In order to ensure that partnership continues both members and officers may benefit from guidance and a mechanism to address concerns before they are allowed to grow. This protocol aims to:-

- promote trust, openness, fairness and honesty by establishing some ground rules;
- to define roles so as:
 - o to clarify responsibilities (i.e. who does what),
 - o to avoid conflict, and
 - o to prevent duplication or omission;
- to secure compliance with the law, codes of conduct and a council's own practices; and
- to lay down procedures for dealing with concerns by members or officers.

1.3 A protocol should be recognised both as a central element of a Council's corporate governance, and as a commitment to upholding standards of conduct in public life. It is one way of demonstrating to the public at large that local government is serious about protecting and enhancing its integrity and reputation.

2. Principles

2.1 Members and officers must at all times observe this protocol.

2.2 The protocol has been approved by the Council and the Ethics and Engagement Committee will monitor its operation.

2.3 The protocol seeks to maintain and enhance the integrity of local government which demands the highest standards of personal conduct.

2.4 Members and officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.

- 2.5 Whilst members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to members (individually and collectively) and to carry out the Council's work under the direction of the Council.
- 2.6 The Council has adopted codes of conduct for both members and officers. Both represent best practice. The members' code follows the national code which in turn is based on the general principles governing members' conduct enshrined in law:
- Selflessness – serving only the public interest.
 - Integrity – not allowing this to be questioned.
 - Objectivity – taking decisions on merit.
 - Accountability – to the public; being open to scrutiny.
 - Openness – giving reasons for decisions.
 - Honesty - not behaving improperly.
 - Leadership – acting in a way which has public confidence.
- 2.7 These principles underpin this protocol. They are also reflected in the code of conduct for employees .
- 2.8 Some officers are also bound by the codes of their professional associations.
- 2.9 Breaches of this protocol by a member may result in a complaint to the Ethics and Engagement Committee if it appears the members' code has also been breached. Breaches of the protocol by an officer may lead to disciplinary action if it appears that there has been a breach of discipline.

3. The role of members

- 3.1 Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, members may wish to seek the advice of senior colleagues, the relevant senior officer(s), and/or the Monitoring Officer.
- 3.2 Collectively, members are the ultimate policymakers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget.
- 3.3 Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.
- 3.4 Every elected member represents the interests of, and is an advocate

for, their ward and individual constituents. They represent the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.

- 3.5 Some members have roles relating to their position as members of the Executive, scrutiny committees or other committees and sub-committees of the Council.
- 3.6 Members of the Executive can have individual delegated powers. They may determine matters within their portfolios, but implementation of their decisions is the responsibility of officers.
- 3.7 Members serving on scrutiny committees monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues.
- 3.8 Members who serve on other committees and sub-committees collectively have delegated responsibilities, e.g. deciding quasi-judicial matters which by law are excluded from the remit of the Executive.
- 3.9 Some members may be appointed to represent the Council on local, regional or national bodies.
- 3.10 As politicians, members may express the values and aspirations of the party-political groups to which they belong, recognising that in their role as members they have a duty always to act in the public interest.
- 3.11 Members are not authorised to instruct officers other than:
 - through the formal decision-making process;
 - to request the provision of consumable resources provided by the Council for members' use;
 - where staff have been specifically allocated to give support to a member or group of members;
 - political assistants.
- 3.12 Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.
- 3.13 Members must not take action which is unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the designated Finance Officer.
- 3.14 Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change their professional advice.
- 3.15 Members have a duty under their code of conduct:

- to promote equality by not discriminating unlawfully against any person, and
- to treat others with respect

3.16 Under the code, a member must not when acting as a member or in any other capacity:

- bring the Council or their position as a member into disrepute, or
- use their position as a member improperly to gain an advantage or disadvantage for themselves or any other person.

4. The role of officers

- 4.1 Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.
- 4.2 Under the direction and control of the Council (including, as appropriate, the Executive, committees and sub-committees), officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
- 4.3 Officers have a duty to implement decisions of the Council, the Executive, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's constitution, and duly minuted.
- 4.4 Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
- 4.5 Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
- 4.6 Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public.
- 4.7 Officers have the right not to support members in any role other than that of member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities.

5. The relationship between members and officers: general

- 5.1 The conduct of members and officers should be such as to instil mutual confidence and trust.
- 5.2 The key elements are a recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- 5.3 Informal and collaborative two-way contact between members and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.
- 5.4 Members and officers should inform the Chief Executive of any relationship which might be seen as unduly influencing their work in their respective roles.
- 5.5 It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.
- 5.6 Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.
- 5.7 Officers work to the instructions of their senior officers, not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, members should normally direct their requests and concerns to a senior officer, at least in the first instance.
- 5.8 Officers will do their best to give timely responses to members' enquiries. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by senior managers. Members should avoid disrupting officers' work by imposing their own priorities.
- 5.9 Members will endeavour to give timely responses to enquiries from officers.
- 5.10 ***An officer shall not discuss with a member any personal matters relating to their employment or the employment of a colleague.***

This does not prevent an officer raising on a personal basis, and in their own time, a matter with their ward member.

- 5.11 Members and officers should respect each other's free (i.e. non-Council) time.

6. The Council as employer

- 6.1 Officers are employed by the Council as a whole.
- 6.2 Members' roles are limited to:
- the appointment of specified senior posts,
 - determining human resources policies and conditions of employment,
 - the appointment of political assistants, and
 - hearing and determining appeals.
- 6.3 Members shall not act outside these roles.
- 6.4 If participating in the appointment of officers, members should:
- remember that the sole criterion is merit (other than in the case of political assistants where political consideration may apply),
 - never canvass support for a particular candidate,
 - not take part where one of the candidates is a close friend or relative,
 - not be influenced by personal preferences, and
 - not favour a candidate by giving him/her information not available to the other candidates.
- 6.5 A member should not sit on an appeal hearing if they have a declarable personal interest.

7. Mayor and officers

- 7.1 Officers will respect the position of Mayor and provide appropriate support.

8. Executive members and officers

- 8.1 Executive members will take decisions in accordance with the constitution and will not otherwise direct staff. Senior officers will be responsible for instructing staff to implement the Executive's decisions.
- 8.2 Senior officers (including the Monitoring Officer and the designated Finance Officer) have the right to submit papers to the Executive as a whole or to individual Executive members for consideration.
- 8.3 Senior officers and Executive members shall agree mutually convenient methods of regular contact. Before taking any formal decisions, the Executive will seek appropriate professional advice

including, without exception, the Monitoring Officer, and designated Finance Officer, and will not direct officers in the framing of recommendations.

- 8.4 Before any formal decisions with a financial implication are taken by the Executive, the Finance Officer and the senior officer(s) for the service(s) concerned must be consulted. This is to ensure that those officers who are budget holders:

- are aware of the proposed decision,
- have the opportunity to offer advice, and
- are subsequently able properly to authorise the financial transactions needed to implement decisions.

- 8.5 Executive members when making decisions (whether collectively or individually) must state the reasons for those decisions. The written record of the decisions must include the reasons. This record of decision must be published on the Council's web site.

- 8.6 Officers taking decisions under their delegated powers must consider the advisability of informing the relevant Executive member(s) of their intentions in advance when the matter to which the decisions relate is likely to be sensitive or contentious, or has wider policy implications. A written record of any delegated executive decision made by officers must be recorded with reasons for making that decision and this must be published on the web site.

9. Scrutiny members and officers

- 9.1 The chair(s) and other leading scrutiny members shall maintain regular contact with the officer(s) providing the principal support to the overview and scrutiny function. In consultation with the chair(s), it shall be the responsibility of the latter to ensure that those who need to know of matters being considered or for possible future consideration are so informed.
- 9.2 A scrutiny committee or its chair acting on its behalf may require officers to attend overview and scrutiny meetings. Members should not normally expect junior officers to give evidence. All requests should be made to senior officers in the first instance.
- 9.3 When making requests for officer attendance, scrutiny members shall have regard to the workload of officers.
- 9.4 It is recognised that officers required to appear before a scrutiny committee may often be those who have advised the Executive or another part of the Council on the matter under investigation. In these circumstances, an officer may have a conflict of interest. Both members and officers need to consider the severity of the conflict. If deemed appropriate, research and advice may be sought elsewhere.

- 9.5 Subject to 9.4 above, officers should be prepared to justify advice given to the Council, the Executive, or other committees and sub-committees even when the advice was not accepted.
- 9.6 Officers must also be prepared to justify decisions they have taken under delegated powers.
- 9.7 In giving evidence, officers must not be asked to give political views.
- 9.8 Officers should respect members in the way they respond to members' questions.
- 9.9 Members should not question officers in a way which could be interpreted as harassment. Neither should they ask about matters of a disciplinary nature.
- 9.10 Scrutiny proceedings must not be used to question the capability or competence of officers. The chair and members need to make a distinction between reviewing the policies and performance of the Council and its services, and appraising the personal performance of staff. The latter is not a scrutiny function.

10. Members of other committees or sub-committees and officers

- 10.1 The appropriate senior officers will offer to arrange regular informal meetings with chairs and vice-chairs of committees and sub-committees.
- 10.2 Senior officers (including the Monitoring Officer and the designated Finance Officer) have the right to present reports and give advice to committees and sub-committees.
- 10.3 Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee, and will not otherwise instruct officers to act.
- 10.4 At some committee or sub-committee meetings, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the chairman. In these circumstances it is the officer, not the chair, who takes the action and is responsible for it. A chair has no legal power to take decisions on behalf of a committee or sub-committee, neither should they apply inappropriate pressure on the officer.

11. Party groups and officers

- 11.1 Senior officers may properly be asked to contribute to deliberations of matters concerning Council business by party groups, officers have the right to reasonably refuse such requests. The relevant Director

should be informed where the request is made of an Assistant Director or other members of staff.

- 11.2 Officers will normally not attend a meeting of a party group where the information to be provided to members is exempt or confidential and some of those attending are not members of the Council.
- 11.3 Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
- 11.4 Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.
- 11.5 Where officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
- 11.6 It must not be assumed that an officer is supportive of a particular policy or view considered at a party group meeting simply because they have attended or provided information to the meeting.
- 11.7 Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.
- 11.8 In their dealings with party groups, officers must treat each group in a fair and even-handed manner.
- 11.9 Members must not do anything which compromises or is likely to compromise officers' impartiality.
- 11.10 The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if they feel it is no longer appropriate to be there.
- 11.11 An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. They must give substantially the same advice to each.
- 11.12 An officer who is not a senior officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer

to attend on their behalf.

- 11.13 An officer should be given the opportunity of verifying comments and advice attributed to them in any written record of a party group meeting.
- 11.14 No member will refer in public or at meetings of the Council to advice or information given by officers to a party group meeting.
- 11.15 At party group meetings where some of those present are not members of the Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not members are not bound by the members' code of conduct. They do not have the same rights to Council information as members.
- 11.16 Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Chief Executive and the relevant party group leader.

12. Local members and officers

- 12.1 To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. Senior officers must ensure that all relevant staff are aware of the requirement to keep local members informed, thus allowing members to contribute to the decision-making process and develop their representative role.
- 12.2 This requirement is particularly important:
 - during the formative stages of policy development, where practicable,
 - in relation to significant or sensitive operational matters,
 - whenever any form of public consultation exercise is undertaken, and
 - during a scrutiny investigation.
- 12.3 Issues may affect a single ward. Where they have a wider impact, a number of local members will need to be kept informed.
- 12.4 Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the wards affected should be invited to attend the meeting as a matter of course.
- 12.5 If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, they should inform the relevant officer. Provided the meeting has not been arranged on a party-political basis:
 - an officer may attend but is not obliged to do so, and

- the meeting may be held in Council-owned premises.
- 12.6 No such meetings should be arranged or held in the immediate run-up to Council elections.
- 12.7 Whilst support for members' ward work is legitimate, care should be taken if staff are asked to accompany members to ward surgeries. In such circumstances:
 - the surgeries must be open to the general public, and
 - officers should not be requested to accompany members to surgeries held in the offices or premises of political parties.
- 12.8 Officers must never be asked to attend ward or constituency political party meetings.
- 12.9 It is acknowledged that some Council staff (e.g. those providing dedicated support to Executive members) may receive and handle messages for members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party-political purposes.
- 12.10 In seeking to deal with constituents' queries or concerns, members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by members in the requested timescale, and may need to seek instructions from their managers.

13. Members' access to documents and information

- 13.1 This part of the protocol should be read in conjunction with the Access to Information Rules in the Council's constitution and the data protection guidance given to members and officers.
- 13.2 Members may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:
 - it is in the public domain, and
 - it is not barred by the Data Protection Act from being given.
- 13.3 Every member of the Executive, a scrutiny committee, and/or any other committee or sub-committee has a right to inspect documents about the business of that scrutiny committee, other committee or sub-committee or the Executive.

- 13.4 A member who is not a member of a specific scrutiny committee, other committee or sub-committee, or the Executive may have access to any document of that specific part of the Council provided:
- they can demonstrate a reasonable need to see the documents in order to carry out their role as a member (the “need to know” principle), and
 - the documents do not contain “confidential” or “exempt” information as defined by the law.
- 13.5 Disputes as to the validity of a member’s request to see a document on a need to know basis will be determined by the Monitoring Officer. Officers should seek advice if in any doubt about the reasonableness of a member’s request.
- 13.6 A member should obtain advice from the Monitoring Officer in circumstances where they wish to have access to documents or information:
- where to do so is likely to be in breach of the Data Protection Act, or
 - where the subject matter is one in which they have a disclosable pecuniary interest or personal or pecuniary interest as defined in the members’ code of conduct.
- 13.7 Information given to a member must only be used for the purpose for which it was requested.
- 13.8 It is an accepted convention that a member of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.
- 13.9 Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so or failure to disclose the information would prejudice the Council.
- 13.10 When requested to do so, officers will keep confidential from other members advice requested by a member except where to do so would prejudice the Council.
- 13.11 Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

14. Correspondence

- 14.1 Correspondence between an individual member and an officer may be copied to another member unless the member specifically requests that it remain confidential (correspondence may be copied to

another member despite a request that it remain confidential where legislation requires it or if failure to disclose it would prejudice the Council). Where correspondence is copied, this should always be made explicit, i.e. there should be no “blind” copies.

- 14.2 Official letters written on behalf of the Council should normally be in the name of the relevant officer. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of an Executive member or the chair of a scrutiny committee.
- 14.3 The Mayor may initiate correspondence in their own name.
- 14.4 Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a member.
- 14.5 When writing in an individual capacity as a ward member, a member must make clear that fact.

15. Access to premises

- 15.1 Officers have the right to enter Council land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.
- 15.2 Members have a right of access to Council land and premises to fulfil their duties.
- 15.3 When making visits as individual members, members should:
 - whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
 - comply with health and safety, security and other workplace rules;
 - not interfere with the services or activities being provided at the time of the visit; and
 - take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

16. Use of Council resources

- 16.1 The Council provides all members with services such as typing, printing and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.

16.2 Members should ensure they understand and comply with the Council's own rules about the use of such resources, particularly:

- where facilities are provided in members' homes at the Council's expense;
- in relation to any locally-agreed arrangements e.g. payment for private photocopying; and
- regarding ICT security.

16.3 Members should not put pressure on staff to provide resources or support which officers are not permitted to give. Examples are:

- business which is solely to do with a political party;
- work in connection with a ward or constituency party political meeting;
- electioneering;
- work associated with an event attended by a member in a capacity other than as a member of the Council;
- private personal correspondence;
- work in connection with another body or organisation where a member's involvement is other than as a member of the Council; and
- support to a member in their capacity as a councillor of another local authority.

17. Interpretation, complaints and allegations of breaches

17.1 This part of the protocol should be read in conjunction with any "whistle-blowing" policy the Council may have.

17.2 Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.

17.3 A member who is unhappy about the actions taken by, or conduct of, an officer should:

- avoid personal attacks on, or abuse of, the officer at all times,
- ensure that any criticism is well founded and constructive,
- never make a criticism in public, and
- take up the concern with the officer privately in an appropriate manner taking into account the status and position of both the member and officer.

17.4 If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the member should raise the issue with the officer's manager or the relevant senior officer.

- 17.5 The purpose of this protocol is to give advice and guidance. Whilst a breach of this protocol alone will not give rise to disciplinary action a serious breach of this protocol by an officer may constitute a breach of discipline and lead to an investigation under the Council's disciplinary procedure.
- 17.6 An officer who believes a member may have acted other than in accordance with this protocol should raise their concern with the Monitoring Officer. The Monitoring Officer will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the leader of the relevant party group. More serious complaints may involve alleged breaches of the members' code of conduct and may be referred to the Ethics and Engagement Committee.

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Part 8: Petition Scheme

Scheme for the Receipt of Petitions

1. Petitions

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

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

Paper petitions can be sent to:

Democratic Services Section
City of Lincoln Council
Beaumont Fee
Lincoln

Or be created, signed and submitted online by following the instructions on the City Council's website.

Petitions can also be presented to a meeting of the council, subject to them meeting the criteria set out in this scheme such as the signature threshold. These meetings take place on an approximately 6 weekly basis, dates and times can be found here www.lincoln.gov.uk.

If you would like to present your petition to the council, or would like your Councillor or someone else to present it on your behalf, please contact Democratic Services on 873387 at least 10 working days before the meeting and they will talk you through the process. If your petition has received 900 signatures or more it will also be scheduled for a council debate [See Section 5] and if this is the case we will let you know whether this will happen at the same meeting or a later meeting of the council.

2. What are the guidelines for submitting a petition?

Petitions submitted to the council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
- the name and address and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition.

The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered by the Democratic Team Leader and Elections Manager to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

3. What will the council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate (900 signatures), or a senior officer giving evidence (450 signatures), then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available from Democratic Services.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything, which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

4. How will the council respond to petitions?

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

- taking the action requested in the petition
- considering the petition at a council meeting

- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's Policy Scrutiny Committee*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

*The Policy Scrutiny Committee is a committees of councillors who are responsible for scrutinising the work of the council – in other words, an overview and scrutiny committee and has the power to hold the council's decision makers to account.

In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

The table below gives some examples.

Petition subject	<i>Appropriate steps</i>
Alcohol related crime and disorder	If your petition is about crime or disorder linked to alcohol consumption, the council will, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. The council's response to your petition will set out the steps we intend to take and the reasons for taking this approach.
Anti-social behaviour (ASB)	As the elected representatives of your local area, as social landlord and licensing authority, the council plays a significant role to play in tackling anti-social behaviour. The council, in conjunction with our partners in the local crime and disorder partnership have set out minimum service

	<p>standards for responding to issues of anti-social behaviour, you can find more details about these standards by contacting the Anti Social Behaviour Section.</p> <p>When responding to petitions on ASB, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene as part of our role as social landlord and licensing authority. For example, we will work with the neighbourhood policing team in the affected area to identify what action might be taken including what role CCTV might play, consider identifying a dedicated contact within the council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, we will alert the crime and disorder reduction partnership and crime and disorder overview and scrutiny committee to the issues highlighted in the petition.</p>
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If your petition is about something over which the council has no direct control (the local railway, highways or hospitals for example) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible on our website.

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

5. Full council debates

If a petition contains more than 900 signatures it will be debated by the full council unless it is a petition asking for a senior council officer to give evidence at a public meeting.

This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors. The provisions relating to Rules of Debate provided for within the Council Procedure Rules shall apply to Councillors speeches. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition

requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the council executive are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

6. Officer evidence

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 450 signatures, the relevant senior officer will give evidence at a public meeting of the council's Policy Scrutiny Committee..You should be aware that the Policy Scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting Democratic Services on one of the telephone numbers detailed above up to three working days before the meeting.

7. E-petitions

The council welcomes e-petitions which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions as detailed in Section 2 above.

The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to the Democratic Services Section. In the same way as a paper petition, you will receive an acknowledgement within 10 working working days. If you would like to present your e-petition to a meeting of the council, please contact

Democratic Services Section on one of the telephone numbers detailed above] within 10 working days of receipt of the acknowledgement.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

8. How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature on the Council's websites.

When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

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

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the council's Policy Scrutiny Committee review the steps that the council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council executive and arranging for the matter to be considered at a meeting of the full council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

Responsibilities



CITY OF
Lincoln
COUNCIL

Together, let's deliver
Lincoln's ambitious future



Chief Executive's

Chief Executive and
Town Clerk

Statutory Officer -
City Solicitor

- Legal
- Electoral services
- Democratic services
- Procurement
- HR and work-based learning
- Civic and international partnerships (twinning)

Statutory Officer -
Chief Finance Officer

- Finance
- Insurance
- Creditor
- Debtors
- Risk management
- Audit
- Commercialism
- Revenues and benefits
- Property services
- Small business support
- Managed workspaces
- Facilities management

AD - Strategic
Development

- Communications
- Customer services
- Business development
- ICT
- Business strategy and performance
- Strategic information provision
- Social policy and partnership management
- Equality and diversity
- Skills

Communities and Environment

Strategic Director -
Communities and
Environment

AD - Communities
and Street Scene

- Public protection and anti-social behaviour
- CCTV
- Parks, open spaces and allotments
- Street cleansing
- Grounds maintenance
- Waste
- Public conveniences
- Car parks
- Bus station
- War memorials
- Arboriculture
- Verges and roundabouts
- Street furniture
- Bus shelters

Planning policy

AD - Health and
Environmental
Services

- Environmental protection
- Pollution control
- Food, health and safety
- Licensing
- Private sector housing
- Community centres
- Sport and leisure
- Crematorium and cemeteries
- Events, culture and tourism
- Neighbourhood working

- Planning
- Heritage
- Development management
- Building control

Housing and Regeneration

Strategic Director -
Housing
and Regeneration

AD - Housing

- HRA/landlord services
- Housing needs
- Property shop
- Homelessness
- Control centre
- City maintenance services
- Housing investment
- Choice based letting and registration

AD -

- Renewal area
- Housing strategy and enabling
- Low carbon Lincoln
- Energy efficiency

NB: Restructure
timetabled for
April 2017

Major Developments

Strategic Director -
Major Developments

- Growth strategy development and implementation
- Major projects including transport hub, leisure village, public realm, markets redevelopment
- Sustainable urban extensions, including Western Growth Corridor
- Infrastructure initiatives including smart cities, improving roads and rail links
- Investment and supporting development

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