



Summons and Agenda for the
Council Meeting

to be held on

**TUESDAY 8 SEPTEMBER
2015**

at

6.00pm

SELBY

DISTRICT COUNCIL



To: All District Councillors

cc: Chief Officers
Directors

You are hereby summoned to a meeting of the Selby District Council to be held in the Civic Centre, Doncaster Road, Selby on **TUESDAY 8 SEPTEMBER 2015** starting at **6.00pm**. The Agenda for the meeting is set out below.

Mary Weastell
Chief Executive

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to:- (i) the recording being conducted under the direction of the Chairman of the meeting; and (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact, prior to the start of the meeting, Palbinder Mann – Democratic Services Manager via pmann@selby.gov.uk or 01757 292207. Any recording must be clearly visible to anyone at the meeting and be non-disruptive.

AGENDA

Opening Prayers.

1. Apologies for Absence

To receive apologies for absence.

2. Disclosures of Interest

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

3. Minutes

To approve as a correct record the Minutes of the meeting of the Council held on 23 June 2015. Pages 1 to 4 attached.

4. Communications

The Chairman, Leader of the Council or the Chief Executive will deal with any communications which need to be reported to the Council.

5. Announcements

To receive any announcements from the Chairman, Leader or Members of the Executive.

6. Petitions

To receive any petitions.

7. Public Questions

To receive and answer questions notice of which has been given in accordance with rule 10.1 of the Constitution.

8. Councillors' Questions

To receive and answer questions submitted by councillors in accordance with rule 11.2 of the Constitution (question received from Councillor Mrs M McCartney at page 5).

9. Reports from the Executive

The Leader of the Council, and other members of the Executive, will report on their work since the last meeting of the Council and will respond to questions from Councillors on that work. Pages 7 to 16 attached.

10. Reports from Committees

To receive reports from the Council's committees which need to be brought to the attention of Council. To receive questions and provide answers on any of those reports. Pages 17 to 22 attached.

11. Feedback from Outside Bodies

To receive feedback from representatives on Outside Bodies.

12. Motions

To consider any motions.

13. Devolution

To receive a presentation on Devolution.

14. Community Engagement Forums – Review of Arrangements and Changes to the Constitution

To receive a report that summarises the findings of a review of the Community Engagement Forums and proposes minor constitutional changes to strengthen transparency and governance arrangements. Pages 23 to 40 attached.

15. Amendments to the Constitution

To receive a report that that proposes changes the Financial Procedure Rules, the Terms of Reference of Audit and Governance Committee, the delegations to the Monitoring Officer and the Code of Practice for dealing with Planning Matters in the Constitution. Pages 41 to 63 attached.

16. Urgent Action

The Chief Executive will report on any instances where she has acted in urgent or emergency situations under the functions delegated to her in the Constitution.

17. Sealing of Documents

To authorise the sealing of any documents necessary to action decisions of this Council meeting, or the Executive or any of its Committees for which delegated authority is not already in existence.

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Council

Venue: Council Chamber
Date: 23 June 2015
Time: 6pm

11	Apologies for absence
12	Disclosures of Interest
13	Minutes
14	Communications
15	Announcements
16	Petitions
17	Public Questions
18	Councillors' Questions
19	Reports from the Executive
20	Reports from Committees
21	Feedback from Outside Bodies
22	Motions
23	Resourcing PLAN Selby
24	Urgent Action
25	Sealing of Documents

Present: Councillor R Sweeting in the Chair

Councillors K Arthur, D Buckle, Mrs E Casling, J Cattanach, I Chilvers, Mrs J Chilvers, M Crane, J Crawford, J Deans, Mrs S Duckett, K Ellis, M Hobson, M Jordan, C Lunn, D Mackay, J Mackman, B Marshall, Mrs M McCartney, C Metcalfe, R Musgrave, C Pearson, D Peart, I Reynolds, Mrs J Shaw-Wright, J Thurlow, P Welch and Mrs D White.

Also Present: Chief Executive, Deputy Chief Executive, Executive Director (s151), Director of Community Services, Solicitor to the Council and Democratic Services Manager.

Press: 0
Public: 4

11. Apologies

Apologies for absence were received from Councillors D Hutchinson and B Packham.

12. Disclosures of Interest

There were no declarations of interest.

13. Minutes

The Council considered the minutes of the Council meeting held on 19 May 2015.

RESOLVED:

To approve the minutes of the Council meeting on 19 May 2015 for signing by the Chairman.

14. Communications

The Chief Executive reported that the Leader had asked her to commission a full review of the Council and Access Selby. The Council was informed that there would be six week consultation period which would allow Councillors to feed into the process.

15. Announcements

There were no announcements.

16. Petitions

No petitions were received.

17. Public Questions

No questions from members of the public were received.

18. Councillors' Questions

No questions from Councillors were received.

19. Reports from the Executive

The Leader of the Council reported on the work he had recently undertaken as outlined in his report. In particular, the Leader of the Council highlighted that he had met with the Leaders in North Yorkshire, York and East Riding to discuss possible future combined authorities and how could the authorities work closer together. He added that the Chief Executive would be attending a further meeting on this subject.

In response to a query concerning the Tour de Yorkshire, the Leader of the Council explained that around £35,000 had been received in sponsorship from

local businesses for the event and that businesses had reported positive trading figures during the event.

Councillor J Mackman, Deputy Leader of the Council and Executive Councillor for Place Shaping, provided an update on the work he had recently undertaken as outlined in his report.

Councillor C Lunn, Executive Councillor for Finance and Resources, provided an update on the work he had recently undertaken as outlined in his report. Councillor Lunn highlighted that he had attended the Building Control Awards in which the new Leisure Centre in Selby had won first place in the Public Service Building category.

Councillor C Metcalfe, Lead Executive Councillor for Communities and Economic Development, provided an update on the work he had recently undertaken as outlined in his report. Concern was raised over the lack of signage to local car parks for incoming visitors into the town. Councillor Metcalfe explained that this had been raised as an issue at the Selby Town Enterprise Partnership (STEP) Board and that this would be looked at.

Councillor D Peart, Lead Executive Councillor for Housing, Leisure, Health and Culture provided an update on the work he had recently undertaken as outlined in his report. Councillor Peart explained that he would be meeting with skate park users regarding a new skate park for the area. It was queried whether as a result of the Housing Strategy, residents in East Riding could now apply to live in Council Houses in Selby. Councillor Peart agreed to look into this and provide a response.

RESOLVED:

To receive and note the reports from the Executive.

20. Reports from Committees

It was agreed to defer the reports from Committees to the next meeting.

RESOLVED:

To defer the reports from Committees to the next meeting.

21. Feedback from Outside Bodies

The Chairman explained that the Council had expressed an interest in receiving updates from Outside Bodies and that he had asked Democratic Services to review the procedure in which this could take place.

RESOLVED:

To report back once a procedure has been agreed on updating Outside Bodies.

22. Motions

No motions were received.

23. Resourcing PLAN Selby

The Executive Member for Place Shaping presented the report and outlined that further resources needed to be made available for Plan Selby. The Council were informed that the funding proposed would be drawn down from the Contingency reserve.

RESOLVED:

- i) To note the position on Plan Selby;**
- ii) To approve the drawdown of £281,000 from the Contingency Reserve.**

23. Amendments to the Constitution to Give Effect to the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

The Chairman informed Council that he had accepted this report as a late item and that it had been circulated to all Councillors.

The Leader of the Council presented the report and informed Council that the recommendation proposed was a legal requirement. It was proposed that the membership of the panel should be amended so that it should state Leader of the Opposition rather than Leader of the Labour Group.

RESOLVED:

To authorise the Monitoring Officer to make amendments to the Constitution to give effect to the arrangements outlined in section four of the report.

24. Urgent Action

It was reported that the Chief Executive had not taken any urgent action since the last meeting of Council.

25. Sealing of Documents

To authorise the sealing of any documents necessary to action decisions of this Council Meeting, or any of its Committees and Boards for which delegated authority is not already in existence.

Resolved:

To grant authority for the signing of, or the Common Seal of the Council being affixed to, any documents necessary to give effect to any resolutions hereby approved.

The meeting closed at 6.47pm.



Item 8 - Councillors' Questions

1. To the Leader of the Council:

Can the leader of the Council inform me when he expects Selby District Council to be able to 'demonstrate a five year supply of deliverable housing sites' In what form will the 'five year supply of deliverable housing sites' be available for public scrutiny, and who makes the decision that the 'five year supply of deliverable housing sites' would satisfy the requirements of the National Planning Policy Framework?

Councillor Mary McCartney
Eggborough Ward.

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Cllr Mark Crane

Leader of the Council

Report to Council on 8-September 2015

This report covers the period from the Council meeting on 23 June 2015. During this period I have attended Executive and Executive Briefings. Reporting on key items:

Devolution

In the Spending Review published on 21st July 2015, it was announced that: "City regions that want to agree a devolution deal in return for a mayor by the spending review will need to submit formal, fiscally neutral proposals and an agreed geography to the Treasury by 4 September 2015".

Much thought has been given to how a devolution proposition could come forwards from across our region and I have been involved in numerous discussions with colleagues in the Leeds City Region, York, North Yorkshire and East Riding, and the other hinge authorities of York, Harrogate and Craven.

The devolution agenda is moving at a rapid pace with further change anticipated over the coming weeks. The September deadline is for initial proposals and the detail will only be finalised in sufficient time to inform announcements in the Autumn Statement in November. Further details are contained in a report on the agenda.

Strategic Sites

The strategic sites of Olympia Park and the Proving Ground are making good progress. Following the award of a £2.95 million capital infrastructure loan to enable infrastructure works to start on site, the Proving Ground at Sherburn received the first tranche of the loan money at the end of July to allow a start on site. The development is now being marketed as Sherburn 2.

The Olympia Park development is progressing well towards receiving its £16m of allocated funding. The due diligence process is important to ensure best use of public money and the scheme is being scrutinised in detail by the funding partners before the funds are released. I am anticipating that there will be a start on site towards the end of this financial year.

A new film and television studio is to be built on a former RAF base in North Yorkshire. Plans to transform a 100,000 sq ft air hangar at Church Fenton were

unanimously approved by the Planning Committee in July and it is hoped that a big TV drama is attracted to the site bringing new employment in the creative industries to the district.

Mark Crane
Leader

Councillor John Mackman

Deputy Leader and Executive Member for Place Shaping

Report to Council on 8 September 2015

This report covers the period from the Council meeting on 23 June 2015.

1) The Local Plan Core Strategy (CS)

As Council is aware the Selby District Core Strategy Local Plan was formally adopted by the Council on 22 October 2013 and a High Court legal challenge was subsequently dismissed on the 27 October 2014 by the appeal Judge. However, leave to appeal directly to the Court of Appeal on one count related to the Duty to Cooperate has now been allowed. The Court of Appeal hearing has been scheduled for 20 or 21 October 2015.

2) The Sites and Policies Local Plan (PLAN Selby)

We are calling the Sites and Policies Local Plan (SAPP) "PLAN Selby". It will eventually contain detailed policies and site allocations and together with the Core Strategy it will form the Local Plan for the period up to 2027.

Following the first round of consultation earlier this year July and August has seen an intense period of focussed engagement. I attended the workshop engagement sessions held in Tadcaster and South Milford in my role as a CEF member and ward Councillor to discuss the future of Sherburn and Tadcaster as Local Service Centres and the potential for development of the Designated Service Villages in my area. Other similar sessions took place across the District to cover Selby and the designated service villages where Officers used the representations from the Initial Consultation and emerging information and evidence to discuss with interested parties the issues and options arising for settlement growth, regeneration and conservation.

The results of this engagement and the completion of the evidence base gathering work will allow us, during autumn this year, to start work on the production of a draft plan of preferred options for final consultation.

Following Council approval on the Resourcing PLAN Selby, the actual recruitment of the required staff to reinforce the work programme has been difficult with planning professionals a scarce resource. Interdepartmental moves and staff turnover means that the envisaged Policy team will not be fully in place until October 2015. Unfortunately, these frustrating delays and additional workload factors generate consequential knock on effects which are likely to extend the ambitious PLAN Selby timeline for site allocations.

3) Duty to Cooperate (DTC)

The Localism Act, 2011, and the NPPF (2012) introduced a duty to cooperate with other local Planning Authorities and prescribed public bodies and other stakeholders when preparing Development Plan documents.

The DTC is a continuous process of engagement on Strategic Cross Boundary issues through the Plan Preparation process.

Officers continue to attend joint meetings with our adjoining local authorities and other bodies in the Leeds City Region and North Yorkshire and York as well as the on-going work we do with the NYCC. As part of the focussed engagement agenda Officers held a duty to co-operate workshop with adjoining authorities and other stakeholders on 30 July and further contact will be arranged with other Local Authorities and others stakeholders where appropriate.

4) Five Year Land Supply

Without a 5 year land supply the presumption in favour of sustainable development as directed by the NPPF and Policy SP1 of the Core Strategy bites. This requires that in circumstances where a 5 year land supply is not in evidence at the time of making a planning decision then the Council will grant permission unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole or specific policies in the Framework indicate that development should be restricted.

Officers are working on establishing the position on the five year land supply as of 1st of April 2015. This important work will be completed over the next few weeks and the results will be included in the Authority Monitoring Report which will be published later this year. However, given the significant impact that the 5 Year Land Supply has on housing development across the District and the manner in which it can be exploited within National Planning Policy to drive inappropriate development we are exploring every possible avenue to achieve a 5 Year Land Supply.

Moving forward we are consulting with other local authorities and with our Legal Counsel on ways which might be adopted to improve the robustness of the 5 Year Land Supply calculation and we may review the base date of the calculation should this prove advantageous.

5) YNYER Leaders Board

I deputised for the Leader at the Local Government YNYER Leaders Board on 24 July.

The Board considered a non-statutory, Spatial Plan for the York, North Yorkshire and East Riding sub-area which has been developed by the local authorities and the Local Enterprise Partnership. This is based on the content of the local authorities' current and emerging Local Plans and the Strategic Economic Plan. The plan was endorsed and will be considered by the SDC Executive on 3 September.

6) Programme for Growth

6.1 Selby and District Housing Trust – Update

Work on the 3 new build properties in St Joseph's Street, Tadcaster started at the end of March and steady progress has been made with the precision laying of the Ashlar Stone front facades and the roofing works. Independent inspections have been carried out by both North Yorkshire Building Control and LABC with no adverse comments.

The properties are on schedule for completion by the end of 2015 and the one property for private sale has been actively marketed ahead of completion and following several offers has been sold subject to contract.

Following the recent budget announcements by the Chancellor on reducing rents in the social housing sector (local authorities and registered providers) and the new Government's manifesto commitment to extend the Right to Buy scheme to registered providers that would impact on S&DHT if it became registered. Consequently, the Trust Board is reconsidering its position on registering for R.P. status.

John Mackman

Deputy Leader and Executive Member for Place Shaping

Councillor Cliff Lunn

Executive Member for Finance and Resources

Report to Council on 8th September 2015

Executive 2 July 2015

Financial Results and Budget Exceptions Report to 31 March 2015

After carry forward requests, the Council's year end results for 2014/15 show a surplus of £429k on the General Fund (£352k Core, £63k Access Selby & £14k TSO) against a budgeted surplus of £4k. The Housing Revenue Account generated a net surplus of £1.249m (£1.092m Core & £157k Access Selby) after carry forward requests, against a budgeted surplus of £1.01m. Savings exceeded target in the HRA and the Core General Fund, and a shortfall against Access Selby's General Fund savings target was mitigated by in year surpluses. The Capital Programme saw good progress during 2014/15 with minimal slippage that was not for strategic reasons.

Overall the financial results for last year are positive and the surpluses made will help to mitigate future risks.

Charging for repairs and Maintenance Service

The Repairs and Maintenance Service has been identified as a service which could be offered to a wider range of customers. The Executive approved the proposals for new charges for Repairs and Maintenance Services enabling the Council to launch commercial repairs and maintenance service to businesses, public sector partners, private households and our existing tenants.

To enable the Council to do this, significant changes have needed to be made to our current IT systems and procedures across several business areas. This has included a review of the rates, the process for charging the customer or tenant including payment upfront.

Executive 3 September 2015

Financial Results and Budget Exceptions Report to 30 June 2015

At the end of quarter 1, the full year forecast for the General Fund shows an estimated surplus of £133k (£31k Core, £2k Communities & £100k Access Selby) against a budgeted deficit of £125k. The HRA shows a surplus of £295k (£146k Core & £149k Access Selby) against a budgeted surplus of £94k. There is currently a shortfall of £92k on the Access Selby General Fund savings plan and a shortfall of £59k against the Core General Fund, the HRA savings target is on track to be exceeded. The Capital Programme is progressing well

with minimal slippage expected for the year however a number of projects may cross over into 2016/17 for the General Fund.

Treasury Management – Monitoring Report to 30 June 2015

This report reviewed the Council's borrowing and investment activity (Treasury Management) for the 3 month period 1 April to 30 June 2015 and presented performance against the Prudential Indicators. Money market investment rates have remained low throughout 2015, with interest rates continuing at historically low levels and a rise in bank rate not expected until mid-2016 at the earliest. However the Council's cash balances have remained high and as a result, an outturn of £248k is forecasted, which is as per budget. The Council had long term borrowing of £60.3m at 30 June 2015. Interest payments of £2.5m are forecast for 2015/16. The Council's affordable limits for borrowing were not breached during this period.

Medium Term Financial Strategy

This report presented an update to the revised Medium Term Financial Strategy (MTFS) approved by Council in December 2014. Taking into account anticipated cuts to public sector funding the report proposed a target net revenue budget of £11.5m for the forthcoming budget round. Anticipated cuts to Revenue Support Grant will mean that further savings are required up to 2019/20 in addition to the £1.5m already planned to 2017/18 and it is proposed that the current plan be extended by £700k over 2018/19 and 2019/20 subject to the outcome of the Spending Review announcement expected in November.

The strategy will be reviewed by the Policy Review Committee before coming to full Council for consideration and approval in October.

Renewable Energy Feasibility

This report presented the findings of feasibility work on the potential for renewable energy projects as part of the Council's Programme for Growth and its approved savings plan. The work considered a range of options but identified solar power as the most feasible for Selby District Council. And the potential for a scheme at the recently acquired Burn Airfield has been identified. The timing is a critical factor in the implementation of a ground mounted scheme because the subsidy system for these types of scheme is expected to change from March 2016. This timescale is extremely challenging and further investigations will be required as well as consultation with local stakeholders, and a detailed business case will need to be produced and considered. Early engagement with local people and our tenants has commenced.

The Council could also use solar panels on its building assets (council homes, leisure centres and civic assets for example). Again further detailed work will be needed if the Council wish to take a scheme forward. The timescales for this type of scheme are not as critical, although subsidy is likely to continue to reduce over time.

Further reports are expected as this work develops over the coming months and Council approval will be sought if a scheme can ultimately be recommended.

Cliff Lunn

Executive Member for Finance and Resources



Councillor Dave Peart

Executive Member for Housing, Leisure, Health and Culture

Report to Council on 8 September 2015

Update on 'Move it – Lose it'

The district's latest 'Move it – Lose it' (MILI) programme was launched on 11 May 2015 following Selby District Council receiving funding from North Yorkshire County Council's Public Health team (the Tier 2 Lifestyle Weight Management Programme). Participants can access 24 Slimming World sessions across ten separate venues within Selby District each week and have free access to over 46 structured exercise classes appropriate to those coming back into exercise, as well as open access to self-motivated / unstructured sessions participants attend on their own.

Early take-up of the programme has been very high and subject to achieving predicted performance around completion and weight loss, we anticipate that we could exceed the agreed annual targets set out in the agreement with NYCC. Between 11 May and 11 August 2015 as many as 535 people registered for the programme with 414 participants recording weight loss.

Selby Three Swans Sportive

The Selby Three Swans sportive this year has been managed by the Yorkshire Cancer Research charity on behalf of the Selby Cycling Club. Whilst the council is one of a number of event partners, which includes Wigan Leisure Culture Trust, the council has been actively supporting the sportive via our communication channels.

We have shared our contacts with the race organiser and used the council communication channels, which has helped the organisers promote the sportive to the wider public. Most notably we used our link with Welcome to Yorkshire to help promote the sportive, this led to the sportive being promoted via their Tour de Yorkshire mailing list which is circulated to over 70,000 people and through their social media feeds which both have large numbers of followers. Other tasks have included promoting key messages such as increasing rider entries and recruiting volunteers. The key messages were promoted both internally and externally via our

website, social media feeds, staff communications and council publications such as *Citizenlink*.

The great news is that the Selby Cycle Club has confirmed that they are close to reaching their target of 1000 pre-registered riders.

Tour de Yorkshire exhibition

We are organising a photography exhibition to celebrate Selby's summer of cycling, in partnership with Welcome to Yorkshire and Selby College. As part of this, the Council is also working in partnership with Welcome to Yorkshire to host a business support event, which aims to help local firms make the most of tourism opportunities; Sir Gary Verity is lined up as a keynote speaker. The business event will be held on Thursday 8 October: the photography exhibition will be open to the public on Friday 9 October and we are looking at options for running this over the weekend too.

A full marketing plan for the event has been developed, in partnership with Welcome to Yorkshire; further details will be published to businesses and the public over the coming weeks. As councillors, you will also receive information directly via email, giving details of both the business event and the public photography exhibition.

Dave Peart

Executive Member for Housing, Leisure, Health and Culture



Councillor Chris Metcalfe

Executive Member for Communities and Economic Development

Report to Council on 8 September 2015

Economic Development and Growing Enterprise

The Council has invested £12.5k from the Growing Enterprise Programme to add to the Leeds City Region LEP Growth Service. The Growing Enterprise Programme is a four-year programme of support to new and existing business which will contribute to the Council's strategic priority of making the district a great place to do business. One of the objectives of the programme is targeted support for growing businesses. It was always intended that this part of the programme would be delivered as part of a wider programme such as the LCR Growth Service. This project is a short term measure for the current financial year. For the longer term ERYC has been commissioned to develop an economic development action plan to help set the key economic priorities for Selby.

The second annual Selby Enterprise Day event that took place on the 29 June was a huge success. Over 160 people turned up to the business event which hosted over 30 exhibitors who covered a variety of different areas of the business sector including law, finance and technology. The exhibitors offered free advice and support to those who attended. The event plays an important role in the Selby District business calendar and was well supported by the business community and a number of influential business groups attended the event which included the North Yorkshire Local Enterprise Partnership, Leeds City Region Local Enterprise Partnership and the Yorkshire Federation of Small Businesses.

The event provided an opportunity for the district's businesses to network, share ideas and offer support. Based on observations at this year's event it is clear that the Selby business community is a close, collaborative unit, who are focussed on making Selby a great place to do business. With this year's event being such a success, plans are already being discussed about holding the third Selby Enterprise Day event next year.

A study is currently being undertaken which is looking at the potential for pop-up shops and incubation units in Selby and potentially the other two main settlements. The findings of this will be reported in September.

Retail and the Towns

This year the Selby Town Enterprise Partnership (STEP) was the lead organiser of the Selby Food Festival which was held in the market place and Finkle Street on Yorkshire Day, 1 August 2015. In order to make a big impact for the town and its visitors, the STEP co-ordinated the festival so that it was held the same day as a craft event in the Abbey and a beach party by the river. Once again the event brought people to the town and enabled stallholders and shopkeepers in the town to showcase the town at its best. The STEP has identified festival and events as key ways to promote the town and increase footfall in the town centre. As part of this work STEP is undertaking a piece of work to evaluate the economic impact of events such as this and the Tour de Yorkshire.

The STEP is currently pulling together a set of practical actions to take forward the findings of two key pieces of work: the street scene audit and the retail study.

In Sherburn, the Village Centre project is now in its delivery phase and detailed visual plans have now been drawn up; they are currently being consulted on. The plans will enable planning consent to be sought for the improvement works. The work will be project managed by Sherburn in Elmet Parish Council.

The Tadcaster Riverside Project is now in its delivery phase with the archaeological dig completed. Groundwork North Yorkshire is now commencing the consultation phase which will engage the community and stakeholders on the detailed plans. Once the consultation process is complete in the autumn, a planning application for elements of the proposed work will be submitted. Once planning permission for the scheme is received, an application will be made to the Environment Agency for their consent.

Work is underway on the scoping of a car parking review which will take forward the findings of the pieces of work undertaken by the STEP in Selby and the car park and retail studies in Tadcaster.

Communities and the Future of the CEFs

As a result of the work undertaken by the 'Future of the CEFs' Design Group at the end of 2014 and a subsequent governance review by the Legal Team, several changes to CEFs in the Constitution are being taken through the decision making process; they are covered later on the agenda for this meeting. In tandem with this, changes are being made to how CEFs are supported. From 1 October the council's Democratic Services team will be providing the secretariat service for the CEFs. A commissioning process is currently being undertaken to decide on which third sector organisations will be involved in providing community development support to the CEFs. Partnership Boards will be involved in the selection process.

Chris Metcalfe

Councillor Jack Crawford – Chair of Scrutiny Committee

Scrutiny Committee – 24 June 2015

Work Programme 2015/16

Councillors were asked to suggest topics they wished to consider in the coming year.

National Non-Domestic Rates

The Executive Director (and S151 Officer) and Lead Officer Benefits and Taxation provided the Committee with an update report on National Non-Domestic Rates.

Transport Update Including Proposed Reductions to Bus Subsidy

Richard Owens, Assistant Director (Integrated Passenger Transport, North Yorkshire County Council) provided the Committee with an update on the proposed reduction in bus subsidy.

Scrutiny Committee – 21 July 2015

Barlow Common Local Nature Reserve Annual Report

The Committee undertook a site visit to Barlow Common Nature Reserve.

Councillors were presented with Barlow Common's Annual Report 1 April 2014- 31 March 2015.

Organisational Review

The Chief Executive provided the Committee with an update regarding the Council's Organisational Review.

Scrutiny Committee Task and Finish Group Review of the Community Officer Team

The Committee considered a report that provided the results of the Task and Finish Group Review of the Community Officer Team.

Work Programme 2015/16

Councillors considered the Work Programme 2015/16.

The Committee agreed to:

- Undertake a review of Council funded Community Centres, commencing in September 2015.
- Invite a representative from Selby Leisure Centre to attend a future meeting of the Scrutiny Committee.
- Invite a representative from North Yorkshire County Council's Highways department to attend a future meeting of the Scrutiny Committee.

Councillor Jack Crawford

Chair, Scrutiny Committee

Councillor Jim Deans – Chair of Policy Review Committee

Policy Review Committee – 16 June 2015

PLAN Selby Initial Consultation – early findings

Executive Member, Councillor Mackman and Keith Dawson, SDC Director presented a final report on the results of the Initial Consultation.

The presentation highlighted the following key issues that had been raised in response to the public consultation:

- Provision of homes
- Promoting prosperity
- Green Belt
- Safeguarded land
- Development limits
- Strategic Countryside Gaps
- Infrastructure needs
- Climate change and renewable energy
- The environment

The Council's response to the issues arising from representations received, would be published in its Consultation Statement, as part of the Council's supporting documentation when PLAN Selby was submitted to the Secretary of State.

The preparation of PLAN Selby would continue throughout the year on three main areas of work:

- Focussed engagement (Summer 2015)
- Evidence gathering to inform and support the plan.
- Generation and Appraisal of Options (June – December 2015)

Work Programme 2015/16

The Committee gave consideration to the Work Programme 2015/16.

Policy Review Committee – 14 July 2015

National Non-Domestic Rates Transitional Relief Scheme

The Benefits and Taxation Officer presented a report that set out the details of the National Non-Domestic Rates Transitional Relief Scheme.

National Non-Domestic Rates Discretionary Reliefs

The Committee received a report that presented a revised National Non-Domestic Rates Discretionary Reliefs Policy.

The following changes to the Council's Discretionary Rate Relief Policy were agreed:

- S44a relief (part occupation of premises) be added to the Policy.
- The award cap relating to rateable values be removed.

There was some discussion in relation to charity shops' compliance with the Discretionary Rate Relief scheme and the Executive were asked to consider this matter.

Review of the Licensing Policy

The Solicitor to the Council presented a report that set out the scope and timetable for the review of the Licensing Policy.

The Committee noted the proposals for the review.

Councillors requested that a section on the licensing responsibilities of alcohol wholesale/retail businesses and the Council's joint partnership working on enforcement be included in the revised Policy.

Welfare Reform – Six Months Update

The Committee was presented with a report that provided a six month review detailing the impact of the Welfare Reform changes on residents of Selby.

Work Programme 2015/16

Councillors agreed to add an item regarding tenancy fraud to the Work Programme.

Councillor J Deans

Chair, Policy Review Committee

Councillor Mike Jordan – Chair of Audit and Governance Committee

The Audit Committee has already met twice due to inclusion of an extraordinary meeting called to deal with a heavy work load.

Audit and Governance Committee – 17 June 2015

Meeting 1 occurred on 17th June to consider amendments to the council's Constitution which were referred to Audit by the Executive on June 4th.

One of the proposed amendments had to be dealt with to comply with changes to the Law. The Council Solicitor presented the report and a large handout was circulated with the committee then guided through the report. Can I thank the committee for 'bearing up' under the strain of all the extra paperwork supplied without notice. The item that had to be dealt with concerned the process for dismissing a protected officer. Audit were happy to support the proposed change. I was not afforded the opportunity to say so at the Full Council meeting that followed.

There were a number of other proposals which were discussed but it was felt that they (relating to CEFS and planning application site visits) should be left for further consideration at a future meeting.

Following this we then had our Internal Auditors (Veritau) give a presentation on the Annual Audit report which they gave "Substantial Assurance" with some 97.6% of all reporting completed (exceeding the 93% target).

Lastly at this first meeting we covered Risk Management of both Corporate Selby District Council and Access Selby. (This was a part 2 item). Members questioned officers in detail about the risk registers and plans that underpin the risks. Audit were comfortable with the responses.

Audit and Governance Committee – 16 July 2015

Meeting 2 was called as an Extraordinary meeting to further discuss the items not dealt with in Meeting 1. This was held on Thursday July 16th and I thank members of the committee for attending this extra meeting.

We discussed two issues, basically both being proposed amendments to the Constitution. The first related to CEFs and the second a planning matter, namely rules relating to site visits and the ability to speak at the same.

As regards CEFs we agreed with the recommendations. However we also requested that the Council Solicitor/officer(s) should attend each of the subsequent Partnership Board meetings in order to clarify issues relating to membership and roles. This would ensure that the new guidelines are followed strictly.

As regards Site Visits relating to planning applications we recommended firstly that a request form for a site visit be added to the weekly planning list. This is to help reduce the risk of any delays and prevent the situation where a decision at planning committee could be deferred for a site visit---thus lengthening the process. Secondly it was felt by the committee that a site visit is a fact finding mission, not a further opportunity for debate (which should be left to the committee meeting). We therefore recommend accordingly.

Councillor M Jordan
Chair, Audit and Governance Committee



Public Session

Report Reference Number: C/15/2

Agenda Item No: 14

To:	Council
Date:	8 September 2015
Author:	Gillian Marshall, Solicitor to the Council
Executive Member:	Councillor Chris Metcalfe
Lead Officer:	Rose Norris, Executive Director

Title: Community Engagement Forums – review of arrangements and changes to the Constitution

Summary:

This report summarises the findings of a review of the Community Engagement Forums and proposes minor constitutional changes to strengthen transparency and governance arrangements

Recommendations:

- i. To note and endorse the future arrangements for Community Engagement Forums and the arrangements for supporting them.**
- ii. To authorise the Monitoring Officer to amend the Constitution as set out in paragraph 2.9.**

Reasons for recommendation

- i. To ensure that the arrangements give fair access to funding, that the requirements for transparency are complied with and to ensure that CEFs are properly supported in relation to meeting administration and there is appropriate access to legal and financial advice in decision making**
- ii. To ensure the Constitution is up to date.**

1. Introduction and background

- 1.1 Since 2009, Community Engagement Forums (CEFs) have been a key part of the council's service delivery model and are therefore an integral part of the council's constitutional arrangements. As such, they are covered in Article 10 of the Constitution, Section 3.6 (Delegation of Functions), the Community Engagement Procedure Rules and the Code of Conduct for members of the Community Engagement Forum Partnership Board .
- 1.2 Since the five Community Engagement Forums (CEFs) were rolled out in July 2009 they have been working with community groups across Selby District to increase their role in influencing and delivering local services. There are opportunities for the CEFs to develop further and deliver more in communities in line with the *stronger communities* agenda. Indeed, this is a key part of the Customer and Community model which Selby District Council is developing with North Yorkshire County Council.

2 The Report

- 2.1 In October 2014 a CEF Design Group, a working group (made up of councillors, third sector partners and council officers), was set up to review the operation of CEFs in partnership with the third sector. The Design Group was set up to help shape the future of the CEFs and look at options for improving the governance arrangements which underpin the CEFs, given that the District Council is the accountable body. As part of the review process, the legal and constitutional issues were considered in detail in order to clarify the purpose and functions of the CEFs. The governance arrangements have been considered to ensure that any new arrangements are robust and provide a model for future development of the function.
- 2.2 The review noted the legislation regarding decision making by the Council was prescriptive and impacted on the desire to ensure that partners and communities engaged with CEFs and felt that they had a real opportunity to influence decision making at a local level. When the CEFs were set up, it was intended that any 'decisions' of the Partnership Board would be given effect by directors using delegated powers. However, over time the requirements for such decisions to be recorded has increased and the council needs to be able to demonstrate this delegated decision making in an open and transparent manner. In November 2014, wording was added to Part 3 of the re-drafted Constitution as an interim measure stating 'the CEFs should assess and make recommendations to the appropriate budget holder for the allocation of funds from the budget made available by the Council to each CEF'. This clarified that directors are responsible and accountable for the decision making process. The proposals now being considered move the

Council from that interim position to a model with strengthened governance and accountability, more in line with the processes used to give effect to decisions of Local Enterprise Partnerships by their relevant accountable body.

- 2.3 Within the existing process there is limited guidance given to CEFs by the District Council on decision making, how funding is allocated, financial management and conflicts/disclosures of interest for the Partnership Boards. The review also found that information for the public on the procedure for making funding applications, how applications will be assessed and how funding decisions are reached in an open and transparent manner was not readily available. The CEFs' individual Terms of Reference, funding guidelines and funding applications have been subject to individual changes by each Partnership Board leading to different processes depending on which CEF the application is made to. Whilst decisions should be led by local priorities, which will be different in different areas, it is not necessarily appropriate or transparent for different levels of funding to be available depending on where the application is made within the District and for there to be different rules on match funding and the funding of revenue and/or capital expenditure.
- 2.4 Under existing arrangements, support to the CEFs is devolved from the District Council and they are administered by the Third Sector. As a result, the administrators have not had access to specialist advisors on governance and meeting administration or had direct legal and financial advice on grant funding. This has caused some inconsistencies around the reporting of CEF recommendations and the transparency of decision making.
- 2.5 Two options for future working have been considered; a fully devolved model in which the District Council would commission the CEFs to deliver services and administer grants. In this model the CEFs would not be part of the decision making structure of the District Council and would not be covered by the Constitution of the Council. Control over the activities of CEFs and of their future development as well as their grant making would rely solely upon the contractual terms of the commission to them. Given that CEFs would administer the monies raised through Council Tax or received through grants made to the District Council it was felt that such a model did not give the District Council sufficient reassurance on the proper expenditure of this money. It may also result in inconsistencies in the level of engagement in each area.
- 2.6 The second option provides for the meeting administration to be undertaken by the District Council's own staff. The CEFs would continue to function as a consultative forum with a separate Partnership Board made up of Councillors and admitted co-opted partners working together. The Partnership Board would come to a view on a given matter and that view would be passed to an Authorised Officer to check that it complies with governance arrangements

and legislation before being authorised. Governance, legal and financial expertise will be available directly to the Officer(s) responsible for overseeing the allocation of funding. The Third Sector will still be commissioned to provide support for Community Engagement but will not be required to deal with administration and governance.

- 2.7 To simplify the administration of the revised system it is proposed that the over-arching requirements and processes are the same across all CEFs. It was suggested by the review that the Council produces a comprehensive package of consistent resources, documents and guidance notes that will apply to all CEFs so that they are functioning under the same rules and guidelines and thus making access to funds fair across the district. This Toolkit has been developed by officers and includes Frequently Asked Questions sheets, a common application form and grant allocation framework, standard award letters and conditions and information on the monitoring of expenditure of delivery of expected benefits.
- 2.8 The Constitution states that the Council must establish and support no fewer than two CEFs. However, the CEF Procedure Rules currently provide that there may be 'as many CEFs as the Council will, from time to time, determine provided that every community in Selby District is included within a CEF area'. Having looked at options for either increasing or decreasing the number of CEFs (which could lead either to capacity issues or extremely large areas) it is considered that a five CEF model should be retained for the time being within Selby District as it balances the need for resilient local decision making with more community-level identity and delivery. However as a result of the ward changes from the 2015 elections, the current CEF boundaries have been amended, e.g. the new Appleton Roebuck and Church Fenton ward will necessitate Church Fenton leaving its current grouping with the Eastern CEF villages.
- 2.9 The preferred option requires minor changes to the constitution. Revised drafts of Article 10 (Community Engagement forums, Part 3.6 Delegation of Functions to CEFs), Community Engagement Procedure Rules and Code of Conduct for members of the CEFs are attached as Appendix A-D. These appendices take account of the views of the CEF Design Group and were considered by Audit and Governance Committee as part of their consideration of changes to the Constitution in June and July 2015. Audit and Governance Committee resolved as follows:-

To recommend to Council that the amendments to the Constitution relating to Community Engagement Forums, as outlined in report A/15/6, are approved subject to the following:

- (i) *To require Officer participation at the first meeting of each Community Engagement Forum Partnership Board following any changes to the Constitution and procedures;*
- (ii) *To remove North Yorkshire Police and North Yorkshire Fire and Rescue from the list of Statutory Partners under rule 1.2 of the Community Engagement Forum Procedure Rules (Appendix C of the report);*
- (iii) *The Executive be asked to consider, as part of the future budget setting process, the implications of revising the funding structure to reflect the size of the electorate in each CEF area;*
- (iv) *To note the proposed improvements to the administration of Community Engagement Forums, in particular that the distribution of agenda and reports to Councillors will be brought into line with existing arrangements and timescales for other Council meetings and committees; and*
- (v) *To delete paragraph 4 of section 3 in the Code of Conduct for Members of the Community Engagement Forums, which starts "If the views of individuals on the CEF..."*

The drafts provided for consideration with this report reflect resolutions (ii) and (v).

In addition one minor change has been made to the CEF procedure rules since they were considered by Audit and Governance Committee to change the wording for consistency purposes to confirm that CEFs review applications to the CEF Community Fund and make requests for grants to be administered according to the application criteria and governance arrangements

3 Legal/Financial Controls and other Policy matters

Legal Issues

- 3.1 Strengthened governance arrangements reduce the risk of legal challenge.

Financial Issues

- 3.2 Changes to CEF administration are contained within existing budgets.

Impact Assessment

- 3.3 The changes have been screened for impact and are considered to have a positive impact in increasing equal access to funding.

4. Conclusion

- 4.1 That the amended arrangements be noted and endorsed and that the Monitoring Officer be authorised to make the proposed changes to the Constitution.

5. Background Documents

None

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Appendices:

Appendix A - Proposed Article 10
Appendix B – Proposed delegation of functions
Appendix C – Proposed CEF Procedure Rules
Appendix D – Proposed Code of Conduct

Article 10 – Community Engagement Forums**10.1 Community Engagement Forums (CEFs)**

The Council will establish and support no less than 2 Community Engagement Forums.

10.2 Composition

Community Engagement Forums will be public meetings held periodically in each CEF area to discuss issues affecting that area.

Community Engagement Forum Partnership Boards will comprise all district ward councillors from the area concerned, statutory partners and co-opted members as defined in the CEF Procedure Rules.

The CEF Chair will be appointed by the Council as provided for in the CEF Procedure Rules. He/she need not be a member of Council and will automatically become a member of and Chair of the Partnership Board.

Each CEF Partnership Board shall appoint a Vice-Chair from amongst the members of the Partnership Board as provided for in the CEF Procedure Rules. The Chairman of Council, the Leader and Executive members shall not be appointed as CEF Chairs or Vice Chairs.

10.3 Role and Function

- (a) To provide an opportunity to raise, discuss and consider matters related to the well-being of the CEF's area, particularly, but not exclusively, those matters which are the responsibility of the local government authorities, their partner organisations and other organisations who provide services partly or wholly funded by public funds.
- (b) To assist in the planning and monitoring of local services.
- (c) To enable decision-making to be taken at a local level where this is practical and effective and in accordance with the scheme of delegation.
- (d) To assess and make recommendations to the appropriate budget holder for the allocation of funds from the budget made available by the Council to each CEF.
- (e) To develop, monitor and maintain the area Community Development Plan.
- (f) To support communities in their implementation of the Community Development Plan and solutions to issues and topics of local concern.

- (g) To contribute to the achievement of the aims and objectives of the Selby and North Yorkshire Strategic Partnership and the development and delivery of the Selby District Sustainable Community Strategy.

10.4 Conduct

The members of the CEF shall conduct themselves in accordance with the provisions of the Code of Conduct for Councillors or the Code of Conduct for Members of the CEF attached at part 5 of the Constitution as applicable under the CEF Procedure Rules.

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PART 3.6 - Community Engagement Forums

1 Purpose

To provide a forum to raise, discuss and consider matters related to the well-being of the Forum's area, particularly, but not exclusively, those matters which are the responsibility of the local government authorities, their partner organisations and other organisations who provide services partly or wholly funded by public funds.

2 Membership

All Selby District ward councillors for the Forum area.

Representative of Statutory Partners as defined in the CEF Procedure Rules including all North Yorkshire County Councillors for the relevant division covering the CEF area.

Up to 4 co-opted representatives from town and parish councils in the Forum area (or such other number as the CEF shall determine save that the total number of co-opted members may not exceed 8)

Up to 4 co-opted other members who are community representatives (or such other number as the CEF shall determine save that the total number of co-opted members may not exceed 8)

3 Functions

- (a) To provide an opportunity to raise, discuss and consider matters related to the well-being of the CEF's area, particularly, but not exclusively, those matters which are the responsibility of the local government authorities, their partner organisations and other organisations who provide services partly or wholly funded by public funds.
- (b) To assist in the planning and monitoring of local services.
- (c) To enable decision-making to be taken at a local level where this is practical and effective and in accordance with the scheme of delegation.
- (d) To assess and make recommendations to the appropriate budget holder for the allocation of funds from the budget made available by the Council to each CEF.
- (e) To develop, monitor and maintain the area Community Development Plan.
- (f) To support communities in their implementation of the Community

Development Plan and solutions to issues and topics of local concern.

- (g) To contribute to the achievement of the aims and objectives of the Selby and North Yorkshire Strategic Partnership and the development and delivery of the Selby District Sustainable Community Strategy.

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COMMUNITY ENGAGEMENT FORUM PROCEDURE RULES

1. Community Engagement Forums (CEFs)

1.1 Structure of CEF Meetings

CEF meetings will be structured in accordance with procedure rules a and the agreed arrangements shall provide for:

(a) A Community Forum:

- The opportunity for all residents of the CEF area to raise concerns about public services provided by any public body having an influence on the quality of life of those living and working in the area.
- A means of holding to account those who provide services in the name of the community.
- A means of influencing the future shape of service delivery.
- An opportunity for direct involvement in the provision of services and facilities for the benefit of the area.
- A means of determining the use of and monitoring of the Community Fund.
- A means of sharing information and gathering the views of the community.

(b) Business Sessions (the Partnership Board):

The Partnership Board will be responsible for:

- Setting the timetable of meetings having regard to the need to include Community Sessions.
- Making recommendations arising from issues discussed at CEF meetings to the Council and to partners.
- Developing, monitoring and maintaining the Community Development Plan for each CEF Area identifying and mitigating any risks.
- Reviewing applications for the Community Fund and voting on recommendations for grants to be administered in accordance with agreed criteria and governance arrangements.
- Reporting annually to the Council on The Community Development Plan and progress against it.

1.2 The Statutory Partners

The following statutory bodies have agreed to support CEFs in delivering a partnership response to community concerns:

- Selby District Council
- North Yorkshire County Council

and all North Yorkshire County Councillors from divisions covering areas contained within the CEF and such representatives of the other bodies as are notified from time to time by each partner are co-opted onto the CEF as Statutory Partners.

1.3 Co-opted Members

In addition to the statutory partners listed in paragraph 1.2 there will be up to 8 admitted partners with voting rights on the Partnership Board. Normally the 8 would comprise up to 4 town or parish council representatives and up to 4 other community representatives co-opted by the Partnership Board, but the Partnership Board shall be free to determine a lower number if it sees fit.

1.4 Number and coverage of CEFs

There shall be as many CEFs as the Council will, from time to time, determine (currently 5 CEFs) provided that every community in Selby District is included within a CEF area.

1.5 Appointment of Chair and Vice-Chair

The Council will appoint a Chair for each CEF who will hold office for the municipal year. The Chair must be a member of the CEF (either a Councillor, a Statutory partner or a Co-opted Member

Each CEF Partnership Board will appoint a Vice-Chair who will hold office for the municipal year.

If a CEF Chair or Vice-Chair ceases to be eligible to hold office, the Council shall appoint a new Chair or the CEF Partnership Board shall appoint a new Vice-Chair at its next meeting.

The Chairman of the Council and any member of the Executive shall not be appointed Chair or Vice-Chair of any CEF during his/her period of office.

In the absence of the Chair the Vice-Chair will preside. In the event of the Chair and Vice-Chair not being present, members of the Partnership Board who are present at the meeting will elect a Chair for the meeting.

1.6 Meetings of Community Engagement Forums

(a) Frequency

Each CEF Partnership Board will draw up a schedule of meetings for the year ahead for approval by the Council and incorporation into the Schedule of Meetings for the start of each municipal year.

(b) Venue

The Council will make available premises for each CEF meeting and will take all reasonable steps to make sure that the venue is as accessible as possible for everyone who wishes to attend the meeting. Wherever practicable, meetings will take place at venues within the CEF area.

(c) **Agenda**

Notice will be given of the time and place of any meeting in accordance with the Access to Information Procedure Rules.

1.7 Attendance of non-members of CEFs

All councillors shall be entitled to attend the proceedings of any CEF and Partnership Board.

Councillors who do not represent an area within the CEF shall not vote and may only speak with the consent of the Chair.

1.8 Confidentiality

Reports to the Partnership Board which are not for publication under the Access to Information Procedure Rules on the grounds they contain confidential or exempt information shall be treated as confidential and shall not be disclosed by a Partnership Board member .

1.9 Minutes of Community Engagement Forum and Partnership Board meetings

(a) **Approval**

Minutes of all CEF and Partnership Board meetings will be approved by the Partnership Board and signed as a correct record.

(b) **Accuracy**

Only the accuracy of the minutes may be questioned and an amendment put forward to propose a change of wording.

1.10 Councillors' Conduct

Councillors must conduct themselves at CEF meetings in accordance with the Code of Conduct for Councillors attached at Part 5 of the Constitution.

1.11 Conduct of Statutory Partners and Co-opted Members

Statutory Partners and Co-opted Members must conduct themselves in accordance with the Code of Conduct for Members of the CEF attached at part 5 of the Constitution.

1.12 Quorum

Meetings of the Partnership Board will be quorate if there is not less than one third of voting members present.

1.13 Method of Voting

Each voting member of the Partnership Board will have an equal vote. Voting shall be by a show of hands and matters will be decided by a majority decision of those present and voting in the room.

All voting procedures shall be in accordance with Rule 19 of the Council Procedure Rules.

CODE OF CONDUCT FOR MEMBERS OF THE COMMUNITY ENGAGEMENT FORUMS**PART 1 - GENERAL PROVISIONS****1. Scope**

A Statutory Partner or Co-opted Member of the CEF must observe this Code of Conduct whenever he/she:

- (i) conducts the business of the CEF;
- (ii) acts as a representative of the CEF.

Where a Member of the CEF acts as a representative of the CEF from another relevant body, he/she must, when acting for that other body, comply with that other body's Code of Conduct.

2. When the Code applies

This Code of Conduct shall not have effect in relation to the activities of a Member of the CEF undertaken other than in an official capacity.

3. General Obligations

As a CEF Member it is important that you recognise from the outset that you are required to play a role in your community. This means not simply offering your own views and opinions on local issues, or taking decisions that are based on your own self-interest.

The role of CEF Member is one that requires you to represent the views of your community, or your section of the community. In practice, this will involve discussing issues with people in the community to clarify their views and assess the strength of their feelings on different topics.

At some point it may be that you will find some conflict between your own personal views and interests and those of the community that you are representing. If such a situation does arise, make sure that the views of the community take precedence.

In some instances, it may be necessary and appropriate to declare an interest in the matter under discussion and to withdraw from that debate and decision-making. This will be the case where a reasonable member of the public, in full knowledge of relevant facts would be likely to conclude that your private interests are such that you cannot act in the public interest.

This Code of Conduct is based upon the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

In undertaking your duties as a member of the CEF

1. You must not behave in a way that a reasonable person would regard as disrespectful to them.
2. You must not bully or intimidate or attempt to bully or intimidate any person.
3. You must not do anything which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Council.
4. You must not bring the Council, or your office as a CEF Member, into disrepute.
5. You must not do anything which may cause the Council to breach any equality enactment
6. You must not use or attempt to use your position as a CEF Member improperly to confer on or secure for yourself or any other person any advantage or disadvantage.
7. You must always use the resources of the Council in accordance with the Council's reasonable requirements and never use those resources for political purposes.
8. If, because of your membership of the CEF, you are in receipt of or are offered any gift or hospitality with an estimated value of £50 or more you must decline to accept any such gift or hospitality which could reasonably be perceived as creating an obligation upon the Council, or upon yourself as a member of the CEF.
9. You must not knowingly prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
10. You must not disclose information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, unless:
 - You have the consent of a person authorised to give it; or
 - You are required by law to do so; or
 - The disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
 - The disclosure is reasonable, in the public interest, made in good faith, and made in compliance with the reasonable requirements of the Council.

4. Respect and Courtesy

For the effective conduct of the CEF's business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members of the CEF and officers of the council and partner organisations. This too plays a very important part in the CEF's reputation and how it is seen in public. It is very important that both Members of the CEF and officers remember their respective obligations and to do what they can to avoid criticism of other Members of the CEF, or other officers, in public places.

5. Discrimination

No CEF member will discriminate on any ground against any other member of the group or the public, in line with the Equalities Act 2010. Discriminatory language will not be used in discussions. All those who attend meetings have the right to be treated with dignity and respect, regardless of their race, colour, ethnic or national origins, nationality, gender, marital status, age, sexuality, religion or any other matter

6. Role of the Chair

In Partnership Board meetings the role of the Chair is a *formal* one, all speakers will be expected to address their comments to the Chair. This helps the Chair to keep control of the discussion.

In Community Sessions, where proceedings need not be so formal, the Chair may be content simply to steer the general direction of the discussion – this may be described as an *enabling* role.

The Chair is expected to know the rules by which the CEF functions, and ensure that at all stages of its work the CEF is operating in accordance with any procedures that are set down. In this context the Chair may be called upon to act as an arbiter when there is a disagreement about how the rules should be interpreted.

7. Breach of Code of Conduct

During the meeting if any member breaches the Code of Conduct they will be warned by the Chair, if this behaviour continues they will then be asked to leave the meeting.

If the member continues to breach the Code of Conduct or the behaviour is deemed serious enough then they may be asked not to attend the meetings until such time that they agree to abide by the code.

5. Conclusion

It is hoped that, by following good practice and securing sensible and practical working relationships between Members of the CEF and others, we

can provide one of the cornerstones of a successful public Community Engagement Forum.

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Public Session

Report Reference Number: C/15/3

Agenda Item No: 15

To:	Council
Date:	8 September 2015
Author:	Gillian Marshall, Solicitor to the Council
Executive Member:	Councillor Mark Crane
Lead Officer:	Jonathan Lund, Monitoring Officer and Deputy Chief Executive

Title: Amendments to the Constitution

Summary:

The report proposes changes the Financial Procedure Rules, the Terms of Reference of Audit and Governance Committee, the delegations to the Monitoring Officer and the Code of Practice for dealing with Planning Matters. These changes were considered by the Executive on 4 June 2015 and by the Audit and Governance Committee on 17 June and 16 July. They will be reported to the Executive on 3 September and any further comments by the Executive will be presented verbally to Council when this report is considered.

Recommendations:

- i. **To authorise the Monitoring Officer to make amendments to constitution to give effect to the arrangements outlined in section 2 of the Report**
- ii. **That such changes should take effect from 1 October 2015**

Reasons for recommendation

To aid the efficient administration of Council business.

1. Introduction and background

- 1.1 The Constitution was comprehensively reviewed in 2014 in preparation for the reduction in the number of Councillors from 41 to 31. Further changes are now recommended in order to speed up decision making whilst maintaining

good governance and financial control. The Executive resolved on 4 June 2015 to refer these changes to Audit and Governance Committee to consider and to make recommendations to Council. The changes were considered at meetings of Audit and Governance Committee on 17 June 2015 and 16 July 2015 and the changes proposed in this report were recommended for approval. Where specific issues or considerations were raised by Audit and Governance Committee these are noted in the body of the report.

2 The Report

2.1 Amendments are proposed to the Financial Procedure Rules as part of a general refresh of that document. A revised draft is attached at Appendix A. The main changes to be noted are -

- a) an increase to the level of in-year virement that can be approved under delegated powers. The proposal is that the level should be £50 000 rather than the current £20 000 which would be consistent with the level of authority granted under the Contract Procedure Rules and the definition of a significant officer decision which should be recorded and publicised. The increased authority is to be limited, as now, to the s151 Officer.
- b) To increase the delegation limits on approving the sale of land to £50 000 consistent with the other financial limits. This would be delegated to Directors after consultation with the s151 Officer.

All other changes are minor consistency changes or clarifications. Audit and Governance Committee recommended these changes be approved although they wished it to be noted that due to the late dispatch of the revised draft they did not have time to consider the attachment in detail before their meeting.

2.2 It is proposed and recommended by Audit and Governance Committee that the role of monitoring the Council's use of the Regulation of Investigatory Powers Act (RIPA) for surveillance be added to the Terms of Reference of Audit and Governance Committee. The Home Office Code of Practice indicates that review by Councillors on an annual basis (at a minimum) should take place and this is one of the recommendations arising from a recent visit by staff from the Office of the Surveillance Commissioner.

2.3 Following on from a review of the Community Engagement Forums, changes are also recommended to the Constitution to strengthen the governance arrangements for the CEFs. These changes are included in another report on the Agenda but for completeness reference is made here to the proposals as part of the overall changes to the Constitution which are being considered.

2.4 The previous Government issued a consultation paper on 29 January 2015 on proposed changes to the Local Authorities Functions and Responsibilities Regulations. These regulations identify the split in decision making responsibility between Council (and committees of Council) and the

Executive. They were first introduced in 2000 and regularly amended until 2013. This report proposes that the Council should now replace the existing set and all the amendments with a new 2015 version. The consultation closed on 6 March 2015. It is likely that the new Government will proceed with some or all of these changes in the new Parliament. The Council will have no option but to reflect these legal changes in the Constitution. Audit and Governance Committee therefore recommend that Council consider granting a general delegated power to the Monitoring Officer to amend the Constitution where required to do so as a matter of law and where the Council has no discretion in relation to the changes or the way they are implemented.

- 2.5 At their meeting in June 2015 the Executive also resolved to ask Audit and Governance Committee to look again at the Site Visit Section of the Code of Practice for dealing with Planning Matters in part 5 of the Constitution. This was because concerns had been expressed about the ability of Ward Councillors to represent their constituents in such matters. The current Code (approved in October 2014) states that no opportunity for speaking, debate or giving opinions will be afforded to the Agent/Applicant, or other parties e.g. Ward Councillors, objectors except where the Chair permits a response to questions of fact from the committee.
- 2.6 Having considered the matter fully the Audit and Governance Committee raised concerns about the need for planning decisions, and discussions, to take place in the Planning Committee meeting room. It was felt that there are too many potential distractions 'on site' to enable considered contributions to a discussion. Councillors also noted that technological advancements, in particular video recording and satellite imaging, could reduce the need for site visits. Concerns were raised by the Committee that, on occasions, requests for site visits are not being made sufficiently in advance of Planning Committee meetings, and that this can delay the decision.
- 2.7 Audit and Governance Committee therefore resolved to recommend to Council that the Planning Code of Conduct be amended as follows:
- (i) Site visits should be requested in advance of the Planning Committee meeting and Councillors should liaise with officers at the earliest opportunity to consider the need for a site visit;
 - (ii) Wherever possible modern technology, such as the use of video recording and satellite imaging, should be made available to the Planning Committee to reduce the need for site visits;
 - (iii) The purpose of a site visit is to gather factual information relating to the planning application;
 - (iv) As a consequence of (iii) the attendance at a site visit shall be the Planning Committee, the relevant officer(s) and (where relevant) statutory consultees only;
 - (v) The Chair shall set out the rules relating to the site visit at the start of the visit;
 - (vi) There shall be no debate or statements during a site visit.

- 2.8 The recommendations of the Audit and Governance Committee will be reported to the Executive on 3 September and any comments made by the Executive will be reported to Council at the meeting.

3 Legal/Financial Controls and other Policy matters

3.1 Legal Issues

An up to date Constitution reduces the risk of legal challenges to the decisions of the Council.

3.2 Financial Issues

Controls will remain in place to ensure financial probity.

4. Conclusion

- 4.1 That amendments should be considered to the Financial Procedure Rules, the Terms of Reference of Audit and Governance Committee, the delegations to the Monitoring Officer and the Code of Practice for dealing with Planning Matters as set out in the body of this report.

5. Background Documents

None

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Appendices:

Appendix A – Draft Financial Procedure Rules

FINANCIAL PROCEDURE RULES

Introduction

The purpose of these Rules is to provide a sound and published framework of financial control within which the whole Council must operate. They link in with other rules and procedures forming part of this Constitution, for example the Budget and Policy Framework Procedure Rules at Part 4, the Responsibility for Functions at Part 3, the Employees' Code of Conduct at Part 5 and the Contract Procedure Rules at Part 4.

These Rules are approved by the Council and apply to every councillor and officer of the authority and anyone acting on its behalf.

Section 151 of the Local Government Act 1972 requires that:

'Every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs.'

The Council's Executive Director with s.151 responsibilities is appointed for the purposes of Section 151. He/she shall also be responsible for maintaining a continuous review of these Rules and submitting any recommendations for additions or changes necessary to the Executive for approval. He/she shall also be responsible for reporting, where appropriate, breaches of the Rules to the Council and/or Executive.'

These Rules, including the financial levels set out herein, may be varied or revoked only by resolution of the Council.

All reports to the Council, committees, and the Executive must contain a financial appraisal setting out the full financial implications arising from the proposal contained in the report. The financial appraisal (or its absence from a report or reports) must be agreed with the Executive Director with s.151 responsibilities

Each Director is individually responsible for the proper financial management of the resources allocated to his/her service area through the budget-making process and for the identification of income arising from activities within his/her operational area. This includes the control of staff and the security, custody and management of assets including plant, equipment, buildings, materials, cash and stores relating to his/her service area. Each Director shall ensure that staff comply with the requirements contained in these Rules.

Assistance to ensure compliance with these Rules can be obtained from the Finance Team.

These Rules aim to achieve financial propriety rather than to act as a barrier to action.

The Executive Director with s.151 responsibilities may delegate in writing certain of his/her responsibilities within these Rules to his/her staff but must retain overall responsibility as the Section 151 officer.

1. Revenue Expenditure

- (a) Every Director shall, in conjunction with the Executive Director with s.151 responsibilities, prepare estimates of their income and expenditure for the following 3 financial years. These estimates shall be in a form and in accordance with deadlines approved by the Executive Director with s.151 responsibilities and shall be prepared in accordance with the Council's Financial Strategy.
- (b) The Executive Director with s.151 responsibilities shall submit the estimates and an annual estimates report to the Executive who shall consider the estimates, and, following consultation with the relevant Overview and Scrutiny Committee(s), shall submit such estimates to the Council recommending any amendments they deem necessary and the Council Tax to be fixed for the ensuing year in accordance with the Budget and Policy Framework Rules at Part 4 of this Constitution.
- (c) Chief Officers or Directors may authorise routine revenue expenditure in implementation of the Council's policies provided due provision has been made in annual estimates or it is within approved virement limits. Diversions expressly provided within estimates as contingencies may be authorised by the Executive Director with s.151 responsibilities, subject to any limitation made by the Council.
- (d) The Executive Director with s.151 responsibilities shall provide the Chief Officers and each Director with periodic statements of income and expenditure in accordance with an agreed timetable under each head of approved estimate. It is the responsibility of each Chief Officer and Director to monitor and regulate those items of income, expenditure commitments and orders under his/her control.
- (e) Any proposal to incur revenue expenditure or to reduce revenue income which is not included in the approved estimates and which cannot be funded by virement within the estimates shall be submitted to the Council with a report subject to the urgency provisions in Rule 4 of the Budget and Policy Framework Rules at Part 4 of this Constitution.
- (f) Virement within estimates shall be subject to the Executive Director with s.151 responsibilities approved virement procedures at Rule 4 of these Financial Procedure Rules.

- (g) Proposals on use of balances and level of Council Tax will be considered by the Executive and recommended to the Council. The annual Council Tax will be set by the Council.
- (h) Proposals to carry forward any underspends shall be approved by the Executive.

2. Capital Expenditure

- (a) The Executive shall, during each financial year and after consultation with the relevant Overview and Scrutiny Committee(s), approve a capital expenditure programme for the next following and subsequent 2 financial years. Such programmes shall be in a form and in accordance with deadlines approved by the Executive Director with s.151 responsibilities and in accordance with the Council's Financial Strategy. Such programmes shall be prepared by the respective Director, in conjunction with the Executive Director with s.151 responsibilities for submission to the Executive and then Council for approval.
- (b) Before embarking on any scheme included in the approved capital expenditure programme, the appropriate officer shall submit details to the Executive and shall incorporate a statement prepared in conjunction with the Executive Director with s.151 responsibilities, showing estimated costs and probable initial and ultimate revenue charge as well as the proposed method of financing.
- (c) If, during the course of the financial year, the need for a capital scheme is identified by the Executive, the scheme must be submitted to the Council with a recommendation that it be added to the capital expenditure programme in accordance with the Budget and Policy Framework Procedure Rules.
- (d) If, during the progress of a scheme, it becomes apparent that the estimated costs originally submitted are likely to be exceeded by £50,000 or more, the relevant Director shall report the facts immediately to the Executive.
- (e) The final certificate of completion of any contract shall not be issued until the appropriate officer, architect, engineer or consultant has produced to the Executive Director with s.151 responsibilities a detailed statement of account and all relevant documents as required.
- (f) The Executive Director with s.151 responsibilities shall to the extent he/she considers necessary examine final accounts for contracts and he/she shall be entitled to make all such enquiries and receive such information and explanations as he/she may reasonably require in order to satisfy himself/herself as to the accuracy of the accounts.

- (g) The final cost of any scheme, when ascertained, shall be reported to the Executive or appropriate Executive Councillor and the Council by the Chief Officers or Director concerned and the Executive Director with s.151 responsibilities.

3. Monitoring and control of revenue and capital expenditure

Quarterly exception reports covering both revenue and capital expenditure and income shall be submitted to the Executive in a form approved by the Executive Director with s.151 responsibilities.

4. Virement

- (a) Virement is a transfer of budget provision within or between budget headings and is an important mechanism in managing budget efficiently within cash limits.
- (b) Virements within approved service revenue expenditure budgets may be agreed by the Executive Director with s.151 responsibilities subject to the limits set out below.
- (c) The approval of the Executive shall be required where the virement is outside the limits set out below, is contrary to the Budget and Policy Framework Procedure Rules, or where the Executive Director with s.151 responsibilities so requires.
- (d) Virement does not create additional recurring overall budget provision.
- (e) Virements are limited to £50,000 both from and to an individual budget in any one financial year.
- (f) Virement is not allowed between the General Fund and Housing Revenue Account nor is it permitted between capital and revenue.
- (g) Virement is not allowed from the following budgets:
 - i) Insurances
 - ii) NNDR
 - iii) capital financing costs
 - iv) internal recharges
 - v) income
- (h) Virement is not allowed from carry-forward budgets.

5. Asset Register

- (a) An Asset Register is maintained by the Executive Director with s.151 responsibilities for the management of the Council's fixed asset accounting. A desktop review of the register is carried out annually

and a full review is carried out every 5 years by an independent valuer.

- (b) An asset for inclusion in the Register is defined as a fixed asset, over a value of £10,000 and with a life and use of over one year.
- (c) Assets are adjusted, where appropriate, for depreciation and where repairs and maintenance expenditure materially adds to the life of the asset.
- (d) It is the responsibility of Chief Officers and Directors to immediately notify any amendments, deletions or additions to the Executive Director with s.151 responsibilities – and provide any information or evidence required. This is also required for insurance purposes.

6. Disposal of Land and Capital Assets

(a) Definitions

- (i) 'Land transaction' means the acquisition or disposal of, or other dealing with land whether or not buildings, plant and equipment, fixtures and fittings, or other assets are included in that transaction.
- (ii) 'Major disposal' means a land transaction which consists of either a disposal of the freehold where the consideration exceeds £50,000, or the grant of lease for more than 7 years or where the rent exceeds £20,000 per annum or where the premium exceeds £50,000.
- (iv) 'Best Consideration' is a principle established by s.123 of the Local Government Act 1972 but has since been extended to allow authorities to dispose of land at less than 'best consideration' subject to it being for certain specific uses, e.g. economic and social well-being. A discount of up to £2 million could be given if justified.

(b) Approval of major disposals

The principal terms and method of each major disposal must be approved by the Executive. When determining such matters the relevant Director, in conjunction with the Executive Director with s.151 responsibilities and the Solicitor to the Council shall prepare a report for the Executive which shall:

- Specify the land to be disposed of.
- Confirm whether that land has been declared surplus to the Council's requirements.
- Advise upon the proposed method of disposal, and provide the reasons for selecting that method.
- In matters where the Council must achieve best

consideration, confirm that the proposed method of disposal which has been selected is most likely to achieve this.

- In matters where it is proposed that the disposal should be for less than best consideration, give reasons for and against seeking best consideration and following consultation with the Solicitor to the Council, specify the relevant legal powers of the Council to accept less than best consideration.

(d) Dealing with formal tenders and offers

- (i) Tenders and offers shall be opened at one time by an officer nominated by the appropriate Director, and the names of tenderers/offers, and the amounts of tenders/offers shall be recorded in a register kept by the Solicitor to the Council. Persons present at the opening of tenders/offers shall record their presence by signing the register against the specified details. Tenders/offers must be opened by the nominated officer and witnessed by a Chief Officer or Director or his/her nominated representative. Alterations/errors in tenders/offers and later or otherwise invalid tenders/offers shall be dealt with in consultation with the Solicitor to the Council.
- (ii) Where there are alterations/errors, or where a tender or offer is received late, or is otherwise invalid, and the relevant Director, in consultation with the Solicitor to the Council, is minded to recommend acceptance, the Director should record the reasons for doing so. All tenderers/offers should be given the opportunity to resubmit their tenders/offers within a given timescale wherever, in the opinion of the relevant Director, it is possible that other tenderers/offers will otherwise be prejudiced.

(e) Disposals by auction

- (i) In disposals where the approved method of disposal is by auction, at least 3 auctioneers approved by the relevant Director must be invited to provide a written quotation as to commission and associated disposal costs and the quote offering best value must be selected by the Director. This provision may be waived by agreement of a Chief Officer in the case of specialist items.
- (ii) A 'reserve price' must be set by the relevant Director in consultation with the Executive Director with s.151 responsibilities (and will be based on an independent valuation). The reserve price must be disclosed only to the auctioneer and the Council's representative attending the auction.

- (c) Approval of land transactions other than major disposals and disposals of other capital assets
 - (i) The principal terms of land transactions other than major disposals and disposals of other capital assets (except where the method of disposal is by way of auction) must be approved by the relevant Director in consultation with the Section 151 Officer.
 - (ii) The decision record must include details of estimated proceeds and their application.
 - (iii) If the proposal represents less than best consideration then following consultation with the Solicitor to the Council the decision record must specify the relevant legal powers of the Council to accept less than best consideration.

- (f) Formalities
 - (i) All contracts and other documentation entered into pursuant to all land transactions shall be in writing, and shall be signed or sealed as appropriate.

8. Inventories

- (a) Each Director shall prepare and keep up-to-date an inventory, wherein shall be recorded an adequate description of moveable plant and machinery, transport, furniture, fittings and equipment, office machinery and similar property belonging to the Council and under his/her control. The form in which the inventories shall be kept and the extent to which property shall be recorded is to be determined by the appropriate Director with the concurrence of the Executive Director with s.151 responsibilities.
- (b) Each Director shall be responsible for maintaining an annual check of all items of the inventory, for taking action in relation to surpluses or deficiencies and noting the inventory accordingly.
- (c) The Council's property shall be marked as property of the Council and 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 Director concerned.
- (d) The Executive Director with s.151 responsibilities or his/her representative may at all reasonable times have access to all such property of the Council and may make such checks and tests as he/she deems reasonable.

- (e) Responsibility for the inventory of all computer hardware and software shall lie with the Executive Director with s.151 responsibilities.
- (f) Inventories shall be reviewed from time to time by Directors in consultation with the Executive Director with s.151 responsibilities for the consideration of arrangements for custody and adequate insurance cover.

9. Borrowing

- (a) The Executive Director with s.151 responsibilities' operation of the Council's borrowing shall be subject to compliance with the CIPFA Code of Practice on Treasury Management, the Council's Treasury Management Policy Statement and Strategy and the Prudential Code for Capital Investment in Local Authorities.

10. Insurances

- (a) The Executive Director with s.151 responsibilities shall effect all insurance cover and negotiate all claims in consultation with other Directors where necessary.
- (b) Directors shall give prompt notification to the Executive Director with s.151 responsibilities of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- (c) Directors shall forthwith notify the Executive Director with s.151 responsibilities in writing of any loss, liability or damage or any event likely to lead to a claim and inform the Police if necessary.
- (d) All appropriate employees and volunteers of the Council shall be included in a suitable fidelity guarantee insurance.
- (e) The Executive Director with s.151 responsibilities shall annually, or at such other period as he/she may consider necessary, review all insurances in consultation with other Directors as appropriate.
- (f) Directors shall consult the Executive Director with s.151 responsibilities concerning the terms of any indemnity which the Council is requested to give.
- (g) Directors shall notify the Executive Director with s.151 responsibilities in advance of the acquisition of assets or at the onset of new risks which are likely to require insurance cover, together with an estimate of the cost of the required insurance cover, in order that cover can be arranged once delivery occurs or the risk materialises.
- (h) The Executive Director with s.151 responsibilities shall in matters of urgency undertake to arrange immediate insurance cover where in

his/her opinion this is deemed necessary to cover the risks.

11. Banking Arrangements

- (a) All bank accounts shall be in the name of Selby District Council and no bank account shall be opened without the authority of the Executive Director with s.151 responsibilities. The Executive Director with s.151 responsibilities shall be authorised, on behalf of the Council, to agree an overdraft facility with the Council's bankers as may from time to time be necessary.
- (b) Supplies of cheques shall be ordered only on the authority of the Executive Director with s.151 responsibilities who shall make safe and efficient arrangements for the control, custody and issuing of cheques. He/she shall also make appropriate arrangements for the safe transit and transmission of cash and cheques. Main account cheques shall bear the facsimile signature of the Executive Director with s.151 responsibilities or such other officer as the Council may determine. Cheques over £20,000 to have 2 authorised signatures with at least one being a first signatory.
- (c) The computer printed name of the Executive Director with s.151 responsibilities may be used for crossed cheques up to £20,000 and for open cheques up to £200.
- (d) All advance accounts shall be approved by the Executive Director with s.151 responsibilities and be kept on an imprest basis.

12. Imprest/Petty Cash Accounts

- (a) Payments made from an imprest account shall be limited to minor items of expenditure and to such other items as the Executive Director with s.151 responsibilities may approve and shall be supported by a receipted voucher as required. No income received on behalf of the Council may be paid into an imprest account but must be banked direct into the Council's bank account, or via the Council's cashiers' facility.
- (b) It is a requirement that a certificate be produced by the responsible officer verifying the amount of 'float' held at the end of each financial year and provided to the Executive Director with s.151 responsibilities.

13. Treasury Management

- (a) This Council has adopted CIPFA's Treasury Management Code of Practice 2009 and will adopt any amendments/additions to that Code.
- (b) A Treasury Management Policy Statement shall be adopted by the Council and thereafter its implementation and monitoring shall be delegated to the Executive Director with s.151 responsibilities.

- (c) (i) All money in the hands of the Council shall be under the control of the Executive Director with s.151 responsibilities
- (ii) The Executive Director with s.151 responsibilities shall report to the Executive not less than twice in each financial year on the activities of the treasury management operation and on the exercise of delegated treasury management powers. One such report shall comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.
- (d) At or before the start of the financial year the Executive Director with s.151 responsibilities shall report to the Executive on the strategy for treasury management it is proposed to adopt for the coming financial year.
- (e) All Executive decisions on borrowing, investment or financing shall be delegated to the Executive Director with s.151 responsibilities who shall be required to act in accordance with CIPFA's Treasury Management Code of Practice 2009.

14. Accounts and Audit

- (a) The accounts of the Council shall be kept by the Executive Director with s.151 responsibilities and all systems of accounting throughout service areas shall be as agreed with him/her. All accounting procedures adopted shall reflect local government-recommended professional practices and be in accordance with legal requirements. The Executive Director with s.151 responsibilities shall from time to time make such recommendations to the Council regarding the accounting systems and financial operations as he/she may deem necessary.
- (b) The duties of providing information regarding sums due to or from the Council and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them. Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.
- (c) A continuous internal audit, under the direction and control of the Executive Director with s.151 responsibilities, shall provide an appraisal and review of the internal control system as a service to all levels of management and the Council as a whole. It will objectively examine, evaluate and report upon the adequacy of internal controls as a contribution towards the proper and efficient use of resources and to minimise the risk of irregularity occurring.

Chief Officers and Directors, acting collectively, shall have the responsibility to establish internal control to:

- (i) ensure adherence to policies and directives in order to achieve the Council's objectives;
 - (ii) safeguard its assets;
 - (iii) secure the relevance, reliability and integrity of data and information, so ensuring as far as possible the completeness and accuracy of records;
 - (iv) ensure compliance with statutory requirements.
- (d) The Executive Director with s.151 responsibilities or his/her authorised representative shall have authority to:
- (i) enter at all reasonable times any Council premises or land;
 - (ii) have access to all records, documents and correspondence relating to any financial transactions of the Council, including those held by contractors;
 - (iii) require and receive such explanations as are necessary concerning any matter under examination;
 - (iv) require any employee to produce cash, stores or any other Council property under his/her control; and
 - (v) require the assistance of employees at all levels of the Council in the preparation of internal audit reports.
- (e) At the end of each financial year, the Executive Director with s.151 responsibilities shall submit to the Executive a statement of outturn of all revenue expenditure for approval and presentation to the Council. The Executive Director with s.151 responsibilities shall submit the accounts to the Audit and Governance Committee for approval, in accordance with the Accounts and Audit Regulations; the accounts shall then be reported to the Executive and Council.
- (f) Subject to any instruction given by the Council to the Executive Director with s.151 responsibilities, their systems of accounting control and the form of their accounts and supporting records shall be determined by that officer, and he/she shall ensure that, subject to compliance with any such instructions as are mentioned above, the systems of accounting control determined by him/her are observed and that the accounts of the Council are kept up to date.
- (g) Whenever any matter arises which involves, or is thought to involve, irregularities concerning cash, stores or other property of the Council or any suspected irregularity in the exercise of the functions of the Council, the Chief Officer or Director concerned shall notify the

Executive Director with s.151 responsibilities who shall satisfy himself/herself as to the arrangements for investigation, report and subsequent action.

- (h) The internal audit function shall be conducted in accordance with the latest professional guidance and its activity will be based on an annual plan and controlled in order to achieve the agreed objectives. Documents shall be produced and records shall be maintained to demonstrate adequate control and professionalism in the delivery of the audit service. The findings and recommendations from each audit review shall be included in a formal report which will be presented to the Executive Director with s.151 responsibilities, the Chief Executive and the Monitoring Officer.
- (i) Internal audit will carry out Value for Money exercises, and provide quality assurance advice and support, in accordance with a programme agreed in advance by the Executive Director with s151 Responsibilities and Directors.

15. Income

- (a) The Executive Director with s.151 responsibilities shall make and maintain arrangements for:
 - (i) the financial organisation, accounting and book keeping necessary to ensure the proper recording of all sums due to the Council; and
 - (ii) the collection, custody, control, disposal and prompt and proper accounting for all cash in all service areas of the Council and has the right to inspect any documents or other evidence in this connection as he/she may decide.
- (b) All monies received on behalf of the Council in any service area shall be deposited promptly with the Executive Director with s.151 responsibilities.
- (c) Large amounts of cash shall not be held overnight unless this is unavoidable. Where money is held overnight, the amount must not exceed limits laid down by the Council's insurers and secure arrangements must exist for safe keeping (approved by the Executive Director with s.151 responsibilities). Keys to safes must be kept by the approved key holder(s) and any loss of such keys must be reported to the Executive Director with s.151 responsibilities immediately.
- (d) Officers must not under any circumstances borrow temporarily from Council monies. Personal money must be kept entirely separate from Council monies and personal cheques must not be cashed out of money held on behalf of the Council.

- (e) Every transfer of official money from one member of staff to another must be evidenced in the records of the service areas concerned by the signature of the receiving officer.
- (f) The Executive Director with s.151 responsibilities shall maintain a Sundry Debtor System. All requests for debts to be raised shall be made on the form provided and signed by the relevant Director. Reports of outstanding debtors shall be provided monthly to the relevant Chief Officer or Director.
- (g) All official receipt forms, account books, tickets and other financial items of a similar nature shall be in a form approved by the Executive Director with s.151 responsibilities and shall be ordered, controlled and issued by him/her and all recorded and acknowledged except for car parking tickets which should be ordered, controlled and issued by a Director, subject to the Executive Director with s.151 responsibilities being satisfied with the control arrangements. The Director of each service area shall be responsible for the safe custody and proper use thereof.
- (h) Particulars of all charges to be made for works done, services rendered or goods supplied by the various service areas of the Council and of all other amounts due shall be promptly notified to the Executive Director with s.151 responsibilities.
- (i) New charges or changes in existing charges shall be approved by the Executive except that
 - (i) the Executive Director with s.151 responsibilities, in conjunction with the Director concerned, may increase the existing charges annually in line with inflation or take account of changes in the rate of VAT.

16. Write off of debts and losses

- (a) No money due to, or inventory items of, the Council shall be written off without the authority of the Executive except that the Executive Director with s.151 responsibilities may, after consulting any Chief Officer or the Director concerned:
 - (i) authorise the writing off of any loss of money or stores or inventory item not exceeding £10,000;
 - (ii) approve the abandonment or remission of any claim for money due to the Council when the sum involved does not exceed £10,000;
 - (iii) write off irrecoverable charges on bankruptcy or liquidation.

17. Orders

- (a) Except where a formal contract is made, all orders for work, goods and services shall be issued only by email or printed automatically using the computerised financial management system (i.e. official orders) approved by the Executive Director with s.151 responsibilities provided that the Executive Director with s.151 responsibilities may waive this requirement exceptionally in relation to particular orders such as supplies of public utility services, periodic payments, rent or rates, or otherwise.
- (b) Before an order is issued it shall be established that there is sufficient provision in approved estimates and/or other approvals have been obtained. The provisions of the Contract Procedure Rules shall be followed for obtaining tenders and quotations. The tendered or quoted price of the work, goods or services shall be stated on the order.
- (c) Oral orders shall be confirmed by official order prepared the same day. Any invoices received for which an official order cannot be traced shall be forwarded immediately to the Executive Director with s.151 responsibilities together with an explanatory memorandum. No Chief Officer or Director shall use order forms other than those electronic orders provided by the financial management system.
- (d) All orders shall, so far as possible, be issued in sufficient detail to identify completely and accurately the work, goods or service required, and shall specify where applicable the quotation, contract or other relevant agreement.
- (e) Orders shall be authorised by the appropriate Chief Officer or Director or other officer authorised by him/her after consultation with the Executive Director with s.151 responsibilities to approve on his/her behalf, provided that officers authorised to approve orders shall approve in their own name. The names of officers authorised to approve/sign such orders shall be sent, annually or on request, to the Executive Director with s.151 responsibilities by each Chief Officer or Director together with specimen signatories and shall be amended on the occasion of any change.
- (f) All orders shall be placed in accordance with the requirements of the Contract Procedure Rules in respect of the invitation of tenders and quotations.
- (g) An officer ordering materials shall consider the use of any central purchasing arrangements and to the possibilities of the standardisation of supplies and materials.
- (h) Any previously owned vehicles being purchased by the Council must be subject to a satisfactory data check on the vehicle's history by the Executive Director with s.151 responsibilities before the Council is

committed to the purchase of the vehicle.

18. Payment of Expenditure

- (a) All payments by the Council, except payments authorised under imprest accounts, and payments of salaries and wages shall be made by the Executive Director with s.151 responsibilities who shall satisfy himself/herself from time to time that there are proper arrangements in place to ensure that any amount is properly due and only such amounts are paid by the Council.
- (b) Each Director shall be responsible for arranging to have checked and certified all invoices, claims and accounts and input where appropriate arising to be dealt with in his/her service area as to their correctness in every respect. All such invoices, claims and accounts so checked and certified and complete with details of allocation and coding shall be passed without delay to the Executive Director with s.151 responsibilities so that they may be processed for payment. The names of officers authorised to certify monies for payment shall be sent, annually or on request, to the Executive Director with s.151 responsibilities by each Director together with specimen signatures, and shall be amended on the occasion of any change.
- (c) Directors shall ensure that there is a division of duties between processing of orders, receipt of goods or services and certifying of invoices.
- (d) Certification shall mean:
 - (i) an official order has been issued in compliance with Rule 17 or falls within the exceptions authorised by that Rule;
 - (ii) the work, goods or services to which the account relates have been received, carried out, examined and approved;
 - (iii) the prices, arithmetical accuracy, trade discounts, other allowances, credits and tax are correct and in accordance with quotations, contracts and valuations;
 - (iv) any VAT element of the payment has been correctly identified;
 - (v) the relevant expenditure has been properly incurred, is within the relevant estimate provision and is coded to the correct heads of expenditure;
 - (vi) the account has not been previously passed for payment and is a proper liability of the Council.
- (e) Each Director shall submit urgently and in sufficient time for the discount to be obtained all certified and checked invoices, claims and

accounts subject to discount for prompt payment.

- (f) Each Director shall, to the extent requested by the Executive Director with s.151 responsibilities and by the date specified, notify him/her of outstanding expenditure relating to the previous financial year.
- (g) Any voucher or other document relating to the financial transaction of the Council shall be retained for a minimum of 6 years.
- (h) When an invoice is found to be incorrect it must not be amended by an officer, but a revised account must always be requested from the creditor. Any alteration will result in the account being invalid for the purposes of VAT where applicable.
- (i) Payments will not be made on photocopies or fax copies of invoices.
- (j) Payment will be made direct to the creditor or his/her bank.
- (k) The payment of the sums due from the Council shall be made by the Executive Director with s.151 responsibilities after entry on a Payments Listing.
- (l) Payments Listing shall be as follows:
 - (i) a weekly Payments Listing which shall be for routine payments;
 - (ii) an Urgent Payments Listing for payments not covered by sub-section 16 (a) above on a daily basis as required.
- (m) Payments shall be made within 30 calendar days of receipt of invoice unless agreed otherwise by the Executive Director with s.151 responsibilities.

19. Wages and Salaries

- (a) The payment of all salaries, wages, pensions and other emoluments and authorised payments to all employees or former employees of the Council shall be the responsibility of the Directors.
- (b) The Directors are responsible for initiating changes to the payroll shall maintain such records and supply certified and authorised information as may be necessary to ensure the prompt and accurate payment of salaries, wages, pensions and other emoluments.
- (c) Responsible officers shall notify the Directors as soon as possible, in the agreed form and manner of all matters affecting the payment of such emoluments and in particular:
 - (i) appointments, resignations, dismissals and transfers, changes in remuneration, other than normal increments and pay awards

and agreements in general;

- (d) Responsible officers shall notify the Directors in respect of :
 - (i) absences from duty for sickness or other reason, apart from approved leave;
 - (ii) information necessary to maintain records of service for pensions, income tax, national insurance and the like.
- (e) Time sheets shall be certified by the Chief Officer or Director of the service area concerned or certified by the appropriate delegated authorised officer.
- (f) All records relating to salaries, wages, social security, superannuation and income tax payments of the Council's employees shall be kept by the Directors who shall be responsible for the payment of such salaries and wages.

20. Stores

- (a) Each Director shall be responsible for the proper custody of stores held by him/her.
- (b) The accounts to be kept in connection with the receipt and issue of stores shall be in such form as shall be agreed with the Executive Director with s.151 responsibilities and shall be subject to his/her examination and check at such times as he/she thinks fit.
- (c) The Executive Director with s.151 responsibilities in conjunction with the Director concerned shall make such arrangements for stock-taking as the Executive Director with s.151 responsibilities may deem necessary.

21. Security

- (a) Each Director shall be responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, etc, under his/her control.
- (b) Maximum limits for cash holdings in accordance with insurance shall be agreed with the Executive Director with s.151 responsibilities and shall not be exceeded without his/her express permission.
- (c) Keys to safes and cash receptacles are to be carried on the person of those responsible at all times. The loss of any keys must be reported to the Executive Director with s.151 responsibilities forthwith.
- (d) Each Director shall be responsible for maintaining appropriate security

measures to ensure against unauthorised access to, or alteration, disclosure or destruction of, personal data and against accidental loss or destruction of personal data in accordance with data protection legislation in force at any time.

- (e) The Executive Director with s.151 responsibilities shall be responsible for maintaining proper security and privacy of information held in the computer installation or for its use.

22. Travel and Subsistence Allowances etc

- (a) Travel claim forms should be completed for each calendar month and submitted to the appropriate Director.
- (b) Claims for expenses (including rail fares) and subsistence must be accompanied by receipts showing VAT where applicable, and submitted to the appropriate Director.
- (c) Claims for mileage allowance will be paid with salary and not reimbursed through petty cash.
- (d) Claims must be authorised by the Chief Officer or Director or appropriate delegated authorised signatory. Chief Officers and Directors shall be responsible for ensuring that payment of travel and subsistence expenses are checked as valid and accurate prior to certification. Certification by or on behalf of the Chief Officer or Director shall be taken to mean that the certifying officer is satisfied that the journeys made were authorised, the expenses properly and necessarily incurred, and that the allowances are properly payable by the Council.
- (e) All officers who use their private cars for official journeys shall indemnify the Council against claims from third parties and shall produce their driving licence, insurance policies and/or renewal receipts as required by the Executive Director with s.151 responsibilities.
- (f) Payments to councillors for travel or other allowances, in accordance with the appropriate statutory provisions, will be made by the Executive Director with s.151 responsibilities upon receipt of the prescribed form duly completed. Councillors are encouraged to submit claims on a monthly basis for expenditure to be accounted for within the appropriate month.

23. Irregularities

- (a) Where any officer has cause to suspect irregularity he/she shall inform his/her Director who will inform both the Chief Executive and the Executive Director with s.151 responsibilities and provide facilities for investigation to the Council's Auditors, as stated in the Whistle-Blowing

Policy adopted by the Council.

- (b) Should it be considered that irregularity has occurred or is occurring, the Head of Paid Service, Section 151 Officer or Monitoring Officer shall consider whether it is appropriate to inform the Leader and prepare a report for the Executive.

24. Grant applications and claims

- (a) All applications and claims for external grants made on behalf of the Council (whether capital or revenue) shall be approved by the Executive Director with s.151 responsibilities.
- (b) Proposals for new initiatives which are to be funded by external grants shall be subject to business case approval by the Executive Director with s.151 responsibilities except where such initiatives will require additional funding (either capital or revenue) beyond that contained within the approved estimates.
- (c) Approval of the Executive with a report to the Council shall be required where grant funded initiatives will require additional funding (either capital or revenue) beyond that contained within the approved estimates.