

BOROUGH OF TELFORD & WREKIN

Minutes of a meeting of the Borough of Telford & Wrekin held on Thursday, 27 January, 2011 at 6.30 p.m. at Wrockwardine Wood Arts College, Telford.

PRESENT:

Councillors I.T.W. Fletcher (Speaker & Mayor), D.G. Allen, G. Ashcroft, D.W.D. Ashley, R.K. Austin, R. Avey, S. Bentley, S.P. Burrell, E.J. Carter, D.R. Chaplin, R.G. Chaplin, E.A. Clare, N.A. Dugmore, J.A. Dixon, A.J. Eade (Leader), V.A. Fletcher, J.A. Francis, G.M. Green, E.J. Greenaway, R.E. Groom, Y.C. Hicks, T.J. Hope, M.B. Hosken, G.P. Hossell, S.M. Kelly, A. Lawrence, A.A. Mackenzie, C.N. Mason, A.D. McClements, A.A. Meredith, J.C. Minor, C.P.R. Mollett, R.A. Overton, F.R. Picken, H. Rhodes, K.S. Sahota, J.M. Seymour, C.F. Smith, M.J. Smith, A.J. Stanton, E.M. Swift, K.L. Tomlinson, W.L. Tomlinson, V. Tonks, R.M. Tyler, H.J. Unwin, D.R.W. White, H.J. Williams, A.G.P. Williams and D.G. Wright.

63. PRAYERS

The Reverend Peter Lawley, Vicar for St. Peter's Church, Priorslee, led Members in prayer.

64. MINUTES OF THE COUNCIL

RESOLVED – that the minutes of the meeting of the Borough Council held on 25 November, 2010, be confirmed and signed by the Speaker.

65. APOLOGIES FOR ABSENCE

Councillors P.A.E. Homer, R.T. Kiernan and L. Lomax.

66. DECLARATIONS OF INTEREST

Councillor A.G.P. Williams declared a personal and prejudicial interest in agenda item 13 a) the motion on funding for Schools Sports Partnerships.

67. ANNOUNCEMENTS

(a) Mayoral Engagements

The Mayor briefly updated Members on his recent engagements. He drew Members attention to official opening of the refurbished Victoria Park in Newport, the Fairtrade event at Civic offices and also to the 'Hit the Mark – Young Peoples Expectations' launch event.

68. REPORT OF LEADER

Councillor A.J. Eade, Leader of the Council, pledged his support for the reestablishment of a direct rail link to London. He told Members that the recently withdrawn rail link, provided by Wrexham and Shropshire Railways, had provided

an excellent standard of service. A direct rail link to London was an essential service for the Borough.

Referring to new hospital reconfiguration proposals, he told Members that full Accident & Emergency facilities and a provision for emergency surgery were the minimum requirements for Telford & Wrekin. The proposals were good, offering an equitable spread of services. A letter had been sent to the Royal College of Surgeons recommending the Shrewsbury & Telford Hospitals Trust (SATH) proposals as being both safe and sustainable. He urged all Members to support the proposals and to make sure that they contributed to the consultation process.

69. CABINET DECISIONS MADE SINCE THE LAST MEETING OF THE COUNCIL

Members received the report on the Cabinet decisions made since the last meeting of the Council on 25 November, 2010.

Councillor E.J. Carter, Cabinet Member: Housing, Regeneration & Prosperity, referred Members to a number of matters recently determined by Cabinet. These included Oakengates Regeneration and use of the Shropshire Chamber Portal.

70. SETTING OF THE COUNCIL TAX BASE FOR 2011/12

Councillor S.M. Kelly presented the report of the Head of Finance which was attached as Appendix D. The report requested Council to determine the Council Tax Base for General and Special Fund purposes for the financial year 2011/12.

In order to determine the appropriate Council Tax levels for the borough it was necessary for the Council to determine the tax base for its area or part of its area. The budget requirements of the various precepting authorities were divided by this figure to arrive at the Band D equivalent level of Council Tax.

The determining of the tax base had to be set between 1st December and 31st January in relation to 2011/12 as prescribed by the Local Authorities (Calculation of Council Tax Base) Regulations 1992 as amended. The figures used for the tax base allowed for the continuation of the resolutions in respect of reducing the discounts for empty properties and second homes agreed previously.

RESOLVED:

- (a) That the calculation of the tax base for 2011/12, as shown at paragraph 5.6 and Appendix 1 of the report, be approved;**
- (b) That, in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount calculated for Telford & Wrekin Council Tax Base for 2011/12 for its special fund area shall be as per the appropriate parish amounts detailed in Appendix 1 for the parishes listed in paragraph 5.7 of the report.**

71. BOROUGH ELECTORAL REVIEW – SINGLE MEMBER WARDS

Councillor A.J. Eade, Leader of the Council, presented the report (Appendix E) of the Head of Governance. The report sought Council's support for the submission of an application, under Section 57 of the Local Democracy, Economic Development and Construction Act (2009), to the Local Government Boundary Commission for England (LGBCE) requesting an Electoral Review to consider the creation of single member Borough wards.

Councillor Eade told Members that the last review had taken place in 2002.

Councillor C.F. Smith proposed an amendment to recommendation 2.1 of the report regarding single member wards. The amendment specified that the creation of any single member wards should not split or affect community cohesion. The amendment was seconded by Councillor R.K. Austin. A vote was taken and the amendment was defeated. Following a robust debate it was:

RESOLVED:

- a) **That an application be submitted to the Local Government Boundary Commission for England (LGBCE) requesting that an Electoral Review be undertaken to consider, wherever possible, the creation of single member Borough wards;**
- b) **That a politically balanced Boundary Review Committee be established at the Annual Meeting on 23rd May 2011 in order to develop and agree proposals for consideration by Council.**

72. FAIRTRADE STATUS: PROGRESS REPORT

Councillor V.A. Fletcher presented the report (attached at Appendix F) which provided an update on the activities of the Fairtrade Group and summarised plans for the year ahead. Councillor Fletcher asked Members to note some minor amendments to the information contained within the report and it was:

RESOLVED – that Council noted the progress achieved.

73. MINUTES OF BOARDS AND COMMITTEES

Council noted the resolved minutes of the Plans Board for 17 November and 8 December, of the Licensing Committee of 1 and 16 December and of the Council Constitution Committee of 11 January 2011.

74. QUESTIONS

The following Questions were asked in accordance with Council Procedure Rule 10:

- a) Councillor A.J. Stanton had submitted the following question:

“Could the Leader update Council on the BSI LSC programme and explain any advantages of using the National framework as opposed to a PFI?”

Councillor A.J. Eade, Leader of the Council, gave an update on the BSI LSC programme. Referring to the advantages of the National framework he replied that there was no requirement to set up a local education partnership. This allowed the focus to be on meant that, allowing the focus to be on speedy delivery

In response, Councillor Stanton asked:

“Will the Council maintain control of and encourage use of Sports & Learning facilities 364 days a year in Newport?”

Councillor Eade confirmed that the Council would do this for all Sports & Learning facilities in the Borough.

b) Councillor J.A. Francis had submitted the following question:

“Can the Leader confirm that all existing BTI Projects will continue in the Borough bearing in mind the financial pressures that the Borough Council finds itself in due to the economic mess left by the previous Labour Government?”

Councillor A.J. Eade, Leader of the Council, confirmed that the BTI projects were a key policy of the vision for the Borough. The projects were an investment in the future of the Borough.

In response, Councillor J.A. Francis asked:

“Will the Leader guarantee regeneration in Oakengates, Hadley and Malinslee will go ahead?”

Councillor A.J. Eade, Leader of the Council, confirmed that budget commitments had been made and that regeneration work would go ahead.

c) Councillor H.J. Unwin had submitted the following question:

“Will the Leader confirm that once legislation has been passed that the Local Development Framework imposed by the previous Labour Government will be scrapped by Telford & Wrekin Council including the new build target of 26,400?”

Councillor A.J. Eade, Leader of the Council, confirmed that the Local Development Framework would be scrapped once legislation had been passed. Planning decisions would be placed in the hands of local people and their elected representatives.

In response, Councillor Unwin asked:

“Will proper and full consultation take place on any new arrangements?”

Councillor Eade confirmed that consultation would take place across the Borough.

d) Councillor R.C. Chaplin had submitted the following question:

“Will the Leader explain why the new Civic Offices will be built in Southwater?”

Councillor A.J. Eade, Leader of the Council, replied that the new Civic Offices Project help to kick start the regeneration of the Southwater area. The regeneration work would attract up to £200m in investment and help to create hundreds of jobs. The project would be at no cost to the taxpayer.

In response, Councillor Chaplin asked:

“Is it correct that the staff currently at Civic Offices could easily fit in to office space at Darby House?”

Councillor Eade replied that Civic Offices staff would not fit in to vacant space at Darby House.

e) Councillor N.A. Dugmore had submitted the following question:

“Can the Leader give assurances that, in light of reduced spending, the Council will continue to prioritise investment in Adult Care and Support and, thereby, ensure that the most vulnerable adults within our community continue to receive the care services they need?”

Councillor A.J. Eade, Leader of the Council, replied that £1.6m efficiency savings had been reinvested, spending priorities were being agreed.

In response, Councillor Dugmore asked:

“Would the Leader agree that there will need to be changes to the way care services are delivered?”

Councillor Eade responded that the requirements of the Personal Care Bill meant that there would need to be changes in the way services were delivered.

f) Councillor D.R. Chaplin had submitted the following question:

“Can the Leader confirm that Telford and Wrekin Council's level of borrowing under the Conservative-led Administration is within the national average?”

Councillor A.J. Eade, Leader of the Council, stated that net borrowing per head was well below net average for 2009/10, the latest statistics available and that the figures would continue to remain below the national average.

g) Councillor A.D. McClements had submitted the following question:

“As both the Leader of the Council, Cllr Eade and the Cabinet Member for Regeneration, Cllr Carter have disappointingly failed to respond to any correspondence sent by both the Labour Group Leader, Keith Austin and David Wright MP in respect of the motion that was passed at November's full council meeting, could the Cllr Eade please inform us whether he has called on the government to keep the vital defence work at MoD Donnington in the public sector and within the Borough of Telford and Wrekin?”

Councillor A.J. Eade, Leader of the Council, nominated Councillor E.J. Carter, Cabinet Member: Housing, Regeneration and Prosperity to respond to this question. Councillor Carter confirmed that he would be leading on this and that a response had already been provided via the Chief Executive.

In response, Councillor McClements asked:

“Has the Leader called on the government to keep the work in Telford?”

Councillor Eade nominated Councillor Carter to provide a response. Councillor Carter reaffirmed that he would be leading on this and that he would be taking things forward.

(Prior to discussion of the next item, Councillor A.G.P. Williams left the room.)

75. NOTICE OF MOTION

- (a) Councillor D.G. Allen, in accordance with Council Procedure Rule 11, moved the following Motion:

“This Council, being aware that the United Kingdom is to host the 2012 Olympic Games and of the Prime Minister, David Cameron’s, efforts to have us awarded the hosting of the 2018 World Cup Finals, calls on Michael Gove to reverse his decision to axe all funding to School Sports Partnerships.”

The Motion was seconded by Councillor A.G.P Williams.

Following a debate a vote was taken and the motion was defeated.

RESOLVED – that the Motion not be approved

(Councillor A.G.P. Williams returned to the room)

- (b) Councillor R.K. Austin, in accordance with Council Procedure Rule 11, moved the following Motion:

“This Council condemns the Tory-led Coalition Government’s drastically reduced funding for Telford and Wrekin. At a time when unemployment, personal debt and housing benefit claims are at their highest level for two decades, the most vulnerable in our community need public services more than ever.

We believe this Council must ensure that key frontline services and Council jobs are protected and call on the administration to urgently lobby the Government against the devastating front loaded cuts. We therefore call upon this Council to immediately:

- Prepare a detailed case for Telford to present to Eric Pickles, the Local Government Minister requesting additional resources
- Undertake a detailed community equality impact assessment of all the proposals to reduce services so that there is an understanding of the consequences to the most vulnerable in the Borough

- Undertake a detailed equality impact assessment of all the redundancy proposals to reduce jobs and services according to the statutory duties under race, gender and disability legislation
- Re-assess all of the Council’s resources and contingencies in order to identify how they could be used to protect front line services and council jobs at a time when they are needed in this next financial year.”

The motion was seconded by Councillor C.F. Smith.

Following a debate a recorded vote was requested in accordance with section 15.4 of the Council’s Procedure Rules. The voting was as follows:

For: 22

Councillors: D.G. Allen, G. Ashcroft, R.K. Austin, K.T. Blundell, E.A. Clare, G.M. Green, R.E. Groom, Y.C. Hicks, A.A. Mackenzie, C.N. Mason, A.D. McClements, J.C. Minor, R.A. Overton, F.R. Picken, H. Rhodes, K.S. Sahota, C.F. Smith, M.J. Smith, K.L. Tomlinson, W.L. Tomlinson, D.R.W. White and A.G.P. Williams.

Against: 26

Councillors: D.W.D. Ashley, R. Aveley, S. Bentley, S.P. Burrell, E.J. Carter, D.R. Chaplin, R.G. Chaplin, N.A. Dugmore, A.J.Eade, J.A. Dixon, I.T.W. Fletcher, V.A. Fletcher, J.A. Francis, E.J. Greenaway, T.J. Hope, M.B. Hosken, G.P. Hossell, S.M. Kelly, A. Lawrence, A.A. Meredith, C.R.P. Mollett, J.M. Seymour, A. Stanton, R.M. Tyler H.J. Unwin and D.G. Wright.

Abstentions: 2

Councillors: V. Tonks and H.J. Williams.

RESOLVED – that the Motion not be approved.

The meeting ended at 9.54 p.m.

Speaker:

Date:

MAYORAL ENGAGEMENTS
28th JANUARY 2011 – 18th FEBRUARY 2011

February	1st	M	Opening of the Priorslee Primary School Academy at Priorslee
	3rd	M	Annual Royal Naval Parade Inspection at Telford Sea Cadets Headquarters, Donnington
	7th	M	An Evening with Carl Chinn at The Forest Arts Centre, Walsall
	8th	M	Photoshoot for Chinese New Year Celebrations at Hadley Learning Community, Hadley
	12th	M	Chinese New Year Celebrations at Hadley Learning Community
	15th	M	Operation Tour and Lunch at Royal Mercian and Lancastrian Yeomanry at Bridgeman House, Dawley Bank
	18th	M	Charity Ball held at The Valley Hotel, Ironbridge

TELFORD & WREKIN COUNCIL

COUNCIL – 3 MARCH, 2011

REPORT OF CABINET – FOR INFORMATION ONLY

MATTERS DETERMINED BY THE CABINET

1.0 INTRODUCTION

This report provides sets out those matters determined by the Cabinet at its meetings on 25 January, 8 February and 22 February, 2011.

2.0 CABINET BUSINESS

Matters that have been determined by Cabinet are listed below:

2.1 25 January, 2011

- 2.1.1 Creation of a 'Town Warden' Scheme using Council funded Community Support Officers
- 2.1.2 Procurement of a Resource Allocation System (exempt)
- 2.1.3 Transfer of Community Related Assets (exempt)
- 2.1.4 Broadband & Telephony Contract (exempt)
- 2.1.5 Redevelopment of Malinslee Local Centre (exempt)

2.2 8 February, 2011

- 2.2.1 UK Youth Parliament – Telford & Wrekin representatives report into out of school activities for young people
- 2.2.2 Planning Of School Places:
William Reynolds Infant and Junior Schools; Madeley Infant and John Fletcher Junior Schools; Dawley CE Primary – Proposed Change of Category from Voluntary Aided to Foundation (Trust) School
- 2.2.3 Provision of an Integrated Community Alarm & Telecare Service (exempt)
- 2.2.4 Woodside Regeneration – North Woodside (Phase 1) Tenders & Site Disposal Arrangements (exempt)

2.3 22 February, 2011

- 2.3.1 Service & Financial Planning 2011/12–2013/14
 - Overview and Revenue Budget
 - 2013/14 Capital Programme
 - 2011/12 Treasury Strategy & Treasury Update
 - Prudential Indicators
- 2.3.2 Financial Monitoring 2010/11
- 2.3.3 Statutory Adoption of the Central Telford Area Action Plan

- 2.3.4 Tenancy Trustee Guarantor Policy
- 2.3.5 Telford Asset Project
- 2.3.6 Street Pastors and Community Payback Schemes
- 2.3.7 Purchase of Primary Care Trust Properties (exempt)
- 2.3.8 Property Rationalisation relating to Social Care Premises (exempt)

3.0 DELEGATION OF POWERS GRANTED BY THE CABINET

REPORT HEADING	DELEGATION GRANTED TO	DETAIL OF DELEGATION GRANTED
Creation of a 'Town Warden' Scheme using Council funded Community Support Officers	Assistant Chief Executive	To negotiate, agree the terms of, and sign the ongoing Partnership Agreement between the Council and West Mercia Police governing funding and deployment of the CSOs.
Procurement of a Resource Allocation System	Head of Care & Support Head of Governance	To enter into the contractual agreement, following consultation with the Cabinet Member for Adult Care and Support. To affix Common Seal of the Council to the resulting contractual documentation as appropriate under Part 4 of the Constitution
Transfer of Community Related Assets	Head of Governance	To agree and execute all documentation.
Broadband & Telephony Contract	Head of Property & ICT	To award a 3 year contract for the provision of broadband and telephony services in consultation with the Cabinet Member for Efficient, Community Focused Council
Redevelopment of Malinslee Local Centre	Head of Property & ICT Head of Governance	To dispose of the site in Royal Way (as shown in an appendix to the report) and the site of the existing Local Centre as a contribution towards the investment in Malinslee Local Centre. To execute any documents necessary to give effect to the recommendations in the report.
Planning of School Places: William Reynolds Infant & Junior Schools; Madeley Infant and John Fletcher Junior Schools; Dawley CE	Head of Family & Community Services	To engage in formal consultation with key partners and stakeholders regarding the possible merger of William Reynolds Infant and Junior Schools, and the merger of Madeley Infant and John

REPORT HEADING	DELEGATION GRANTED TO	DETAIL OF DELEGATION GRANTED
Primary – Proposed Change of Category from Voluntary Aided to Foundation (Trust) School	Head of Property & ICT following consultation with the Cabinet Member for Children & Young People	Fletcher Junior Schools; That, in the event, following consultation, of a change of category of Dawley CE Primary School from Voluntary Aided to Foundation (Trust) status, to negotiate the terms of the transfer of land to the Governing Body of the School, and the Head of Governance be authorised to execute all necessary arrangements and documentation relating thereto
Provision of an Integrated Community Alarm & Telecare Service	Corporate Director/Head of Care & Support, following consultation with the Cabinet Member for Care & Support Head of Governance	To enter into a contractual agreement To affix the Common Seal of the Council to the resulting contractual documentation as, in his opinion, is appropriate under Part 4 of the Constitution
Woodside Regeneration – North Woodside (Phase 1) Tenders and Site Disposal Arrangements	Strategic Housing Manager	To negotiate and enter into any agreements or documents necessary to give effect to the use of £1m within the existing capital programme to fund the affordable housing elements of the Woodside Local Centre, as identified in the report
Street Pastors and Community Payback Schemes	Safer Communities Strategic Manager	To take all steps necessary to negotiate and sign agreements with partners (if appropriate) governing the Street Pastors and the Community Payback Scheme
Telford Asset Project	Head of Property & ICT	To negotiate and finalise Heads of Terms with a further report to Cabinet prior to entering into any agreement.
Tenancy Trustee Guarantor Policy	Head of Care and Support (Adults and Children), Head of Housing and Planning and the Head of Safeguarding (Adults and Children)	To approve cases in which the Council will act as a trustee and/or guarantor
Purchase of Primary Care Trust (PCT) Properties	Head of Governance and Head of Property & ICT	To finalise all negotiations relating to the Section 256 Grant Award

Property Rationalisation Relating to Social Care Premises	Head of Governance	To agree and execute all necessary documentation
LEGAL COMMENT FINANCIAL COMMENT LINKS WITH CORPORATE PRIORITIES RISKS AND OPPORTUNITIES ENVIRONMENTAL IMPACT EQUALITY & DIVERSITY WARD IMPLICATIONS		As described in each report considered by Cabinet. Copies of all reports have been previously circulated to all Members of the Council

TELFORD & WREKIN COUNCIL

CABINET 22nd Feb
COUNCIL 3rd March

ADOPTION OF THE CENTRAL TELFORD AREA ACTION PLAN

REPORT OF THE HEAD OF HOUSING AND PLANNING

1.0 SUMMARY

- 1.1 The Central Telford Area Action Plan ("the Plan") has been found sound following a public examination. The Inspector's report and the Plan form appendices to this report. Adoption of the Plan as part of the Council's planning framework is proposed and requires a resolution of Council.

2.0 RECOMMENDATION

- 2.1 That Cabinet recommend the Council adopt the Central Telford Area Action Plan, as part of the Council's statutory planning framework.**

4.0 INFORMATION

- 4.1 The Central Telford Area Action Plan ("the Plan") provides a planning policy framework for development proposals in Telford town centre and the surrounding areas of Central Telford. It provides a planning basis for proposals to be brought forward for the development of 65,000 sqm of new retail floor space, around 2,500 new homes, over 100,000 sqm of office space, as well as other leisure and community facilities. As well as supporting development in the Town Centre it also includes proposals in areas of Old Park, Central Park, Malinslee and Hollinswood for new homes and offices and for the protection of valuable green spaces including Telford Town Park. Policies also seek to manage the night-time economy and facilitate the provision of new affordable housing.
- 4.2 Adopting the Plan will enable it to be used in development control decisions and will provide the Council and its development partners with an up-to-date planning framework to forge ahead with the £250 million redevelopment within the Southwater area.
- 4.3 The Plan has been prepared over a number of years, involving four stages of public engagement. Formal examination hearings, presided over by a government-appointed planning inspector, took place in August and September 2010. The Inspector had regard to the representations made during the consultation stages prior to submission for examination, along with written submissions and oral contributions during the examination.

- 4.4 The Council received the Inspector's report on the Plan on 10th January 2011 (see appendix 1). The report is also available on the Council's website via the Central Telford Area Action Plan Examination webpage. It does not list individual representations, but considers the main matters in relation to the tests of soundness. In his report on the plan the Inspector said *"this report concludes that the Central Telford Area Action Plan Development Plan Document provides an appropriate basis for the planning of the area"* and endorses the plan as sound, subject to a number of changes.
- 4.5 The inspector's report is binding upon the authority and, in adopting the Plan, the Council is not able to make further amendments to the document other than through the changes set out in the inspector's report. Consequently, all the changes will be incorporated into the revised Central Telford Area Action Plan Development Plan Document, once adopted.
- 4.6 To ensure that Members are able to make a decision based on all relevant material, a copy of the Inspector's schedule of changes and a copy of the CTAAP Proposed Amendments Document February 2010 are available in the Member's library and on public deposit at Civic offices reception. Due to their size they are not attached to this report. It is, therefore, these two documents that would comprise the adopted Plan, should Members decide to do so. Once adopted, the Council will issue the final document. The SEA/Sustainability Appraisal carried out in support of the Plan is also available for viewing.
- 4.7 All documentation published during the preparation and examination of the Plan is available for viewing and download from the Council's website:
<http://www.telford.gov.uk/site/scripts/downloads.aspx?categoryID=1004>
- 4.8 The completed Plan therefore contains:
- a spatial development strategy, vision and objectives for the area;
 - a detailed site-specific proposals for each part of the Central Telford area;
 - overall policies for different types of development and relevant planning considerations;
 - a delivery section that sets out how the proposals will be implemented and the overall objectives delivered.
- 4.10 Adoption should be carried out in accordance with the Planning and Compulsory Purchase Act (2004) and the Town and Country Planning (Local Development) (England) Regulations (amended). Appendix 2 comprises a draft Adoption Statement in accordance with planning regulations.
- 4.11 As set out in the draft adoption statement, once adopted any person wishing to challenge the validity of the Plan may apply to the High Court to challenge the decision to adopt the Plan. Challenge must be within six weeks of adoption.

5.0 IMPACT ASSESSMENT – ADDITIONAL INFORMATION

None

6.0 PREVIOUS MINUTES

- Cabinet 17 September 2007 – Minute No. CB-37
- Council 20 September 2007 – Minute No. 37
- Cabinet 6 April 2009 – Minute No. CB-181
- Council 23 April 2009 – Minute No. 91
- Cabinet 23 Feb 2010 – Minute No. CB-157
- Council 4 March 2010– Minute No. 92

7.0 BACKGROUND PAPERS

None

**Report prepared by M Wedderburn, Development Plans Manager,
Telephone: 01952 384246**

Appendix 1

Inspector's Report, issued January 2011

Adoption Statement (draft)

Telford & Wrekin Council

Telford & Wrekin Local Development Framework

Central Telford Area Action Plan

**Planning & Compulsory Purchase Act 2004
Regulation 24(2) and 36 of the Town and Country Planning (Local
Development)(England)(Amendment) regulations 2008**

**Adoption Statement
March 2011**

This adoption statement has been prepared in accordance with Regulation 24(2) and Regulation 36 of the Town and Country Planning (Local Development)(England)(Amendment) Regulations 2008, and hereby gives notice that Telford & Wrekin Council resolved to adopt the Central Telford Area Action Plan on the 3rd March 2011.

The plan sets out the planning framework to guide future development and regeneration across the Central Telford area.

The adopted Central Telford AAP and accompanying Sustainability Appraisal, along with the Inspector's Report and this statement, can be downloaded from the Council's website at www.telford.gov.uk and can be inspected at Darby House and Malinslee House (Civic Offices). Printed documents may also be purchased from Council's offices.

Any person aggrieved by the Central Telford Area Action Plan may make an application to the High Court under Section 113 of the Planning & Compulsory Act 2004, on the grounds that the document is not within the appropriate power or that a procedural requirement has not been complied with. Applications should be made within six weeks of the date of the adoption of the plan on 3rd March 2011.

TELFORD & WREKIN COUNCIL**COUNCIL – 3 MARCH 2011****SERVICE AND FINANCIAL PLANNING 2011/12 TO 2013/14 OVERVIEW
AND REVENUE BUDGET****REPORT OF THE CHIEF EXECUTIVE AND THE CHIEF FINANCIAL
OFFICER****PART A) – SUMMARY REPORT****1. SUMMARY OF MAIN PROPOSALS**

This report seeks approval of the Service & Financial Planning strategy for the period 2011/12 to 2013/14 with specific budget proposals for 2011/12. This report, along with other reports on this agenda covering:-

- The Capital Programme
- The Treasury Management Strategy and
- Prudential Indicators

forms the overall Medium Term Service & Financial Planning framework for the Council and propose the service priorities and budget for 2011/12.

The final Formula grant settlement for local authorities was announced on 31st January 2011 although details of some grants are still awaited. The final grant settlement for 2011/12 is only £0.002m different from the provisional settlement announced in December. For this Council, Government grants for day to day services have been reduced by £13.6m next year in cash terms. This equates to over 50% of the expected grant reductions that we will need to make over the 4 year CSR period. A further reduction in grants of over £5m has also been announced for 2012/13. This is on top of £3m grant reductions already made as part of the Government's emergency budget measures during the summer- a total reduction of over 16% in non Education funding by next year. Projections beyond 2012/13 have a high degree of uncertainty because of a planned major review of the local government finance system.

At the end of December the Cabinet released its budget proposals explaining how it proposed to meet an anticipated £20m funding shortfall for 2011/12. These proposals had been informed by extensive consultation that had taken place with the community over the last 12 months. The draft proposals have themselves then been subject to extensive consultation since they were released including meetings with stakeholder groups, extensive review by the Council's seven scrutiny commissions, a survey of Community Panel members, distribution of the "Your Money, Your Views" consultation newsletter which was also available on line and canvassing opinion "on the streets" face to face. Further to the consultation process a number of changes have been made to the detailed savings proposals which are exemplified in the report.

Key proposals are:-

- To freeze the level of council tax levied by the Council in 2011/12 continuing the Council's recent practice of reducing the rate of year on year increase as an acknowledgement of the pressure that household budgets are under and taking advantage of the Government's tax increase funding grant.
- Continuation of a comprehensive programme of service reviews and staff restructuring that will generate significant ongoing savings over the medium term financial strategy period. A 20% target has been set across the board although the actual level of savings will vary between different services.
- To make new investments of £1.4m in childrens' social care services and to protect the adult social care budget by reinvesting savings of £1.6m back in to adult social care services.
- To continue the Council's investment commitment in key infrastructure projects such as new and improved schools and the regeneration of the Borough Towns and Telford Town Centre.
- To use balances and one-off benefits carried forward from early action on the savings programme taken in 2010/11 to support the budget in 2011/12. This will be replaced ongoing by the full year impacts from the programme of organisation restructuring and service reviews which are well under way, coming through from 2012/13.
- To suspend the contribution of £2.8m to the single status provision on a one off basis in 2011/12.

The Council's Chief Financial Officer is required to give a view on the robustness of the Council's financial strategy including the use of balances and of the financial planning process. Appendix 5 gives a more detailed view, but overall the conclusion is that given the planned programme of service reviews and accompanying organisational and staff restructures which have been under way for some time now, it is considered that the Council is pursuing a sound financial strategy in the context of the most difficult financial position it has faced due to the heavily front loaded Government grant cuts.

Recommendations approved by Cabinet will be considered at full Council on 3rd March 2011 as full Council is responsible for setting the overall revenue and capital budget framework. At this meeting full Council will also set the Council Tax for 2011/12.

2. RECOMMENDATIONS

Members are asked to approve the following recommendations from the 22 February 2011 Cabinet:-

- 2.1 The base budget summarised by Service Delivery Unit in Appendix 1;**
- 2.2 The freezing of council tax in 2011/12;**
- 2.3 New revenue investment in Looked After Children of £1.4m in 2011/12 and the reinvestment of £1.6m savings from Adult Social Care to offset pressures being faced by Adult Social Care services in 2011/12;**
- 2.4 To consider the feedback from consultation and agree to provide a written response to comments from scrutiny where requested in Appendix 6(a);**
- 2.5 The 2011/12 net savings package of £8.1m from non-staffing budgets and £5.1m from staffing budgets detailed in Appendices 3 and 4 plus a further £0.5m in Education services;**
- 2.6 The planned savings targets in future years detailed in Appendix 3;**
- 2.7 The earmarking of the projected recoupment of £1.7m VAT refunds anticipated to be received in 2010/11 to support the budget on a one-off basis in 2011/12;**
- 2.8 The earmarking of £0.577m savings from non-staffing budgets and £0.858m restructure savings delivered ahead of schedule in 2010/11 to support the budget on a one-off basis in 2011/12;**
- 2.9 The suspension of the £2.8m contribution to the single status provision on a one off basis in 2011/12;**
- 2.10 The Education budget strategy set out in section 4.8;**
- 2.11 The statement of the Chief Finance Officer in paragraph 6 (supported by Appendix 5(b) outlining the robustness of the Budget Estimates and the Adequacy of Reserves);**
- 2.12 The policy framework for Reserves and Balances outlined in Appendix 5;**
- 2.13 The use of £1.42m general balances to support the ongoing revenue budget, in 2011/12;**

- 2.14 The transfer of the remaining balance of £0.8m in the Invest to Save Reserve in to the Redundancy Costs provision;
- 2.15 The approval of additions of £1.243m and £2.10m to the budget frameworks for 2010/11 and 2011/12 respectively to reflect funding transfers from the PCT as outlined in paragraph 4.2

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	<i>The service and financial planning strategy is integral to ensuring that available resources are used as effectively as possible in delivering all corporate priorities.</i>
	Will the proposals impact on specific groups of people?	
	Yes	<i>An Equalities Impact Assessment is included at Appendix 8 of the report.</i>
TARGET COMPLETION/DELIVERY DATE	<i>Following consideration at Cabinet, the report and recommendations from Cabinet will be considered by full Council on 3 March 2011. The final agreed recommendations will be implemented during 2011/12 and future years.</i>	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	<i>This report sets out the service and financial planning strategy for the council for 2011/12 and the medium term.</i>
LEGAL ISSUES	Yes	<i>This report develops the proposals for the Council's budget and policy framework which have been consulted upon in accordance with the Constitutional budget and policy framework procedure rules that will, in due course result in the Council setting its budget and council tax levels by the March deadline laid down by the Government</i>
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	<i>This report sets out the strategy framework which includes consideration of the corporate risk register – particularly in relation to the availability of balances.</i>
IMPACT ON SPECIFIC WARDS	Yes/No	<i>Borough-wide impact.</i>

PART B) – ADDITIONAL INFORMATION

4. INFORMATION

4.1 INTRODUCTION

This report along with the following papers on the agenda covering

- The Capital Programme
- The Treasury Management Strategy and
- Prudential Indicators

forms the overall Medium Term Service & Financial Planning framework for the Council and propose the service priorities and budget for 2011/12.

The Cabinet's service and financial planning strategy for 2011/12-2013/14 was launched at Cabinet on 11th January 2011. This report included details of the Comprehensive Spending Review (CSR) which was announced on 20th October and which made it clear that local authorities could expect significant reductions to their revenue and capital funding over the four year period covered by the CSR. It was clear from the CSR that Communities and Local Government, the Government department from which the Council receives most of its funding could expect very significant budget reductions and that over a four year period local government faced something in the region of 27% real terms grant reductions compared to an average reduction of 8.3% across all Government departments. These reductions would be in addition to the "in-year" grant reductions made in June 2010, shortly after the election, which totalled £3m revenue and £1m capital for this Council.

Details of the provisional Revenue Support grant which was announced on 13th December were also provided in the January 11th report to Cabinet. Detailed figures were only released for the next two years and over this period cash grants to the Council will be reduced by around £19 million with £13.6 million (over half the total expected reduction over the 4 year CSR period) falling in the next year. This will be mitigated by a grant of around £1.4m if the Council agrees a zero tax rise next year. A major review of the local government finance system is expected to be undertaken in 2011/12 which is why detailed grant figures have only been made available for two years. Projections for 2013/14 and 2014/15 therefore have a high degree of uncertainty.

The grant reductions for next year have been exacerbated by the continued use of so-called "damping". This means money that should, through the funding formula, come to people in Telford and Wrekin is once again being used to limit the impact of grant reductions in other parts of the country. In total around £4.3m of grants that the Government have calculated should be paid to this Council is actually being withheld next year.

The reduction in Formula Grant next year is £8.8m rising to £14.4m in 2012/13. In addition to the loss of Formula Grant, the Council also lost £4.8m of other grants. The main components of this were "non front line schools grants" totalling £2.4m which have been deleted. This funding, part of Area

Based Grant, was previously used by the Council to support schools. The other main grant loss was on the Early Intervention grant where the Council's grant entitlement has been reduced by around £0.6m but after a damping adjustment has been applied, the Council will actually see a total reduction next year of around £1.7m. (This additional £1.1m grant damping is included in the figure of £4.3m quoted above).

4.2 UPDATED POSITION

Since the launch of the Cabinet's service and financial planning strategy for 2011/12 – 2013/14 at Cabinet on 11th January 2011, extensive public consultation has been undertaken on the service and financial planning proposals. The results from the consultation are summarised in Appendix 6. Following comments received during the consultation process a number of changes are proposed to the package of savings proposals. These are detailed in section 4.5 of the report.

The seven Scrutiny Committees have reviewed the proposals at meetings held during January. The Council's Constitution states that any alternative budget proposals from Opposition groups have to be considered by scrutiny but no alternative proposals have been put forward for consideration.

The 11th January Cabinet report highlighted that information relating to some grants had not yet been made available by the Government. This information has still not been released so the assumptions used in January have not been revised. The final Formula Grant details were announced on 31st January 2011 and saw an increased allocation of £0.002m for 2011/12.

As part of a national initiative, the Council has also received more information around the transfer of NHS funding via the PCT to support a programme of reablement and rehabilitation helping people regain independence and thus reducing the need for ongoing care. It will also be targeted at a more general range of initiatives to relieve pressures on the acute hospitals particularly over the winter periods of peak demand. In 2010/11 two investment allocations have been announced...an allocation of £220k before Christmas and a further allocation of £523k in January. Along with a top up investment from the PCT to kick start the investment programme to relieve future pressures, a total of £1.243m will be transferred to the Council via a Section 256 agreement (NHS Act 2006-Partnership Arrangements). This is flagged in the financial monitoring report and will require sanction by full council to adjust the 2010/11 budget framework accordingly. A further sum of £2.10m has also been announced for 2011/12 and £2.033m for 2012/13 to be transferred to the Council in the same way for the ongoing programme. This will be supplemented by reablement monies of £428k in 2011/12 (2012/13 awaited) but the use of this and degree of transfer to the Council will require further discussions with the PCT as the NHS's intentions become clearer. A further report will be brought to PCT Board and Cabinet on 8th March but at this point what is being requested is incorporation of the £2.1m in the overall budget framework for 2011/12.

The key assumptions used in preparing the January 11th report have been reviewed but no changes made. These assumptions are detailed in Appendix 5.

4.3 SERVICE & FINANCIAL PLANNING CONTEXT

4.3.1 National Policy

Since the formation of the new Coalition Government, there has been a significant shift in policy in many areas. New policy announcements are being made on a regular basis, so a key challenge is to respond to this rapidly changing national policy framework.

There is a particular emphasis on the Big Society and the transfer of power to local people and organisations. This includes communities having a greater say over decisions and giving local people, social enterprises, voluntary groups and charities more opportunities to take over the running of local public services.

The Government has also published the Localism Bill and a number of key White Papers covering the NHS, public health and schools. These set out a number of proposals that will impact upon the Council and its partners which were summarised in the 11th January report.

4.3.2 Local Context

In March 2010, the Council approved a 3-year Service & Financial Planning Strategy, which set out the principles that guide the development of our budget and our investment and savings programme. Areas where significant additional investments have been made include:

- Regeneration of Borough Towns and Telford Town Centre;
- Adult and children's social care services;
- Sports & Learning Communities;
- Parks and play areas;
- Maintaining roads, pavements and street lights.

As well as national policy developments the Council has to consider many factors when developing its Service & Financial Planning strategy including:-

- Financial and economic pressures;
- Service pressures;
- Community Priorities and
- Views of local people;

A detailed Equalities Impact Assessment must also be undertaken on the final proposals to ensure that impacts of the strategy are carefully considered prior to final decisions being taken. This is included as Appendix 8 to this report.

4.3.3 Financial & Economic Pressures

The difficult economic situation continues to have a significant impact on the community and on the demand for some Council services e.g. an 18% increase in Housing and Council Tax benefit claims over the last 2 years. The Council has a key role to play in mitigating the effects of the economic downturn and planning for recovery, for example by continuing to support more new homes being built.

In recent years, we have focused on securing long-term economic prosperity. The continued development of the Town Centre and regeneration of the Borough Towns are essential elements of our future budget strategy. It is important that we continue to show confidence, leadership and investment in the future of the area despite the financial challenges that face us.

4.3.4 Service Pressures

Whilst a number of services are experiencing increasing demand, there are particular pressures on social care services for children and adults.

- Children's Social Care – in line with national trends, we are continuing to receive an increasing number of child protection referrals, leading to higher numbers of Children in Care. There has also been a significant increase in children remaining in care for longer periods;
- Adult Social Care - we have also been experiencing increasing demand for our Adult Social Care Services as a result of increasing numbers and life expectancy of older people and increasing complexity of care plus withdrawal of PCT funding for some Continuing Healthcare Cases (CHCs)

4.3.5 Community Priorities

In developing the budget, our aim is to align resources with priorities. Our starting point is the vision for Telford & Wrekin of:

“A successful, prosperous and healthy community which offers a good quality of life for all the people of Telford & Wrekin”

This vision is supported by a clear set of priorities for action – our community priorities. These are:-

- **Active Lifestyles**
- **Adult Care & Support**
- **Children & Young People**
- **Community Focused, Efficient Council**
- **Community Protection & Cohesion**
- **Environment & Rural Area**
- **Housing, Regeneration & Prosperity**

The strategy set out in this report reflects our priorities framework.

4.3.6 Views of Local People

The strategy has also been informed by a wide-ranging engagement programme with the local community. This started in December 2009 and continued throughout 2010. Details of the results from this initial phase of engagement activity were included in the January 11th report to Cabinet. During January extensive consultation took place on the draft service and financial planning proposals considered by Cabinet on 11th January. Key points from the consultation responses are highlighted below with further details included in Appendix 6 (b).

4.4 CONSULTATION FEEDBACK

As in previous years, consulting and engaging with the community on our future plans has been a key part of the Budget process. Engagement has been ongoing throughout 2010 and has included a targeted programme of consultation on draft budget proposals in January 2011, which has focused on:

- Overall views on the Budget Strategy and the way we run things;
- Budget principles;
- Spending plans;
- Savings proposals;
- Council Tax.

Our consultation programme (January 2011) has included:

- A postal survey of the Community Panel (547 responses);
- 'Your Money, Your Views' consultation document (112 responses);
- Engagement events across the Borough (146 participants);
- Meetings with 11 external and internal stakeholder groups.

We also carried out two further follow-up pieces of consultation; with traders in Ironbridge re: proposed car parking charge increases and with regular users of the Twister service re: proposed withdrawal of this service.

Appendix 6 sets out further details of the feedback we have received to date. Appendix 6(a) sets out the formal response of Scrutiny Committees.

A brief overview of key messages from the consultation is set out below.

a) Overall Views

Looking at overall views, 75% of Community Panel respondents agree that the Council's Budget Strategy will benefit the local community (5% disagree) and 85% of people who attended consultation meetings supported the budget proposals overall (7% opposed).

In addition, 83% of Community Panel members were satisfied with the way the Council is running things (8% were dissatisfied), whilst 75% agreed that the Council provides good value for money (8% disagreed).

b) Budget Principles

There is substantial support (95%) amongst the Community Panel for the set of budget principles set out in this report.

c) Spending Plans

As part of 'Your Money, Your Views', we asked people how strongly they supported or opposed our spending plans overall. Just over three-quarters (76%) of respondents supported our spending plans overall (15% opposed).

The Community Panel were asked a series of more detailed questions about our spending plans:

- **Investment in Children's Social Care Services**

A high percentage of the Panel (84%) supported the proposal for additional investment in Children's Social Care (5% opposed).

- **Long-term Investments (Regeneration, Housing & Prosperity)**

Similarly, 83% of the Panel supported the proposed package of long-term investments (7% opposed), which included improving Borough Town Centres, transforming Telford Town Centre and Town Park, providing extra care housing, supporting homes being built, creating Sports & Learning Communities and building a waste bulking station.

17 people felt that all investments should wait until the economy picks up and a further 4 stated that investments should have a lower priority than maintaining day to day services.

- **Shorter-term Investments (Quality of Life)**

There is almost universal support for capital investment in maintenance of roads and pavements, with 98% of the Community Panel supporting this proposal (1% opposing).

89% also supported investment in supporting vulnerable people to stay in their own home (3% opposed).

- **Missing Priorities**

Overall, there appears to be a high level of agreement with and support for the Council's spending plans and priorities. However, a number of responses have been received highlighting areas that people feel are missing from our plans. The three areas most frequently raised were:

- Street cleaning/litter picking (14);
- Regeneration of other areas of Telford (10);

- Environmental Health (4).

d) Savings Proposals

As part of 'Your Money, Your Views', we asked people how strongly they supported or opposed our savings proposals overall. 72% of respondents supported our spending plans overall (9% opposed).

More detailed consultation focused on those savings that could potentially have the most impact on the public (fees and charges and reductions/changes to services).

- **Fees & Charges**

The two proposals with the highest level of agreement amongst the Community Panel were increasing licence fees (84%) and increasing charges and admissions for leisure and culture services (78%); these were also generally well supported at consultation meetings and by people who responded to 'Your Money, Your Views'. For the latter proposal, some people did raise a concern that price increases could discourage people from using these services.

The option of introducing a charge for Flex cards emerged through the consultation process (this was not part of the original budget strategy and was therefore not included in the Community Panel survey). This option was also generally well supported at consultation meetings and by people who responded to 'Your Money, Your Views'.

The majority of Community Panel respondents (60%) agreed with the proposal to increase car parking charges (29% disagreed). In response to a request from the Community Focused, Efficient Council Scrutiny Committee, additional consultation was carried out with local traders in Ironbridge. Of the 20 traders who commented on the proposals as part of this consultation, only 3 disagreed, whilst 6 traders commented that charges are currently seen as being cheap. The Gorge Parish Council queried whether the proposed increases could lead to more on-street parking in residential streets.

The two least well-supported proposals overall appear to be introducing a charge for new and replacement bins and increasing charges for low-level help with shopping and cleaning. The proposal to increase cemetery burial charges appears to be a sensitive issue for some Community Panel respondents (52% agree, 26% disagree); in contrast people who discussed the issue at consultation meetings had relatively few concerns.

- **Reductions/Changes to Services**

The proposals with the highest levels of agreement amongst the Community Panel were switching off street lights at night (92%), reducing shrub bed maintenance (87%) and reducing the frequency of grass-cutting (85%); these

were also well supported at consultation meetings and by people who responded to 'Your Money, Your Views'.

There was almost universal support for introducing an opt-in scheme for non-mandatory milk provision at engagement events (96%) and consultation meetings; this proposal was also the most supported by people who responded to 'Your Money, Your Views'.

Whilst 83% of the Community Panel agreed with the proposal to revise Wrekin Connect and withdraw the Twister service, some people who took part in engagement events expressed concerns about the impact of this proposal on vulnerable people living in rural areas, suggesting that the Council should engage directly with the users of this service. In response to this, regular users were contacted to discuss the proposal in more detail (14 people took part). Of these 14 people, 9 people also used a car, either as a driver or passenger. In addition, 13 were concessionary travel pass holders.

Approximately three-quarters of the Panel and the people who took part in engagement events agreed or supported the proposals to reduce road-sweeping and revert to the national concessionary travel scheme. However, the concessionary travel proposal was one of the least well-supported proposals amongst people who responded to 'Your Money, Your Views'. Issues raised included concerns about not being able to travel free of charge to hospital appointments and impact on people living in rural areas where bus services are less frequent.

The two least well supported proposals overall appear to be reducing maintenance of roads and pavements and withdrawal of the free pest control service (both with less than 40% agreement and 50%+ disagreement amongst the Community Panel).

- **Alternative savings proposals**

Looking at overall responses to the Community Panel, Your Money, Your Views' and engagement events there appears to be a high level of agreement with and support for the majority of the Council's savings proposals. However, a number of responses have been received highlighting areas that people feel we should stop doing or do less of. The three areas most frequently raised were:

- Combination of other street lighting savings – switch off during the day, switch off every other light, use low energy bulbs/solar night (26)
- Greater use of volunteers/community payback (16)
- Switch off traffic lights at night (11)

e) **Council Tax**

Amongst the Panel, 91% of respondents supported the proposed Council Tax freeze. For 'Your Money, Your Views', the figure is slightly lower (84%).

Of the people who opposed the proposal (5% - Panel, 8% - Your Money, Your Views'), the main reason appears to be that people would prefer a small increase to secure services and reduce the need for cuts. Only 2 people said that Council Tax should be reduced.

4.5 RESPONSE TO CONSULTATION RESULTS.

Cabinet Members are grateful to the 900 people that took part in this extensive consultation exercise and propose the following changes to the proposals in response to the comments made:-

Removal of the concessionary travel 9.00 a.m. to 9.30 a.m. "top-up" to the national scheme – During consultation it became apparent that this proposal could potentially have a more severe impact in the more remote parts of the Borough where bus services are particularly limited and for example the only bus in the morning is between 9.00 a.m. and 9.30 a.m. It has therefore been agreed to confirm with Arriva the option of offering bus passes activated from 9.00 a.m. in these parts of the Borough.

Remove pest control – there was a strong sense that people would prefer the Council to continue to provide a service but charge for it rather than stop the service altogether. It is therefore proposed to keep the service but charge at £40 including VAT to recover the majority of the cost and generate an expected £42k saving compared to the original projected £50k saving.

Reduce revenue spending on roads, footway and kerb maintenance by 7%. This proposal did not achieve much support and will be deleted.

Leisure and culture increased income – as well as making changes to some charges we also consulted on potentially charging for flex cards. This was seen as a reasonable proposal and will generate sufficient additional income to offset the deletion of the roads, footway and kerb maintenance proposal.

Social care charges for low level preventative services - there were mixed views on this proposal with some people feeling that the increase should be lower and some that it should be higher. At the proposed level of charge the Council will still be subsidising the service and the additional income generated will be re-invested in meeting pressures for services within Adult Social Care so it proposed to proceed with the increase.

Parking Charges – There was some confusion about which car parks were affected by the proposal. The Council only make charges for one small car park in the town centre in addition to the Ironbridge car parks. Specific consultation also took place with traders in Ironbridge on the proposal.

Charging for the delivery of new and additional grey bins – the consultation results suggest that there is general acceptance of the need for this, but not for charges for green bins as this could impact on recycling rates or for the delivery of replacement stolen or vandalised bins or for those damaged by Council contractors. It is therefore proposed that the delivery charge will only

be applied for new and additional grey bins with no charge being applied for delivery of green bins or other receptacles to help further promote recycling. The impact on the savings proposal is likely to be a reduction of around £10k. compared to the original proposal.

The combined effect of these changes is to reduce the value of the overall savings package by £20k in 2011/12 which will result in additional use of balances of this amount.

4.6 FINANCIAL POSITION

4.6.1 2010/11 Budget Strategy

The current year's budget was based on funding from the final year of a 3 year Government grant settlement which was announced in December 2007 and covered the period 2008/09 - 2010/11.

The Council received a good grant settlement but even in 2010/11 lost over £5m of its grant entitlement through the grant damping mechanism, a total loss of around £18m funding over the 3 years.

With greater grant certainty from this 3 year settlement the Council was able to agree a 2010/11 strategy including

- A significant revenue and capital investment package,
- A strategy of additional savings with a detailed package totalling £4.726m pa with a further £0.5m in Education services for 2010/11
- Use of £0.98m balances in 2010/11
- A 2009/10 Council Tax increase of 1.9%

4.6.2 2011/12- 2013/14 - Medium Term Planning Context

Following the Comprehensive Spending Review, the public sector faces a period of unprecedented financial constraint which brings significant challenges at a time when demand for many local government services is increasing. Projections of funding available for the Council beyond 2012/13 are difficult given the planned major review of the overall local government finance system. However, it is likely that the Council faces a prolonged period of significant pressure on resources despite the recession putting greater demands on the Council's budget including:

- increased demand for benefits and welfare services, homelessness services and social care
- the prolonged historically low base rate of 0.5% impacts on investment returns (although reduces the cost of short-term borrowing)
- the downturn in the housing market, with fewer houses being built, affects planning and building control fees
- Income from the Property Investment Portfolio has also reduced

The Council faces many other challenges including pressure on Childrens and Families budgets which has been consistently reported through financial monitoring reports in recent years and the impact of an ageing population.

However, despite these uncertainties, the Council must now conclude its service and financial planning process and roll the three year strategy forward.

All this is against a background of relatively low existing council tax levels locally. The Council has the lowest level of council tax, at Band D, for unitary services in the Midlands (£129 lower than the Midlands average at Band D in 2010/11). It is also significantly below the national average for other unitary authorities (£115 lower than the unitary average at Band D in 2010/11) which brings challenges in balancing the priorities for supporting pressurised existing services such as Children's and Adults social services, alongside the funding requirements of the many new initiatives to boost the area including:-

- Borough Towns Initiative - Sport and Learning Communities
- Borough Towns Initiative – Local Centres
- Town Centre redevelopment
- Regenerating new town estates

As reported to Council in March 2010 when the service and financial planning strategy for 2010/11 was agreed, the investment programme is now dependent on around £80m of capital receipts yet to be realised. The Council has an agreed schedule of asset disposals to address this and this schedule is regularly monitored and all the revenue consequences of temporary financing pending these scheduled disposals are built in to the Council's base budget projections contained in this report. This is however a considerable exposure and represents a key risk. This dependency will therefore continue to be subject to close monitoring. If any delay is experienced in generating expected receipts, mitigation factors could include a combination of re-phasing some schemes, identification of other assets for disposal or additional borrowing on a temporary or long term basis.

A summary of the 2011/12 base budget is attached at Appendix 1 while Appendix 2 shows year on year movements from the 2010/11 budget.

4.7 OUR STRATEGY

4.7.1 Budget Guiding Principles

The strategy put forward for approval is based on the guiding principles of:

- Spreading our reducing resources fairly and openly across the Borough, whilst taking account of the needs of different areas;
- Developing spending plans that are based on the community's needs and priorities;
- Doing our best to make efficiencies and savings to restrict the level of cuts to services as far as possible;

- Keeping the level of Council Tax as low as possible to ease the financial burden on local tax-payers whilst protecting front line services;
- Keeping the use of Council reserves to a minimum and use only when we need to;
- Setting aside some additional money to deal with any unforeseen circumstances caused by the current economic situation;
- Selling some of the Council's poorer performing land and property to fund community priorities (if it is practical and prudent to do so);
- Setting our fees and charges at realistic but fair levels, ensuring that appropriate concessions are in place for those that need them.

4.7.2 Overview

Bringing together our assessment of community needs and the wider policy context, the latest financial position and the feedback that we have received from across the community, we have refreshed our strategy. Full details of the proposals are set out in the sections below, however, in summary they are:

- Given the high levels of support for freezing Council tax in 2011/12 at 2010/11 levels which is made possible by the Government grant equivalent to a 2.5%. It is proposed not to increase council tax in 2011/12.
- In order to offset grant losses of £13.6m in 2011/12 there is a need to secure further savings/efficiencies. To address this, the Council is continuing to streamline and restructure the organisation and reduce waste and bureaucracy with a view to making savings of £13.7m (including education) in 2011/12. Savings targets for future years are also set out in this report.
- To address the greatest service pressures our limited revenue investments focus on extra funding for Looked After Children of £1.4m and the re-investment of savings of £1.6m back in to social care services for Adults.
- Our capital investment programme focus continues to be transforming and improving the Borough, for example regenerating the Borough Towns, Town Centre and New Town Estates and improving infrastructure like roads and street lights for the long-term. Limited new capital investments are included; details of the planned capital investment programme are included in the Capital Programme report later on this agenda. This also includes details of changes to the BSF-SLC programme as a result of the reduction in Government Grant (£41m) and "indexation changes" (£43m) which reflect reductions in projected costs following significant reductions in construction indices since the Outline Business Case was approved.

4.7.3 Savings

Over the last four years, savings of around £17m have already been made.

Over the period covered by this medium term financial strategy the Council is looking to identify savings proposals of 20% across its budget. The 20%

target figure is being used as a guide and obviously indicates the need for substantial service redesign rather than just incremental efficiency measures but actual reductions may vary with delivery of some services ceasing and others facing a much smaller reduction. As far as possible cuts to front line services will be minimised by continuing to seek to make efficiency savings. However, difficult choices will need to be made and cuts to services will be unavoidable given the scale of the financial challenge facing the Council. A schedule showing the targets and phasing for reductions of 20% to staffing and non staffing budgets is attached as Appendix 3. These savings targets are over and above a principle that has been adopted that no allowance has been made for general inflation or pay awards throughout the medium term period covered by this strategy forcing further savings where these cost pressures arise over and above the 20% savings target. (Some allowance has however been made for contractual inflation). Appendix 3 summarises non-staffing and staffing savings by Service Delivery Unit and by year.

Appendix 4 details specific proposals for savings on non-staffing budgets with a number of further proposals giving a one-off benefit in 2011/12 detailed on the first summary page of the Appendix. The proposals in Appendix 4 total £10.4m before allowing for savings where the benefit “leaks” away from the main General Fund budget e.g. through to capital account, the education budget or a partner organisation. £1.6m of the gross savings come from the Adult Social Care budget but it is proposed that all savings from this area are reinvested back in to Adult Social Care. This leaves a net figure of £8.1m expected to be available to support the General Fund budget from the proposals detailed in Appendix 4 in 2011/12.

In addition, the Council’s staff restructure programme which is aligned with the service review programme is expected to generate savings of £5.1m (after “leakage”) next year including £1.3m assumed from the Voluntary Redundancy scheme and holding posts vacant as natural wastage occurs in advance of restructures as detailed in Appendix 3.

To identify savings and efficiencies, we have been carrying out a rolling programme of restructuring and service reviews. This comprehensive programme started with transport services and a major review of childrens’ and adults’ services is currently in progress with an initial progress report due to be considered by Cabinet shortly. Our approach has been based on the principle of ‘keeping cuts to front line services as a last resort’. Therefore we have considered the savings options suggested through consultation and have wherever possible focused on things that will have minimal impact on services delivered to the public, such as:

- Reducing the number of senior managers (the cost of senior management has been halved over the last 2 years saving £1.75m pa)
- Spending less on computers, telephones, equipment etc;
- Renegotiating contracts;
- Cutting down the number of buildings we use and reducing repair and maintenance.

We have also looked at our fees and charges, as this was another area highlighted through the initial phase of public consultation. Our savings package includes a number of proposals relating to fees and charges. We have focused on services where charges have not increased for a number of years or where our charges are significantly lower than other councils.

Finally, given the scale of the challenge facing us, we have had no option but to consider making some savings to services. We have focused on 'scaling back' services rather than stopping them altogether, carefully weighing up the impact on local people and taking into account the results of consultation. Details of the savings proposals for 2011/12 are included in Appendix 4.

The Council has built up a significant reserve since 2007/08 towards the costs of single status. There remains a considerable amount of work to be done before actual implementation which will not be until the start of the 2014/15 financial year. The position is regularly monitored and if it is considered that additional funds need to be allocated then these can be built into the budget for 2012/13. Not making additional provision during 2011/12 will generate a benefit of around £2.8m on the General Fund and a further benefit of around £0.2m on the Dedicated Schools Grant funded budget. The ongoing provision for the single status settlement is however still provided for in future years.

As reflected in 2010/11 financial monitoring reports, considerable work has already been undertaken in the current financial year pulling the implementation of savings proposals forward and implementing restructures early. It is recommended that £1.435m (£0.577m from non-staff budgets and £0.858m from staffing budgets) of savings generated in 2010/11 should be earmarked for use on a one-off basis to support the budget in 2010/11. In addition, work has been undertaken to challenge VAT payments from the early 1990s due to an error in the VAT legislation. A number of claims for VAT refunds have been made and in total around £1.7m is projected to be available. It is recommended that this should also be earmarked to support the 2011/12 budget on a one-off basis.

A review of other one-off benefits that are available has been undertaken in order to offset the front loading of the grant reductions and to allow the savings from restructures and the service reviews to feed through. It has been possible to identify a surplus on the collection fund account, surplus dividends from the Council's investment in West Mercia Supplies and an over-provision for bad debts. In total these will generate around £2.2m to help balance the budget for 2011/12 and avoid the use of General Fund balances.

Work is underway to identify what scope is available to help partially offset rising Adult Care & Support pressures from the PCT funding of £2.1m to be allocated for joint use by the Council and NHS Telford & Wrekin (PCT) in 2011/12 under the national initiative.....particularly where the pressures arise from PCT funding changes for CHC cases. An overall programme for the £2.1m and accompanying re-ablement funding of £0.43m is currently being developed jointly with the PCT and more detail on this is covered earlier in the report in paragraph 4.2.

As the programme of service reviews and accompanying staff restructures progresses as planned during the next 12 months, additional savings proposals will come forward for further consultation and impact evaluation. Given the tight financial position faced this will become more of a rolling budget process than previously to allow ample consultation time and input from the community on alternative service savings proposals.

4.7.4 Base Budget, Council Tax and Balances

A summary of the Base Budget position is included at Appendix 2 which shows a net base budget of £131.106m for 2011/12 giving a base budget funding gap of £4.97m before the grant reductions.

The medium term financial strategy put forward recommends that the Council does not increase Council Tax for 2011/12. This continues the recent policy of seeking to reduce the year on year rate of council tax increase. It will also enable the Council to benefit from the grant of £1.4m, equivalent to a 2.5% council tax increase offered by the Government which will be forgone for the next 4 years if the Council sets any level of increase.

Council Tax in Telford & Wrekin in 2010/11 is again the lowest in the Midlands region for the services this Council provides (£129 lower than the Midlands average at Band D in 2010/11). It is also significantly below the national average for other unitary authorities (£115 lower than the unitary authority average at Band D in 2010/11). With no increase proposed, we do not envisage any significant change in this position. A chart comparing the level of Council Tax for services provided by this authority to that charged in other parts of the Midlands is attached as Appendix 7.

Appendix 5 summarises the overall balances position of the Council after taking account of the various earmarked reserves and the risks faced by the Council. This shows around £4.2m available as part of medium term budget strategy considerations after setting £1.1m aside to supplement the base budget contingency of £1.6m on a one-off basis in 2011/12 and the transfer of the remaining £0.8m revenue Invest to Save funds to the redundancy costs provision recommended in this report. The impact of this will be partially offset by the recommended creation of a capital Invest to Save budget of £0.5m as recommended in the Capital Programme report on this agenda. The considerable uncertainties faced next year will need to be allowed for in any strategy and an adequate contingency is therefore required. A contingency at this level will help us deal with unexpected variations or some delay in implementing savings proposals. As previously explained, no allowance has been made for any inflation or pay awards over the period of this strategy apart from an amount which has been earmarked to offset known income shortfalls and contractually committed inflation. This is currently held centrally pending confirmation of the minimum amounts that will need to be allocated to services in order to achieve a realistic budget during these years.

4.8 DEDICATED SCHOOLS GRANT BUDGET

As part of the Local Government settlement The Department for Education (DfE) has announced a Dedicated Schools Grant (DSG) one year budget settlement for schools including the mainstreaming of relevant grants into the DSG. Approximately 90% of the base DSG funding is delegated to schools with the remainder being retained for central expenditure on pupils relating, in the main, to Special Educational Needs (SEN) including behaviour. All of the DSG relating to the mainstreamed grants previously delegated to schools will be delegated in 2011/12.

The DSG amount is based on a guaranteed unit of funding per pupil (GUF). The proposed 2011/12 allocation is based on the same GUF as that of 2010/11 increasing only by the amount of per pupil mainstreamed grant received. For Telford and Wrekin the 2011/12 GUF is £4,854 comprised of the existing 2010/11 figure of £4,219 plus £635 per pupil grant.

In addition a new Pupil Premium has been introduced for deprived pupils. This is a flat rate of £430 per deprived pupil applicable nationally and will be paid to Local Authorities as a specific grant and passported to schools. The national allocation of this premium is £625m in 2011/12 rising to £2.5bn by

2014/15. The amount received by Local Authorities will be driven by the January pupil census and current eligibility for free school meals although there are aims to extend the coverage of this premium to pupils formerly eligible for free school meals in 2012/13 onwards. T&W current estimates indicate a total grant of approximately £1.9m for Pupil Premium but this is an early estimate and January census data will be required to provide a more accurate forecast.

In line with previous years, the DfE also sets a per pupil minimum funding guarantee. However, unlike previous years, the guarantee is set at a negative level, to ensure no school has a cut in its budget of more than 1.5% per pupil before any Pupil Premium is applied.

The impact of the minimum funding guarantee and the additional Pupil Premium will have varying effects on our schools depending on the number of deprived pupils on roll. Some schools with minimum levels of deprived pupils will experience real cuts to their funding, some will stand still at 2010/11 levels and some with high numbers will attract additional funding.

Schools will be held accountable by the Government for how they use the allocated premium by setting new measures within the performance tables and requiring schools to publish on line how they have used the premium. However, the pupil premium will not be ring fenced at school level.

The Government has also introduced the operation of a cash floor at local authority level to ensure the protection of Councils with falling pupil numbers. For 2011/12 this has been set at the level of minus 2%. Whilst T&W on latest estimates, anticipate a fall in pupil numbers, particularly within the secondary sector, we do not anticipate the level of reduction triggering the operation of the cash floor mechanism.

The Government plans to undertake a full review of the schools funding system for future years as outlined within the White Paper "The Importance of Teaching" and as a result have issued only a one year settlement compared to the two year allocation published for Local Authorities. This will limit the ability of authorities to plan ahead due to the uncertainty of funding for the following year.

Since 2009/10, Telford and Wrekin schools have experienced a cumulative reduction of over £2million in DSG funding due to falling pupil numbers. This has had a significant impact on funding for a number of our schools with falling rolls. The precise funding loss in 2011/12 will only be available once the January 2011 census has taken place and changes in the methodology of the pupil counts have been incorporated. However, it is clear that some secondary schools, in particular, will once again experience significant reductions in funding due to lower pupil numbers.

The settlement received is much tighter than previous years and some of our schools will face difficult decisions to balance their budgets.

Indicative budgets have been sent to schools and the consultation process with the Schools Forum and schools generally is under way. Schools are aware that the Schools Budget is a one year settlement only with consultation on the introduction of a national funding formula to take place in the summer and that the introduction of the pupil premium will lead to a redistribution of funds between schools.

In this context, the Schools Forum considered that stability of formula funding should be a priority and so the current position is to replicate the existing funding formula, within the constraints of available funding. However, they also recognised that the mainstreaming of grants gives some potential flexibility to begin to address anomalies arising from the distribution of these grants. They therefore wished the LA to examine the funding of schools and produce proposals for further consultation to enable a decision on whether some limited redistribution of funds would lead to a fairer outcome.

A number of grant streams associated with the provision of school support services were either cut or reduced within the settlement and the impact of these cuts is currently being considered. Solutions to mitigate this loss of funding will be considered as part of the ongoing Children's services review as well as through discussions with schools about the continuation of some services via traded service agreements.

The Education Budget Strategy considers only those areas of expenditure funded by the Dedicated Schools Grant. This grant also funds expenditure on the various central education services. Current budget projections for 2011/12 highlight £0.5m of pressures including

Impact of more complex needs of pupils on a range of service areas including specialist education placements

Impact of falling numbers on central budgets (loss of DSG funding)

Impact of Academies (loss of DSG funding)

The Council's overall process to identify and deliver savings of 20% as part of the Council's Budget strategy incorporates the DSG budgets. The work being undertaken within the current service review to deliver these savings will also consider the need to address the impact of these pressures.

The latest view of the 2011/12 DSG budget position is as follows:-

Dedicated Schools Grant Budget Overview 2011/12

	11/12 £m
Total DSG (subject to January pupil census and adjustments for Academies to be finalised. Final DSG figures will be available in June)	113.684
Delegated to Schools	102.995
Central Expenditure (including Early Years Education provision)	10.689
Pressures on Central Expenditure	0.500
Savings to be Delivered via Service Reviews	-0.500

5. **OVERALL STRATEGY**

Following consideration of the responses to the extensive consultation process, the key components of the proposed Service & Financial Planning strategy for 2011/12 are to:-

- Freeze council tax at 2010/11 levels,
- Make a new investment of £1.4m in services for Looked After Children to protect them from neglect and abuse,
- Continue the organisational restructure programme and aim to generate a saving to General Fund budgets of £5.1m (detailed in Appendix 3),
- Implement the package of savings from non-employee budgets totalling £8.1m detailed in Appendix 4 after re-investing savings from Adult Social Care of £1.6m back in to this service area,
- Continue with the planned programme of capital investments detailed in the January 11th Cabinet report and the Capital Programme report on this agenda,
- Use £1.42m of a projected £4.2m of available general balances,

The summary below reflects these proposals and details the projected budget gap for future years although, as previously stated projections beyond 2012/13 must be treated with caution as we only have detailed grant

allocations for 2011/12 and 2012/13 pending a major review of the local government finance system.

Projected Budget Gap	11/12 £m	12/13 £m	13/14 £m	14/15 £m
Base Budget gap See Appendix 2	5.0	10.2	12.8	13.7
Formula grant loss - excludes council tax increase grant for 2011/12	8.8	14.4		
Other grant losses	4.8	4.5		
Total assumed grant loss (per CLG DEL announced in CSR)			19.2	23.7
Investment in Looked After Children Placements	1.4	1.4	1.4	1.4
Sub total	20.0	30.5	33.4	38.8
Savings proposals including additional income – see Appendix 4 (after estimated leakage and net of social care investment of £1.6m)	-8.1	-12.6	-15.5	-15.5
Savings from staff restructure (after estimated leakage)	-5.1	-13.1	-14.4	-14.4
Total Projected Budget Shortfall before use of balances and Council Tax increases	6.8	4.8	3.5	8.9
Usage of Specific One Offs - Suspend contribution to single status provision on one-off basis - Council tax surplus	(2.8) (1.2)	(0.3) (0.3)	(0.3) (0.3)	(0.3) (0.3)
Restated shortfall before use of general balances and council tax increases	2.8	4.5	3.2	8.6
Council Tax grant = 2.5% increase for 2011/12	(1.4)	(1.4)	(1.4)	(1.4)
Remaining gap – to be found from use of balances, further savings or council tax increases	1.4	3.1	1.8	7.2

6. Robustness of the Financial Strategy and Levels of Reserves & Balances

The Council's Chief Financial Officer (CFO) is required to comment on the adequacy of the Council's levels of reserves and balances and the robustness of the overall budget strategy. Given the medium term position outlined in this report, the CFO considers the current level of reserves and balances and proposed strategy set out above to be appropriate. However, a number of risk areas will need to be monitored carefully during the year including the dependency of the capital investment programme on receipts and contributions yet to be obtained. Appendix 5 amplifies this statement.

7. BACKGROUND PAPERS

- Comprehensive Spending Review Announcements – Treasury Website
- Revenue Support Grant Settlement Announcement – CLG Website
- Service & Financial Planning Report to Cabinet – 8th December 2010
- Service & Financial Planning Report to Cabinet – 11th January 2011

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ROBUSTNESS OF BUDGET ESTIMATES AND ADEQUACY OF RESERVES: STATEMENT OF THE CHIEF FINANCIAL OFFICER

BACKGROUND

Section 25 of the Local Government Act 2003 requires the authority's Chief Financial Officer to comment on the robustness of the estimates and the adequacy of reserves allowed for in the budget proposals in the budget report, so Members have advice available to them when they make their budget decisions. The Chief Financial Officer also has a responsibility under section 114 of the Local Government Act 1988, to report if it appears to him that members are likely to set an unbalanced budget for the year. It is therefore imperative that the Chief Financial Officer is able to agree the soundness of the Council's financial strategy.

In addition the CIPFA guidance on Local Authority Reserves and Balances requires that a statement reporting on the annual review of earmarked reserves should be made to Council, at the same time as the budget. The statement should list the various earmarked reserves, the purpose for which they are held and provide advice on the appropriate levels. It should also show the estimated opening balances for the year, planned additions/withdrawals and the estimated closing balance.

ROBUSTNESS OF ESTIMATES

Overview

Given the anticipated cutback in Government funding for Local Authorities to deal with the Government's funding deficit, the Council has been running a comprehensive review of all its services and staffing structures for some time now. However it was only on 13th December that the extent and timing of those cuts was finally announced and while the probable overall level of grant cuts over the next 4 years is as severe as projected, the cuts are much more front end loaded than expected: around 50% of the 4 year cuts hit this Council next year. This leaves all authorities in a difficult position in putting together a sustainable strategy in time for consultation then decisions by members. The position is exacerbated by the inadequate allowance nationally for Councils to capitalise redundancy costs, a point reflected in our response to the grant consultation and made strongly to the Secretary of State by most Councils, the LGA. and other local government commentators

To allow for the Council's planned approach to service and staffing reviews to proceed as planned it is thus necessary to utilise a greater level of one off savings and balances than usual-a total of £9.2m for next year. This is a position most councils are finding themselves in and one advocated by the Secretary of State when lobbied extensively to reduce the level of front end loading of the cuts. This obviously introduces a higher level of risk into the financial strategy than usual and can only be supported by the presence of an existing planned programme of reviews which are already generating savings to replace this extensive reliance on one offs for 2011/12. As long as this

programme of reviews delivers on time and target then the projected residual deficit in 2012/13 can be covered with a mix of council tax increase and a more routine use of one off sums. It is important that the progress of these reviews is closely monitored and a separate officer board is in place to do this with reports through to the Directors' management team and then Cabinet via financial monitoring if there are any issues starting to arise. It is imperative that we keep to timetable on the reviews and their implementation to ensure we can set a sustainable budget for 2012/13 in a year's time.

Given the scale of grant cuts and savings already made over recent years, it is inevitable that this funding shortfall can not be met by efficiency savings alone and as the process moves on will increasingly impact on front line services. The rolling programme of reviews means that as each service review comes to fruition we will need to ensure proper consultation and appraisal of the implications of the impacts of proposals during the year rather than just the usual once a year process around the budget. We anticipated this a year ago and have been carrying out consultation during the last year on local peoples' views of services to protect or cut and this dialogue will need to continue.

Overall therefore, given the planned programme of service reviews and accompanying organisational and staff restructures which have been under way for some time now, it is considered that the Council is pursuing a sound financial strategy in the context of the most difficult financial position it has faced due to the heavily front loaded Government grant cuts.

The 2011/12 budget and medium term financial plan has been informed by:

1. Council Wide Risk Management

We are pursuing a planned approach of service reviews but as flagged above the high level of grant cuts will increasingly have front line service impacts.

It therefore seems inevitable that the level of risk will increase both to individual services and the operation of the council as a whole and this will be common to local authorities across the country. The current review of key risks is thus important to ensure we put in place a level of mitigation wherever possible. We have set aside an additional contingency of over £1m next year and carried out a risk based review of all reserves and balances to inform the budget strategy. There has also been an assessment of key service risk exposure resulting in investment into both Children's and Adults' social care services.

Risk management awareness sessions have been held during 2010 to ensure that all service areas clearly identify the key risks to the achievement of their objectives. This has included sessions for both Members and employees.

2. The Monitoring Process

Financial monitoring is carried out on a monthly basis and highlights any significant variances, and therefore areas of risk, both for current and future years, with regular reports being presented to Corporate Management Team and Cabinet during the year. Progress on the programme of service and staffing reviews will be monitored through this route flagging both 'in year' and 12/13 financial strategy impacts. Performance and risk monitoring are also carried out to complement the financial monitoring and are reported on an exception basis to Corporate Management Team and Cabinet. This provides further indications of any potential risk areas for the council and action is taken to review any issues identified.

3. The Budget Setting Process

The overall medium term financial planning position of the Council is controlled through a model which is updated during the year as new information becomes available- including current year trends identified through monitoring. At a more detailed level Finance officers meet with budget holders and review all budgets on an annual basis on top of the usual monitoring work. Budgets are cash limited. Areas of unavoidable growth, pressures and developments have been identified and scrutinised as part of the budget process along with the deliverability of the savings package which forms an integral part of the overall strategy. These link to both the budget monitoring process, performance monitoring and risk management, discussed above, together with other issues such as meeting new legislative requirements and statutory obligations.

2011/12 Budget Assumptions:

Given the difficult financial position the Council faces, a tight line has been taken on planning assumptions for next year but this is mitigated by the inclusion of the additional £1m contingency and risk assessed review of reserves and balances.

<u>Inflation</u>	
Pay Award	0% for all years. Any actual pay awards will have to be found from within cash limited budgets. As part of a three-year pay deal for teachers a pay increase of 2.3% took effect from 1 st September 2010. No further increases are planned.
Employer's Pension Contribution	The Council has agreed with pension fund officers and the fund's actuaries the maintenance of its current contribution rate of 16.3% for the next 3 years. An independent review of public services pension provision is

	being undertaken by John Hutton which is likely to fundamentally change the current system. The final report will feed into the Government's budget on 23rd March 2011.
Employer's National Insurance Contribution	An increase of 1% has been included for the NI contribution in line with announcements made in the March 2010 Budget.
Social Care Purchasing Budgets	The procurement strategy for social care purchasing is currently under review with a view to delivering efficiency savings.
Electricity, Gas, Water	There is a working assumption of meeting cost increases from efficiency savings. There is also a central contingency provision as flagged below
Inflation/Income provision	A provision of £1m was earmarked and included in the January report for contractual inflation pressures. Tight control will be exercised to ensure that this is only allocated where a very real need can be proven in priority areas. This arrangement has also operated for 2010/11.
Service Pressures	Two key service pressures have been identified: - Adult Social Care – where £1.6m is being re-invested to address demographic pressures and costs previously met by the PCT - Children's Social Care – where £1.4m additional funding has been provided to meet an increasing cost of vulnerable children.
Interest Rates	Base rates began the year at 0.5% and have remained there all year. The Bank of England extended its Quantitative Easing programme during last year to £200bn. There has not been any extension to this or any unwinding during the current year. The next move in the base rate is expected to be upwards, but the timing of this is subject to considerable speculation as the Monetary Policy Committee seeks to balance the impact on a still fragile economy

	with the need to respond to continuing high inflation rates. Our investment and borrowing strategies for 2011/12 are set within this context. The assumptions for new borrowing are 2.4%, 4.4% and 5.4% in 11/12, 12/13 and 13/14 respectively and the average return on investments is 3.7%, 4.7% and 5.4% respectively. One of the primary objectives is to reduce the Council's exposure to risk while at the same time maximising returns. The Treasury Management Strategy for 2011/12 is presented to Council alongside the budget reports.
Treasury Management	The Treasury Strategy for 2011/12 follows the requirements of the Revised CIPFA Treasury Management Code of Practice and clearly identifies the various exposures to risk and strategies in place to minimise this. The Audit Committee has a role to review and monitor the Council's treasury management arrangements which includes policies, procedures and the management of risk. The 2011/12 Treasury Strategy was presented to Audit Committee on the 1 February for their consideration and comments.
Dedicated Schools Grant (DSG)	The figure assumed for Dedicated Schools Grant is £113.684m. The final DSG allocation to the Council will not be known until June 2011 when all adjustments for academies and pupil numbers are finalised. In 2011/12 a number of specific grants have been transferred into DSG to mainstream them. DSG is based on a guaranteed unit of funding (GUF) per pupil. The proposed allocation for 11/12 is based on the same GUF as 10/11 plus an amount per pupil for the mainstreamed grant. The settlement received is much tighter than previous years and schools will face difficult decisions to balance their budgets – discussions have already begun with the Schools Forum to assess the full implications of the mainstreaming of grants. A number of other “non front line schools grants” have also been deleted and services will have to be withdrawn unless schools elect to buy into the services previously funded by those grants. An

	assumption has been made in the budget strategy that £1.2m income will be generated from schools, or through service reductions if schools do not buy back in, which will partly offset this reduction.
Estimates on the level and timing of capital receipts	The revenue budget and capital programme assume around £80m anticipated future capital receipts over the medium term planning period. Any delays in generating expected receipts or in the amounts generated will need to be taken into account in future service and financial strategies. This could require scaling the capital programme back, re-phasing schemes or entering in to additional prudential borrowing. Delivery of projected receipts is monitored on a monthly basis as part of overall financial monitoring and reported to Cabinet quarterly. There should be no decisions taken which significantly increase this medium to long term exposure until there is a clear pattern of receipts being delivered as planned and satisfactory progress with the programme of service and staffing reviews
Prudential Borrowing / Prudential Indicators	The use of prudential borrowing is in line with previously approved investment programmes. Given the overall financial position faced by the Council it is important that no further significant prudential borrowing commitments are entered into (unless matched by additional savings/income flows) until delivery of the savings from the service and staffing review programmes is substantially secured. Prudential Indicators are approved as part of the budget strategy (see separate report on this agenda) and are monitored and reviewed on a regular basis. The rules around the calculation of the cost of borrowing that must be charged to the revenue account – the minimum revenue provision (MRP) - have been prudently applied in setting the 2011/12 budget strategy. The policy in relation to MRP is set out in the Treasury Management Strategy Report.
Single Status	The Single Status process is underway with an implementation date of April 2014. There is currently an annual budgeted provision in place

	since April 2007 equal to 4% of the relevant pay bill to cover additional net costs for non schools based staff. This has been set aside in the accounts for the 3 years 2007/08 to 2009/10. The 2010/11 accounts will be closed on the same basis. Schools have been advised to make a similar provision. As the implementation date is now definitely falling after 2011/12 the contribution for 2011/12 will be suspended, but is still built into the ongoing budget projections after that year. The benefit of this one year suspension of provision has been utilised to support the overall financial strategy and thus avoid accelerating the service reviews and staff restructure programmes to deal with the unexpectedly severe front loading of government grant cuts announced on 13th December. There is possible exposure to liabilities from back pay and equal pay claims and the authority will seek to identify the possible range of liability at similarly structured authorities though this is very difficult. Possible application for a capitalisation direction can be made for meeting backdated one off costs when there is any information available to support a claim, but the success of this is likely to be limited under the regulations.
Savings	There is a planned programme of service reviews and restructures which will deliver savings over the medium term planning strategy. Gross employee savings of £5.4m and non-staff savings of £10.4m have been identified for the 2011/12 budget process of which £4.1m is one off. Additional gross savings of £11.3m and £10.7m respectively are budgeted for 2012/13. A reserve of £4m has been set aside to fund redundancy costs and further funding will be identified as the restructure process proceeds and actual costs and their phasing are clarified (this report also recommends a further switch of £0.8m to supplement this fund.) Application will also be made for capitalisation permission from the government

Financial Risks inherent in any new funding partnerships, major outsourcing deals or major capital developments	There are a number of major capital projects that have been identified which require careful project management and monitoring during 2011/12 and beyond to ensure commitments are matched by funding actually achieved, particularly the reliance on capital receipts and future government funding levels for the council and its public sector partners. These include the Town Centre Redevelopment and Borough Towns Initiative, BTI - Sports & Learning Communities, the Local Housing Investment Programme and New Civic Offices.
The availability of other funds to deal with major calls on contingencies	General reserves or other funds may have to be used temporarily and restored if revenue contingencies, management and policy action is insufficient to deal with a major issue. The Council has evaluated the risks it faces against available balances as outlined earlier in this appendix and concluded that around £4.2m is available to use in the overall budget strategy. This position will be kept under review.
The overall financial standing of the authority (level of borrowing, debt outstanding, collection of council tax etc.	The Council's approach to sustaining its overall sound financial position is covered in a number of sections of this Appendix already. The overall projected net indebtedness position at 1 April 2011 is £86.4m; net additional prudential borrowing anticipated in the medium term strategy is £56.3m which relies on delivery of capital receipts totalling £80.1m in line with profiled disposals or borrowing costs will rise further.(additional information is provided in both the Capital Programme and Treasury Management Strategy Reports). The Council budgets prudently for its level of borrowing, avoiding external borrowing where cash flow permits and running down investment exposure while new placement rates are low. The assumed council tax collection rate for 2011/12 onwards is high at over 99%, but being achieved already for past years. This adjustment also allows for additional 'in year' losses such as increased take up of Single Person Discount and other reliefs. For each 1% not collected the cost is approximately £0.55m in lost income to the Council. Legislation requires that any collection fund deficit is corrected through Council Tax in the next year. Collection has outperformed

	projections allowing use of a council tax surplus as part of next year's strategy . Cumulative collection rates to date for recent years are <table> <tr> <td>2005/06</td><td>99.52%</td></tr> <tr> <td>2006/07</td><td>99.57%</td></tr> <tr> <td>2007/08</td><td>99.43%</td></tr> <tr> <td>2008/09</td><td>99.28%</td></tr> <tr> <td>2009/10</td><td>98.90%</td></tr> </table> Recovery for all years is projected to be well over 99% finally.	2005/06	99.52%	2006/07	99.57%	2007/08	99.43%	2008/09	99.28%	2009/10	98.90%
2005/06	99.52%										
2006/07	99.57%										
2007/08	99.43%										
2008/09	99.28%										
2009/10	98.90%										
The authority's track record in budget and financial management	The Council continues to demonstrate strong financial management with outturn being within +/- 1% of the net budget set: • 2006/07 – underspent by £0.479m (0.47% of budget) • 2007/08 – underspent by £0.300m (0.27% of budget) • 2008/09 - underspent by £0.366m (0.31% of budget) • 2009/10 – underspent by £0.332m (0.27% of budget) This demonstrates continued strong financial management, despite considerable pressure on service budgets, notably children's social services.										
Virement and Contingencies	Virement is an important feature of budgetary control. It provides flexibility to adapt expenditure patterns to meet changing needs and objectives, consistent with Council policy. No Head of Service or Service Delivery Manger should plan to overspend. All expenditure should be consistent with approved service priorities and the overall approved budget. During 2010/11 a review of all service balances held was undertaken and £1.1m was clawed back to create an additional one-off contingency for 11/12, which when added to the ongoing contingency of £1.6m gives a total contingency of £2.7m for the year ahead.										
The adequacy of the authority's insurance arrangements to cover major unforeseen risks	The Council's insurance arrangements are a balance between external insurance premiums and internal funds to "self insure". The Council use the services of an external insurance advisor to provide additional expertise in managing insurance arrangements.										

	The insurance section work closely with the Audit & Assurance Manager to identify insurance related risk areas and recommend ways of mitigating future risk.

These assumptions are reviewed on an annual basis.

Reserves & Balances Policy

Introduction

Guidance on local authority reserves and balances is available from the Chartered Institute of Public Finance & Accountancy (CIPFA). This represents good financial management and underpins the framework followed by Telford and Wrekin Council in this policy.

Types of Reserves and Balances

As part of the Service & Financial Planning process, the Council will consider the establishment and maintenance of reserves and balances.

Reserves and balances can be held for a number of purposes. Some reserves and balances are essential for the prudent management of the Council's financial affairs. These will provide a working balance to cushion the impact of uneven cash flows; a contingency for the impact of unexpected events or emergencies and allow the creation of earmarked reserves to meet known liabilities. The consequences of not keeping a minimum level of reserves can be serious and is therefore one of the considerations taken into account when setting the medium term financial plan.

When establishing reserves, the Council will ensure compliance with the Code of Practice on Local Authority Accounting in the United Kingdom.

Some of the most commonly established earmarked reserves are:

- Sums set aside for major schemes, such as capital developments
- Insurance reserves – to provide for an element of self-insurance
- Service Balances – to permit year end under spends to be carried forward for future commitments
- School Balances – unspent balances of budgets delegated to individual schools

Level of Reserves and Balances

The minimum prudent level of reserves that the Council should maintain is a matter of judgement. It is the Council's safety net for unforeseen circumstances and must last the lifetime of the Council unless contributions are made from future year's revenue budgets. CIPFA guidance does not set a statutory minimum level so it is up to the Council itself, taking into account all the relevant local circumstances, to make a professional judgement on what the appropriate level of reserves and balances should be. Telford & Wrekin Council adopts a risk based approach to determine the appropriate level of reserves and balances to sustain and that which can be released to support the medium term financial plans.

Reserves and balances are only maintained in accordance with the risk assessment undertaken and are used in a planned way. Therefore the opportunity cost of maintaining the determined levels is kept to a minimum while interest is earned on the retained amount.

Process

Each reserve and balance will have a clear purpose showing how and when it can be used together with a process for review to ensure continuing relevance and adequacy.

An annual review of reserves and balances will be undertaken as part of the budget process each year and a schedule presenting the estimated opening balances for the forthcoming year, planned additions to/withdrawals from and the estimated closing balances will be presented in the budget report. The schedule will also show the purpose of each reserve and a comment on the appropriateness of the value held.

The key financial risks will also be identified and an assessment of estimated exposure and possible mitigation will be made. This will link to the Council's key strategic risk register. The conclusion of this risk evaluation process will determine the resources available over the medium term to support the Council's budget.

This process will be repeated each year to ensure the ongoing adequacy of the Council's reserves and balances.

Responsibilities and Reporting Mechanism

The Chief Financial Officer has a duty to local tax payers, and must be satisfied that the decisions taken on balances and reserves represent proper stewardship of public funds.

The level and usage of reserves will be formally approved by Council, as part of the budget strategy, informed by the Chief Financial Officer's judgement and expertise.

The budget report to Council will include a statement showing the estimated opening balances for the year ahead (including general fund and earmarked funds), any projected additions to/withdrawals and an estimated end of year balance. This will be accompanied by a statement from the Chief Financial Officer on the adequacy of the general reserves and provisions for the forthcoming year and the authority's medium term financial strategy. A statement reporting on the annual review of reserves and balances will also be made to Council at the same time.

Legal Framework

This policy is in accordance with the following legislation:

Local Government Finance Act 1992 - The balanced budget requirement
Local Government Act 2003 – The Chief Finance Officer's duty to report on the robustness and adequacy of reserves when the authority is considering its budget requirement

Local Government Act 1972 – the requirement for each authority to make arrangements for the proper administration of their financial affairs and that the Chief Finance Officer has responsibility for the administration of those affairs

ROBUSTNESS OF BUDGET ESTIMATES AND ADEQUACY OF RESERVES: STATEMENT OF THE CHIEF FINANCIAL OFFICER

BACKGROUND

Section 25 of the Local Government Act 2003 requires the authority's Chief Financial Officer to comment on the robustness of the estimates and the adequacy of reserves allowed for in the budget proposals in the budget report, so Members have advice available to them when they make their budget decisions. The Chief Financial Officer also has a responsibility under section 114 of the Local Government Act 1988, to report if it appears to him that members are likely to set an unbalanced budget for the year. It is therefore imperative that the Chief Financial Officer is able to agree the soundness of the Council's financial strategy.

In addition the CIPFA guidance on Local Authority Reserves and Balances requires that a statement reporting on the annual review of earmarked reserves should be made to Council, at the same time as the budget. The statement should list the various earmarked reserves, the purpose for which they are held and provide advice on the appropriate levels. It should also show the estimated opening balances for the year, planned additions/withdrawals and the estimated closing balance.

ROBUSTNESS OF ESTIMATES

Overview

Given the anticipated cutback in Government funding for Local Authorities to deal with the Government's funding deficit, the Council has been running a comprehensive review of all its services and staffing structures for some time now. However it was only on 13th December that the extent and timing of those cuts was finally announced and while the probable overall level of grant cuts over the next 4 years is as severe as projected, the cuts are much more front end loaded than expected: around 50% of the 4 year cuts hit this Council next year. This leaves all authorities in a difficult position in putting together a sustainable strategy in time for consultation then decisions by members. The position is exacerbated by the inadequate allowance nationally for Councils to capitalise redundancy costs, a point reflected in our response to the grant consultation and made strongly to the Secretary of State by most Councils, the LGA. and other local government commentators

To allow for the Council's planned approach to service and staffing reviews to proceed as planned it is thus necessary to utilise a greater level of one off savings and balances than usual-a total of £9.2m for next year. This is a position most councils are finding themselves in and one advocated by the Secretary of State when lobbied extensively to reduce the level of front end loading of the cuts. This obviously introduces a higher level of risk into the financial strategy than usual and can only be supported by the presence of an existing planned programme of reviews which are already generating savings to replace this extensive reliance on one offs for 2011/12. As long as this

programme of reviews delivers on time and target then the projected residual deficit in 2012/13 can be covered with a mix of council tax increase and a more routine use of one off sums. It is important that the progress of these reviews is closely monitored and a separate officer board is in place to do this with reports through to the Directors' management team and then Cabinet via financial monitoring if there are any issues starting to arise. It is imperative that we keep to timetable on the reviews and their implementation to ensure we can set a sustainable budget for 2012/13 in a year's time.

Given the scale of grant cuts and savings already made over recent years, it is inevitable that this funding shortfall can not be met by efficiency savings alone and as the process moves on will increasingly impact on front line services. The rolling programme of reviews means that as each service review comes to fruition we will need to ensure proper consultation and appraisal of the implications of the impacts of proposals during the year rather than just the usual once a year process around the budget. We anticipated this a year ago and have been carrying out consultation during the last year on local peoples' views of services to protect or cut and this dialogue will need to continue.

Overall therefore, given the planned programme of service reviews and accompanying organisational and staff restructures which have been under way for some time now, it is considered that the Council is pursuing a sound financial strategy in the context of the most difficult financial position it has faced due to the heavily front loaded Government grant cuts.

The 2011/12 budget and medium term financial plan has been informed by:

1. Council Wide Risk Management

We are pursuing a planned approach of service reviews but as flagged above the high level of grant cuts will increasingly have front line service impacts.

It therefore seems inevitable that the level of risk will increase both to individual services and the operation of the council as a whole and this will be common to local authorities across the country. The current review of key risks is thus important to ensure we put in place a level of mitigation wherever possible. We have set aside an additional contingency of over £1m next year and carried out a risk based review of all reserves and balances to inform the budget strategy. There has also been an assessment of key service risk exposure resulting in investment into both Children's and Adults' social care services.

Risk management awareness sessions have been held during 2010 to ensure that all service areas clearly identify the key risks to the achievement of their objectives. This has included sessions for both Members and employees.

2. The Monitoring Process

Financial monitoring is carried out on a monthly basis and highlights any significant variances, and therefore areas of risk, both for current and future years, with regular reports being presented to Corporate Management Team and Cabinet during the year. Progress on the programme of service and staffing reviews will be monitored through this route flagging both 'in year' and 12/13 financial strategy impacts. Performance and risk monitoring are also carried out to complement the financial monitoring and are reported on an exception basis to Corporate Management Team and Cabinet. This provides further indications of any potential risk areas for the council and action is taken to review any issues identified.

3. The Budget Setting Process

The overall medium term financial planning position of the Council is controlled through a model which is updated during the year as new information becomes available- including current year trends identified through monitoring. At a more detailed level Finance officers meet with budget holders and review all budgets on an annual basis on top of the usual monitoring work. Budgets are cash limited. Areas of unavoidable growth, pressures and developments have been identified and scrutinised as part of the budget process along with the deliverability of the savings package which forms an integral part of the overall strategy. These link to both the budget monitoring process, performance monitoring and risk management, discussed above, together with other issues such as meeting new legislative requirements and statutory obligations.

2011/12 Budget Assumptions:

Given the difficult financial position the Council faces, a tight line has been taken on planning assumptions for next year but this is mitigated by the inclusion of the additional £1m contingency and risk assessed review of reserves and balances.

<u>Inflation</u>	
Pay Award	0% for all years. Any actual pay awards will have to be found from within cash limited budgets. As part of a three-year pay deal for teachers a pay increase of 2.3% took effect from 1 st September 2010. No further increases are planned.
Employer's Pension Contribution	The Council has agreed with pension fund officers and the fund's actuaries the maintenance of its current contribution rate of 16.3% for the next 3 years. An independent review of public services pension provision is

	being undertaken by John Hutton which is likely to fundamentally change the current system. The final report will feed into the Government's budget on 23rd March 2011.
Employer's National Insurance Contribution	An increase of 1% has been included for the NI contribution in line with announcements made in the March 2010 Budget.
Social Care Purchasing Budgets	The procurement strategy for social care purchasing is currently under review with a view to delivering efficiency savings.
Electricity, Gas, Water	There is a working assumption of meeting cost increases from efficiency savings. There is also a central contingency provision as flagged below
Inflation/Income provision	A provision of £1m was earmarked and included in the January report for contractual inflation pressures. Tight control will be exercised to ensure that this is only allocated where a very real need can be proven in priority areas. This arrangement has also operated for 2010/11.
Service Pressures	Two key service pressures have been identified: - Adult Social Care – where £1.6m is being re-invested to address demographic pressures and costs previously met by the PCT - Children's Social Care – where £1.4m additional funding has been provided to meet an increasing cost of vulnerable children.
Interest Rates	Base rates began the year at 0.5% and have remained there all year. The Bank of England extended its Quantitative Easing programme during last year to £200bn. There has not been any extension to this or any unwinding during the current year. The next move in the base rate is expected to be upwards, but the timing of this is subject to considerable speculation as the Monetary Policy Committee seeks to balance the impact on a still fragile economy

	with the need to respond to continuing high inflation rates. Our investment and borrowing strategies for 2011/12 are set within this context. The assumptions for new borrowing are 2.4%, 4.4% and 5.4% in 11/12, 12/13 and 13/14 respectively and the average return on investments is 3.7%, 4.7% and 5.4% respectively. One of the primary objectives is to reduce the Council's exposure to risk while at the same time maximising returns. The Treasury Management Strategy for 2011/12 is presented to Council alongside the budget reports.
Treasury Management	The Treasury Strategy for 2011/12 follows the requirements of the Revised CIPFA Treasury Management Code of Practice and clearly identifies the various exposures to risk and strategies in place to minimise this. The Audit Committee has a role to review and monitor the Council's treasury management arrangements which includes policies, procedures and the management of risk. The 2011/12 Treasury Strategy was presented to Audit Committee on the 1 February for their consideration and comments.
Dedicated Schools Grant (DSG)	The figure assumed for Dedicated Schools Grant is £113.684m. The final DSG allocation to the Council will not be known until June 2011 when all adjustments for academies and pupil numbers are finalised. In 2011/12 a number of specific grants have been transferred into DSG to mainstream them. DSG is based on a guaranteed unit of funding (GUF) per pupil. The proposed allocation for 11/12 is based on the same GUF as 10/11 plus an amount per pupil for the mainstreamed grant. The settlement received is much tighter than previous years and schools will face difficult decisions to balance their budgets – discussions have already begun with the Schools Forum to assess the full implications of the mainstreaming of grants. A number of other “non front line schools grants” have also been deleted and services will have to be withdrawn unless schools elect to buy into the services previously funded by those grants. An

	assumption has been made in the budget strategy that £1.2m income will be generated from schools, or through service reductions if schools do not buy back in, which will partly offset this reduction.
Estimates on the level and timing of capital receipts	The revenue budget and capital programme assume around £80m anticipated future capital receipts over the medium term planning period. Any delays in generating expected receipts or in the amounts generated will need to be taken into account in future service and financial strategies. This could require scaling the capital programme back, re-phasing schemes or entering in to additional prudential borrowing. Delivery of projected receipts is monitored on a monthly basis as part of overall financial monitoring and reported to Cabinet quarterly. There should be no decisions taken which significantly increase this medium to long term exposure until there is a clear pattern of receipts being delivered as planned and satisfactory progress with the programme of service and staffing reviews
Prudential Borrowing / Prudential Indicators	The use of prudential borrowing is in line with previously approved investment programmes. Given the overall financial position faced by the Council it is important that no further significant prudential borrowing commitments are entered into (unless matched by additional savings/income flows) until delivery of the savings from the service and staffing review programmes is substantially secured. Prudential Indicators are approved as part of the budget strategy (see separate report on this agenda) and are monitored and reviewed on a regular basis. The rules around the calculation of the cost of borrowing that must be charged to the revenue account – the minimum revenue provision (MRP) - have been prudently applied in setting the 2011/12 budget strategy. The policy in relation to MRP is set out in the Treasury Management Strategy Report.
Single Status	The Single Status process is underway with an implementation date of April 2014. There is currently an annual budgeted provision in place

	since April 2007 equal to 4% of the relevant pay bill to cover additional net costs for non schools based staff. This has been set aside in the accounts for the 3 years 2007/08 to 2009/10. The 2010/11 accounts will be closed on the same basis. Schools have been advised to make a similar provision. As the implementation date is now definitely falling after 2011/12 the contribution for 2011/12 will be suspended, but is still built into the ongoing budget projections after that year. The benefit of this one year suspension of provision has been utilised to support the overall financial strategy and thus avoid accelerating the service reviews and staff restructure programmes to deal with the unexpectedly severe front loading of government grant cuts announced on 13th December. There is possible exposure to liabilities from back pay and equal pay claims and the authority will seek to identify the possible range of liability at similarly structured authorities though this is very difficult. Possible application for a capitalisation direction can be made for meeting backdated one off costs when there is any information available to support a claim, but the success of this is likely to be limited under the regulations.
Savings	There is a planned programme of service reviews and restructures which will deliver savings over the medium term planning strategy. Gross employee savings of £5.4m and non-staff savings of £10.4m have been identified for the 2011/12 budget process of which £4.1m is one off. Additional gross savings of £11.3m and £10.7m respectively are budgeted for 2012/13. A reserve of £4m has been set aside to fund redundancy costs and further funding will be identified as the restructure process proceeds and actual costs and their phasing are clarified (this report also recommends a further switch of £0.8m to supplement this fund.) Application will also be made for capitalisation permission from the government

Financial Risks inherent in any new funding partnerships, major outsourcing deals or major capital developments	There are a number of major capital projects that have been identified which require careful project management and monitoring during 2011/12 and beyond to ensure commitments are matched by funding actually achieved, particularly the reliance on capital receipts and future government funding levels for the council and its public sector partners. These include the Town Centre Redevelopment and Borough Towns Initiative, BTI - Sports & Learning Communities, the Local Housing Investment Programme and New Civic Offices.
The availability of other funds to deal with major calls on contingencies	General reserves or other funds may have to be used temporarily and restored if revenue contingencies, management and policy action is insufficient to deal with a major issue. The Council has evaluated the risks it faces against available balances as outlined earlier in this appendix and concluded that around £4.2m is available to use in the overall budget strategy. This position will be kept under review.
The overall financial standing of the authority (level of borrowing, debt outstanding, collection of council tax etc.	The Council's approach to sustaining its overall sound financial position is covered in a number of sections of this Appendix already. The overall projected net indebtedness position at 1 April 2011 is £86.4m; net additional prudential borrowing anticipated in the medium term strategy is £56.3m which relies on delivery of capital receipts totalling £80.1m in line with profiled disposals or borrowing costs will rise further.(additional information is provided in both the Capital Programme and Treasury Management Strategy Reports). The Council budgets prudently for its level of borrowing, avoiding external borrowing where cash flow permits and running down investment exposure while new placement rates are low. The assumed council tax collection rate for 2011/12 onwards is high at over 99%, but being achieved already for past years. This adjustment also allows for additional 'in year' losses such as increased take up of Single Person Discount and other reliefs. For each 1% not collected the cost is approximately £0.55m in lost income to the Council. Legislation requires that any collection fund deficit is corrected through Council Tax in the next year. Collection has outperformed

	projections allowing use of a council tax surplus as part of next year's strategy . Cumulative collection rates to date for recent years are <table> <tr> <td>2005/06</td><td>99.52%</td></tr> <tr> <td>2006/07</td><td>99.57%</td></tr> <tr> <td>2007/08</td><td>99.43%</td></tr> <tr> <td>2008/09</td><td>99.28%</td></tr> <tr> <td>2009/10</td><td>98.90%</td></tr> </table> Recovery for all years is projected to be well over 99% finally.	2005/06	99.52%	2006/07	99.57%	2007/08	99.43%	2008/09	99.28%	2009/10	98.90%
2005/06	99.52%										
2006/07	99.57%										
2007/08	99.43%										
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2009/10	98.90%										
The authority's track record in budget and financial management	The Council continues to demonstrate strong financial management with outturn being within +/- 1% of the net budget set: • 2006/07 – underspent by £0.479m (0.47% of budget) • 2007/08 – underspent by £0.300m (0.27% of budget) • 2008/09 - underspent by £0.366m (0.31% of budget) • 2009/10 – underspent by £0.332m (0.27% of budget) This demonstrates continued strong financial management, despite considerable pressure on service budgets, notably children's social services.										
Virement and Contingencies	Virement is an important feature of budgetary control. It provides flexibility to adapt expenditure patterns to meet changing needs and objectives, consistent with Council policy. No Head of Service or Service Delivery Manager should plan to overspend. All expenditure should be consistent with approved service priorities and the overall approved budget. During 2010/11 a review of all service balances held was undertaken and £1.1m was clawed back to create an additional one-off contingency for 11/12, which when added to the ongoing contingency of £1.6m gives a total contingency of £2.7m for the year ahead.										
The adequacy of the authority's insurance arrangements to cover major unforeseen risks	The Council's insurance arrangements are a balance between external insurance premiums and internal funds to "self insure". The Council use the services of an external insurance advisor to provide additional expertise in managing insurance arrangements.										

	The insurance section work closely with the Audit & Assurance Manager to identify insurance related risk areas and recommend ways of mitigating future risk.

These assumptions are reviewed on an annual basis.

Reserves & Balances Policy

Introduction

Guidance on local authority reserves and balances is available from the Chartered Institute of Public Finance & Accountancy (CIPFA). This represents good financial management and underpins the framework followed by Telford and Wrekin Council in this policy.

Types of Reserves and Balances

As part of the Service & Financial Planning process, the Council will consider the establishment and maintenance of reserves and balances.

Reserves and balances can be held for a number of purposes. Some reserves and balances are essential for the prudent management of the Council's financial affairs. These will provide a working balance to cushion the impact of uneven cash flows; a contingency for the impact of unexpected events or emergencies and allow the creation of earmarked reserves to meet known liabilities. The consequences of not keeping a minimum level of reserves can be serious and is therefore one of the considerations taken into account when setting the medium term financial plan.

When establishing reserves, the Council will ensure compliance with the Code of Practice on Local Authority Accounting in the United Kingdom.

Some of the most commonly established earmarked reserves are:

- Sums set aside for major schemes, such as capital developments
- Insurance reserves – to provide for an element of self-insurance
- Service Balances – to permit year end under spends to be carried forward for future commitments
- School Balances – unspent balances of budgets delegated to individual schools

Level of Reserves and Balances

The minimum prudent level of reserves that the Council should maintain is a matter of judgement. It is the Council's safety net for unforeseen circumstances and must last the lifetime of the Council unless contributions are made from future year's revenue budgets. CIPFA guidance does not set a statutory minimum level so it is up to the Council itself, taking into account all the relevant local circumstances, to make a professional judgement on what the appropriate level of reserves and balances should be. Telford & Wrekin Council adopts a risk based approach to determine the appropriate level of reserves and balances to sustain and that which can be released to support the medium term financial plans.

Reserves and balances are only maintained in accordance with the risk assessment undertaken and are used in a planned way. Therefore the opportunity cost of maintaining the determined levels is kept to a minimum while interest is earned on the retained amount.

Process

Each reserve and balance will have a clear purpose showing how and when it can be used together with a process for review to ensure continuing relevance and adequacy.

An annual review of reserves and balances will be undertaken as part of the budget process each year and a schedule presenting the estimated opening balances for the forthcoming year, planned additions to/withdrawals from and the estimated closing balances will be presented in the budget report. The schedule will also show the purpose of each reserve and a comment on the appropriateness of the value held.

The key financial risks will also be identified and an assessment of estimated exposure and possible mitigation will be made. This will link to the Council's key strategic risk register. The conclusion of this risk evaluation process will determine the resources available over the medium term to support the Council's budget.

This process will be repeated each year to ensure the ongoing adequacy of the Council's reserves and balances.

Responsibilities and Reporting Mechanism

The Chief Financial Officer has a duty to local tax payers, and must be satisfied that the decisions taken on balances and reserves represent proper stewardship of public funds.

The level and usage of reserves will be formally approved by Council, as part of the budget strategy, informed by the Chief Financial Officer's judgement and expertise.

The budget report to Council will include a statement showing the estimated opening balances for the year ahead (including general fund and earmarked funds), any projected additions to/withdrawals and an estimated end of year balance. This will be accompanied by a statement from the Chief Financial Officer on the adequacy of the general reserves and provisions for the forthcoming year and the authority's medium term financial strategy. A statement reporting on the annual review of reserves and balances will also be made to Council at the same time.

Legal Framework

This policy is in accordance with the following legislation:

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Local Government Act 1972 – the requirement for each authority to make arrangements for the proper administration of their financial affairs and that the Chief Finance Officer has responsibility for the administration of those affairs

TELFORD & WREKIN COUNCIL

COMMUNITY FOCUSED EFFICIENT COUNCIL SCRUTINY COMMITTEE

**RESPONSE TO THE SERVICE AND FINANCIAL PLANNING 2011/12-
2013/14 STRATEGY**

The Community Focussed Efficient Council (CFEC) Scrutiny Committee is a politically balanced Committee of six elected members and two co-opted members of the public. The Committee has responsibility for overall scrutiny of the Council's budget strategy.

The Cabinet launched its budget consultation process on 31st December 2010 with the release of proposals in respect of the investment package, savings, use of balances and the strategy for council tax. The proposals were agreed by Cabinet on 11th January 2011.

A Members' Information Seminar on local government finance was held on 4th January. Scrutiny committee members received a copy of the budget proposals and identified lines of enquiry which were sent to Cabinet Members and senior officers so that they could prepare the answers.

The CFEC Scrutiny Committee has met twice to consider the proposals, and each of the six other Scrutiny Committees have met once to hear the responses to their questions and to discuss the proposals relating to their priority area. Each Scrutiny Committee submitted their comments to the CFEC Scrutiny Committee, and these comments were considered as part of the process and informed the final response. The Committee was advised that no alternative proposals would be submitted by opposition groups.

The Scrutiny Committees met with Cabinet Members for each priority area, relevant Heads of Service, Service Delivery Managers and finance officers. The list of participants is attached as Appendix i.

The members of the Committee would like to extend their thanks to the range of Members and officers that assisted them by attending meetings or providing written responses to questions.

The Committee considered the Service and Financial Planning Strategy put forward by the Cabinet, and understood the necessity for making the level of savings required by the reduction in Government grant.

However, the members of the Committee had a number of comments that they would like the Cabinet to consider prior to finalising their proposals, and would like a written response from Cabinet to demonstrate how these comments have been taken into account:

1. Members of the Committee considered the use of one-off balances to bridge the budget gap during 2011/12. They found this approach acceptable given the fact that the savings required are unavoidable.
2. Members of the Committee noted the additional assurances relating to the value of capital receipts, but remained concerned that there were significant risks attached to achievement of the projected capital receipts and the exposure this would cause.
3. Members of the Committee welcomed the Community Engagement strategy on the budget, but emphasised that members of the public should be made aware of changes to services as soon as possible.
4. Further, the Committee members recommended that as decisions are made about savings in health and social care, that safeguards are put in place to ensure people who are most vulnerable and with the greatest need receive appropriate support. Any reduction in service should be fully explained to service users.
5. Members of the Committee recommended that the Council continues to work very closely with the PCT and existing and emerging NHS structures to ensure that in a time of great change signalled by the Health White Paper, services are delivered as efficiently and effectively as possible and the best possible use is made of money available within the Borough.
6. Some members of the Committee shared the confidence of the Housing, Regeneration and Prosperity Scrutiny Committee that the Council could achieve the proposed savings from the reduction in grants to the voluntary sector, but were concerned that voluntary organisations may not be able to make the necessary changes to their culture or operation that the grant reductions would require for them to continue current levels of service with reduced funding.

However, some members of the Committee noted that a grant reduction to the voluntary sector could result in a disproportionate reduction in services.

7. Members of the Committee recommended that within the revenue budget for rights of way, the budget for legal services is protected to maintain the level of service to process modification orders.

The Committee members would also like the Cabinet to take account of the comments of all the Scrutiny Committees in their proposals and further work, and these comments are attached as Appendix ii. The list includes some requests for clarification on specific points, and Cabinet Members are invited to provide a response to these questions as set out in the table appended.

Report prepared by Fiona Bottrill, Scrutiny Manager, Tel. 01952 383113 and Stephanie Jones, Scrutiny Officer, Tel. 01952 383114.

Appendix i

Members and officers attending scrutiny meetings

Cllr. Stephen Bentley	Cabinet Member, Active Lifestyles, Leisure & Culture
Cllrs. Stephen Burrell	Cabinet Member, Children & Young People
Cllr. Eric Cater	Cabinet Member, Housing, Regeneration & Prosperity
Cllr. Jayne Greenaway	Cabinet Member, Children & Young People
Cllr. Miles Hosken	Cabinet Member, Environment & Rural Area
Cllr. Sean Kelly	Cabinet Member, Community Focused Efficient Council
Cllr. Adrian Lawrence	Cabinet Member, Environment & Rural Area
Cllr. Jacqui Seymour	Cabinet Member, Adult Care and Support
Paul Clifford	Corporate Director, Active Lifestyles – Leisure & Culture, Adult Care & support
Meredith Evans	Corporate Director, Housing, Regeneration & Prosperity and Environment & Rural Area
Richard Partington	Assistant Chief Executive
Michael Barker	Head of Housing & Planning
Ken Clarke	Head of Finance
Jonathan Eatough	Head of Governance
Laura Johnston	Head of Safeguarding
Clive Jones	Head of Family & Community Services
Jonathan Rowe	Head of Environmental Services
Peter Smith	Head of Economy & Skills
Paul Taylor	Sector Specialist, Social Care
Alan Fox	Estates and Investments Manager
Stuart Freeman	Service Delivery Manager – Highways and Transport
Julia Copus	Senior Finance Manager
Pauline Harris	Senior Finance Manager
Richard Peach	Senior Finance Manager
Tracy Smart	Senior Finance Manager

**Scrutiny Committee Recommendations and Comments on
Service and Financial Planning Proposals for 2011/12 – 2013/14.**

Active Lifestyles - Leisure and Culture	Response
1. The Committee was satisfied that the process to consider and agree the service and financial planning proposals for 2011/12 – 2013/14 has been an open and transparent process.	No response required.
2. The Committee recognised that significant savings must be made during 2012/12 and 2013/14 and recommend that consultation on these savings should be carried out. The Scrutiny Committee will expect to have a key role in this consultation process.	Work underway to co-ordinate work of Scrutiny Committees regarding Service Reviews / Restructures.
3. The Committee welcome the additional funding for the Town Park. Members were assured that the issues below have been included in the funding bid. a. Appropriate lighting is installed, b. Wardens are available during park opening hours c. Better signage including contact information for wardens and security is available d. Pathways are maintained so they do not become overgrown e. Gateways to define entry into Park NB. Note that friends of Town Park Volunteers will have training to cover the Town park in a voluntary capacity to work with the wardens	No response required.
4. Members recognise that the Council does not have the resources to fund the feasibility study on the proposal to develop further sporting facilities within the town park e.g. rugby, hockey, archery and cricket. However Members recommend: a. The Cabinet Member for Active Lifestyles meets with the Scrutiny Member who raised this issue	Update to future Active Lifestyles Scrutiny Committee meeting

b. The Cabinet Members for Active Lifestyles considers the work undertaken the committee which previously started discussions with partner organisations c. The Cabinet Members for Active Lifestyles investigates the lease of the land used in town park for sporting facilities d. That partner organisations e.g. the national sporting bodies are approached to consider investment opportunities in the Town Park to develop sporting facilities. Members of the Committee recognise that in the current financial circumstances the Council does not have the resources to fund or match fund investment in sporting facilities in the Town Park. However the Committee recommends that the Council be the catalyst to bring together organisations that could contribute to funding a feasibility study if necessary and further sports facilities. The Scrutiny Committee requests update reports in the progress of this work.	
Adult Care and Support	No response required.
1. The Committee was satisfied that the process to consider and agree the service and financial planning proposals for 2011/12 – 2013/14 has been an open and transparent process.	No response required.
2. The Committee recognised that a significant proportion of the savings for 2011/12 are based on efficiencies already achieved and through one off savings. The Committee support this process to enable further consideration to be given to the major changes that will be required to make the further savings necessary during 2012/13 and 2013/14.	Work underway to co-ordinate work of Scrutiny Committees regarding Service Reviews / Restructures.
3. The Committee welcome that the Council will consult the public, service users and the Scrutiny Committee on the proposal for future savings and the impact this will have on service provision.	Work underway to co-ordinate work of Scrutiny Committees regarding Service Reviews / Restructures.
4. The Committee recognised the increase in personalisation and personal budgets will be a key part of the redesign of adult care services through which savings will be made. It was recognised that while individuals will have greater freedom to buy the services that best meet their needs the amount of money available will be reduced.	No response required.
5. The Committee recommends that as decisions are made to make further savings that safeguards	Issue regarding informing service

are put in place to ensure people who are most vulnerable and with the greatest need receive appropriate support. Any reduction in service should be fully explained to service users.	users about changes to services to be picked up in Cabinet response.
6. The Committee support the renegotiation of contracts to find further efficiencies and ensure that the services provided are more personalised to individual needs. The contract should specify the quality of service to be provided and this should be carefully monitored.	No response required.
7. The Committee support the inclusion of funding for further development of Extracare provision in the Borough. Members requested clarification on the number of Schemes that could be supported by the provision made in the budget for 2011/12 (£ 1,200,000) and 2012/13 (£ 1,000,000)	Information about number of schemes to be circulated to ACS Committee Members by 31.02.11
8. The Committee recommends that the Council continues to work closely with the PCT and NHS organisations to ensure that in a time of great change that services are delivered as efficiently and effectively as possible.	Updates to Active Lifestyles Scrutiny Committee on development of GP consortia, Health and Wellbeing Board and transfer of public health.
9. The Committee recommend that the £2.1 million funding that will be transferred from the PCT to the local authority is effectively monitored.	Update to future Adult Care and Support meeting.
Children & Young People	No response required.
1. With regard to the proposed combined savings of £71k across the Schools Multicultural Development Service and Speech and Language Therapy, the scrutiny committee noted the minimal impact and understood the reasons for making the savings. However, the members requested further clarification on how the £50k non-staff savings were being made to the Schools Multicultural Development Service (Appendix 5, item 17) and requested a copy of the Equality Impact Assessment on the changes to the service. The Committee reserved the right to monitor the impact of the savings in the future.	Clarification of savings, and a copy of the equality impact assessment for this saving to be circulated to CYP Committee members by 28.02.11
2. The committee was concerned about the impact of the proposed saving on non-mandatory milk and how evidence of wastage had been gathered. The committee requested that further investigation is done into the wastage figure, and would prefer that a non-carte blanche approach is taken.	Information regarding wastage figures and how they had been arrived at to be circulated to CYP Committee Members by 28.02.11

3. The committee understands the financial and budgetary constraints around children in care, but also understands the corporate parenting responsibility of all elected members for children in the authority's care and that this should always take precedence.	No response required.
4. The committee accepts the overspend on children in care, and understands the reasons for it. The committee acknowledged that there are great strides being taken to reduce costs, and that overspend on children in care is an annual occurrence which has to be recognised.	No response required.
5. The committee recommended that information about what underlies the cost of placements should be made more readily available to members, and reinforced the previous recommendation that corporate parenting training is made mandatory for all members.	No response required.
Community Focused Efficient Council (12th January)	
1. The Committee remained concerned about the non-provision of the reserve for Single Status in 2011/12, although recognised that the risk of the one-off non-provision was counter-balanced by the opposing risks to the delivery of services subject to the major Service Reviews.	No response required.
2. On the matter of the delay to the Single Status programme, the Committee would like to hear the views of the Unions before drawing any conclusion.	No response required.
3. The Committee was concerned about drawing on reserves and the level of remaining balances, and the potential effect that risk mitigation may have on reserves and balances. However, the members were assured that the Chief Financial Officer was satisfied that the Council's approach to reserves and balances within the total financial strategy was robust. The members requested any further assurance on the robustness of the process which could be provided by the Corporate Risk Register, the Audit Committee or external auditors (KPMG).	No response required.
4. The Committee remained concerned about the risk of not realising the projected value of capital	Issue regarding risk of not realising

receipts and the potential exposure this would cause. The members asked whether any additional assurance could be provided on this issue. The Disposal Programme 2010-2016 and the notes of the CFEC meeting which reviewed capital receipts will be re-circulated to the Committee.	capital receipts to be included in Cabinet response.
5. The Committee welcomed the fact that Equality Impact Assessments were being done on the proposed budget arrangements and looked forward to receiving a report on this.	No response required.
6. The Committee noted with congratulations that the change to Treasury Management in bringing some of the function in-house had resulted in savings and improved performance.	No response required.
7. The Committee welcomed the Cabinet Member's commitment to consulting on the budget proposals with small traders in Ironbridge and looked forward to receiving a report on the outcome.	No response required.
8. The Committee noted that the proposed non-staff savings of £400k for Governance included the £300k dividend from WMS, and were assured by officers that on past performance WMS was likely to sustain a similar level of dividend going forward.	No response required.
Community Protection & Cohesion	
There were no comments from the committee.	
Environment & Rural Area	
1. The Committee recognised the circumstances that lead to the savings that need to be made.	No response required.
2. The Committee wanted assurance that the most disadvantaged members of the communities would not be disproportionately affected. Members raised the point that when considered individually the savings set out may not have a large impact – but when the combined effect of savings are considered this may affect vulnerable groups.	This issue has been referred to the impact assessment process for the savings identified in the budget proposals.

3. There was a range of views from Members of the Committee regarding the removal of the concessionary bus fare for senior citizens from 9.00-930. Most members of the Committee agreed with the proposal but one Member felt particularly strongly that this proposal would disadvantage older people.	No response required.
4. Members recognised that the cost of the replacement of refuse and recycling bins should not automatically fall to the Council - but Members questioned if there are instances where this cost should be the responsibility of the waste contractor.	Response requested by 28.02.11 to be circulated to ERA Scrutiny Committee Members
5. Members suggested that discussions could be held with supermarkets to see if they would be able to continue to provide Bring Bank recycling facilities.	Response requested by 28.02.11 11 to be circulated to ERA Scrutiny Committee Members
6. Members commented that it is an efficient use of resources to ensure that the road repairs are carried out to a high standard to avoid the unnecessary costs of subsequent repairs.	No response required.
7. Members commented on the potential increase in risk relating to the proposals to reduce the number of inspection of spoil mounds, reduce the number of inspections of pools and reservoirs and the reduction in land drainage schemes. Members requested assurance that appropriate risk assessments are, and will be, regularly carried out.	Response requested by 28.02.11 11 to be circulated to ERA Scrutiny Committee Members
8. Members recommend that within the revenue budget for rights of way the budget for legal services is protected to maintain level of service to process modification orders.	Issue regarding maintaining budget for modification orders to be included in Cabinet response.
9. Members recommend that the Council maintains dialogue with the Rural Forum to monitor the impact of the proposed changes to rural transport and respond to gaps identified.	Update to future meeting of the ERA Scrutiny Committee
10. The Committee suggested that Parish Councils and voluntary groups are involved in rights of way maintenance projects, but that this work should be co-ordinated by the Rights of Way team.	Update to future meeting of the ERA Scrutiny Committee
11. Members recommended that discussions take place with taxi firms and taxi drivers operating in Telford and Wrekin regarding the use of taxi tokens to ensure that these are a viable form of	Update to future meeting of the ERA Scrutiny Committee

payment.	
Housing, Regeneration & Prosperity	
1. The Committee recognised that meeting the necessary budget reductions with the front-loading for 2011/12 would be a challenge for the Council.	No response required.
2. The Committee welcomed the fact that in spite of the extreme budget pressures, there was a clear commitment to protecting the budget for the regeneration programme and to delivering the planned schemes.	No response required.
3. The Committee was assured that the projected staff savings targets for Housing and Planning could be met, but remained concerned by the potential impact that staff reductions could have on the delivery of services when the detailed re-structure proposals were not yet available. The Committee requested that the re-structure proposals for Housing and Planning are brought to the Committee after they are launched in March 2011.	Work underway to co-ordinate work of Scrutiny Committees regarding Service Review / Restructure.
4. The Committee welcomed the focus on Tourism and the fact that the service had been brought in-house under One Telford, and further welcomed the joined-up approach that was being taken to tourism, to link it with business development and regeneration.	No response required.
5. The Committee welcomed the more cost-effective approaches to marketing Telford and Wrekin as a leisure and business destination by being very selective about attending conferences so that resources are effectively targeted, and by focusing more on web-based marketing tools.	No response required.
6. The Committee was pleased that potential income from the New Homes Bonus Scheme had not been factored into the budget for 2012/13. The Committee accepted that the implications of the scheme are unclear as the details are still to be announced, but remained concerned about any potential impact the scheme may have on housing developments and budgets. The Committee therefore requested that the New Homes Bonus Scheme comes to scrutiny once details have been announced.	Update to future meeting of the HRP Scrutiny committee.

7. The Committee was confident that the Council could make the proposed savings from the reduction in grants to the voluntary sector, but were concerned that voluntary organisations may not be able to make the necessary changes to their culture or operation that the grant reductions would require for them to continue with reduced funding.	Issue regarding grant reductions to voluntary sector to be included in Cabinet response.
8. The Committee was concerned that there is additional uncertainty due to the fact that budget strategy could potentially change after the May election, and highlighted that there were no alternative budget proposals to cover this scenario.	No response required.
9. The Committee noted that in the Capital Programme, £34k had been allocated to Brookside for 2011/12, but nothing for later years and requested clarification on whether this was total allocation and if this means that nothing will be spent in future years.	Response requested by 28.02.11 to be circulated to Members of HRP Scrutiny Committee
10. The Committee noted that no funding had been allocated in the Capital Programme to regeneration schemes in Randlay and asked for clarification of how schemes would be funded.	Response requested by 28.02.11 to be circulated to Members of HRP Scrutiny Committee

APPENDIX 6B – BUDGET CONSULTATION RESPONSES

1. WHO DID WE CONSULT?

The strategy set out in this report has been informed by a wide-ranging consultation programme with the local community. This has included ongoing engagement about spending and savings priorities throughout 2010 and a targeted programme of consultation on draft budget proposals in January 2011. This appendix focuses on the more recent consultation on specific budget proposals, which has included:

- **A postal survey of the Community Panel** of approximately 900 local residents (547 responses, 60% response rate).
- **‘Your Money, Your Views’** – a consultation document summarising the main budget proposals (112 responses via freepost, email and Twitter/Facebook). ‘Your Money, Your Views’ was published on the Council’s Website and was promoted via Council buildings, GP surgeries, local business networks, Town/Parish Councils and other local organisations. It was also sent out to all members of the Senior Citizens’ Forum.
- **Engagement events** in Woodside, Newport, Dawley, Wellington, Donnington, Madeley and Oakengates – 146 people took part in an exercise that focused on proposed reductions to services.
- **Meetings with a range of external and internal groups and forums**, including:
 - Parishes Forum;
 - Young People’s Forum;
 - Connecting Communities Group;
 - Disabilities Forum;
 - Senior Citizen’s Forum;
 - Rural Forum;
 - Voluntary and Community Sector Forum;
 - Chamber of Commerce (Policy & Representation Board) (presentation only);
 - Joint Information and Consultation Forum (JICF) – Trade Unions (presentation only);
 - Local Strategic Partnership (presentation only);
 - Corporate Employee Focus Group.

The format of these meetings varied but typically included a presentation, question and answer session and in-depth group discussions on specific savings proposals. At most sessions, participants also had the option to state on an individual basis whether or not they supported or opposed the overall budget proposals (73 responses).

The budget strategy was also considered by all **Scrutiny Committees**. Appendix 6a sets out their formal comments on the budget.

The main consultation programme closed on 31 January 2011. However, two further follow-up pieces of work were carried out; consultation with traders in Ironbridge re: proposed car parking charge increases and discussions with regular users of the Twister service re: proposed withdrawal of this service.

2. WHAT DID PEOPLE TELL US?

This year we asked for views on the following themes:

- Overall views on the Budget Strategy and the way we run things (Section 2.1);
- Budget principles (Section 2.2);
- Spending plans (Section 2.3);
- Savings proposals (Section 2.4);
- Council Tax levels (Section 2.5).

2.1 OVERALL VIEWS – THE BUDGET STRATEGY AND THE WAY WE RUN THINGS

The Community Panel were asked three overall questions about the Council's budget strategy and how we run things:

- To what extent do you agree or disagree that the Council's budget proposals will benefit the local community? – 75% agree, 5% disagree;
- To what extent do you agree or disagree that the Council provides good value for money? – 75% agree, 8% disagree;
- How satisfied or dissatisfied are you with the way the Council runs things? – 83% satisfied, 8% dissatisfied.

At the end of consultation meetings, participants were invited to state whether they supported or opposed the overall budget proposals. Of those who expressed a view, 85% strongly supported or supported the budget overall, whilst 7% were opposed to it (no-one strongly opposed it).

2.2 BUDGET PRINCIPLES

The Community Panel were asked to what extent they agreed or disagreed with the set of guiding principles that underpin the budget strategy (see Section 4.4 of main report). There appears to be strong overall support (95%) amongst the Community Panel for these core principles. The main comments related to:

- Selling land and property - for example 'loss of green space', 'short-term gain for long-term loss', 'only sell for a good price' (71 comments, 61% of total);

- Setting fees and charges at realistic but fair levels - for example 'unfair to those on low incomes', 'charges already unfair' (10 comments, 9% of total);
- Making efficiencies and savings - for example 'cuts should be monitored against local need', 'savings do not need to be staff' (6 comments, 5% of total);
- Set aside money to deal with unforeseen circumstances - for example 'do not set aside any money it is all needed to preserve services' (6 comments, 5% of total).

2.3 **SPENDING PLANS**

As part of 'Your Money, Your Views', we asked people how strongly they supported or opposed our spending plans overall. Just over three-quarters of respondents (76%) stated that they supported our spending plans, whilst 15% opposed them.

The Community Panel were asked a series of more detailed questions around 3 proposed investment areas:

- Investment in Children's Social Care Services;
- Long-term investment to support regeneration, housing and economic prosperity;
- Shorter-term investments to improve the quality of life in the Borough.

a) **Investment in Children's Social Care Services**

The Community Panel were asked how strongly they supported or opposed the specific revenue investment proposed for Children's Social Care. There was strong support for this proposal (84% supported, 5% opposed).

b) **Long-term Investment – Regeneration, Housing & Economic Prosperity**

The Panel were also asked to what extent they supported or opposed a package of longer-term investments to support regeneration, housing and economic prosperity. Whilst 83% of respondents supported this package overall (7% opposed), a number of specific issues and comments were raised about different elements of the proposals, as summarised in Table 1 (all comments made by 3 or more respondents included).

Table 1 – Comments on Long-Term Investments (Community Panel)

Investment	Comments
Improving Borough Town Centres	- Borough Town regeneration is a waste of money, has not improved areas (10) - Improving Borough Towns should wait until finances are better (6)

Transforming Telford Town Centre and Town Park	- Transforming Telford Town Centre should wait until finances are better (18) - Investment should come from private owners in the area (14) - Leave as it is, nothing wrong with it at the moment (10) - Money could be better spent elsewhere (6) - Money for Town Centre should go to local towns instead (3)
Extra care housing	N/A
Supporting more new homes being built	- Do not support due to loss of green space (9) - Empty properties need to be filled first before new homes (4) - Already enough houses (3) - Homes in rural areas no good without shops and services (3)
Improving Woodside and Sutton Hill	- These estates have had enough money spent on them (15) - Woodside and Sutton Hill get 'special treatment' (6)
Creating new Sports and Learning Communities	- Should not be a priority in the current climate (3) - Improve the schools we have rather than building new ones (3)
Building a waste bulking station	N/A

In addition to these comments about specific investments, 17 Community Panel respondents stated that they felt that all investment should wait until the economy picks up and 4 stated that investments should have a lower priority than maintaining existing services.

Responses to 'Your Money, Your Views' were generally consistent with these comments and whilst the majority of people supported spending plans overall, some people disagreed with the following specific elements:

- Transforming Telford Town Centre (30)¹;
- Improving Telford Town Park (14)¹;
- Creating Sports & Learning Communities (9);
- Improving Woodside and Sutton Hill (8);
- Regenerating Borough Towns (4).

In addition, 9 people¹ who took part in engagement events stated that they did not support the plans for Telford Town Centre.

1 – Comments on Telford Town Centre and Town Park from 'Your Money, Your Views' and engagement events included (2 or more comments):

- Money should be spent on other things that are more of a priority (6);
- Huge cost when trying to save money (5);
- Telford Town Park not a priority (3);

- Can we afford it? (2);
- Cannot see need for new Civic Offices (2);
- Spend less/savings could be made re: Telford Town Park (2).

c) Shorter-Term, Quality of Life Investments

The Community Panel were also asked how strongly they supported or opposed two shorter-term investments to improve the quality of life in the Borough; maintaining roads and pavements and helping vulnerable people to stay in their own homes.

Table 2 – Shorter-Term, Quality of Life Investments (Community Panel)

Investment	% of Panel who supported or strongly supported	% of Panel who opposed or strongly opposed	Comments (3 or more respondents)
Maintaining roads and pavements	98%	1%	- Do good quality repairs first time (3) - People are more important than roads and pavements (3)
Helping vulnerable people to stay in their own homes	89%	3%	- Keeping people in their own homes can result in them being lonely, so needs support e.g. day centres (5)

Table 2 shows that there is almost universal support for investment in maintenance of roads and pavements with 89% of the Panel also supporting investment in helping vulnerable people to stay in their own homes.

d) Missing Priorities

Looking at overall responses to the Community Panel, Your Money, Your Views' and engagement events there appears to be a high level of agreement with and support for the Council's spending plans and priorities.

However, those people who took part in these consultations also had the opportunity to raise any other priorities that they thought were missing from the proposed spending plans.

Is there anything missing from our priorities?

Responses (3 or more respondents) included:

- Street cleaning/rubbish removal (14)
- Regeneration in other areas of Telford (10)
- Environmental Health (4)

- | |
|---|
| <ul style="list-style-type: none">- Leisure Centres (3)- Libraries (3) |
|---|

2.4 SAVINGS PROPOSALS

The main focus of this year's consultation was on savings proposals due to the difficult financial position facing the Council. As part of 'Your Money, Your Views', we asked people how strongly they supported or opposed our savings proposals overall. Almost three-quarters (72%) supported proposals overall, whilst 9% opposed them.

More detailed consultation focused on those savings that could potentially have the most impact on the public (fees and charges and reductions/changes to services) and possible alternative savings options. Sections a)-c) below summarise the overall results of this part of the consultation – specific impacts are discussed in more detail in Appendix 8.

a) Fees and Charges

Table 3 sets out the responses and comments on a range of proposals to increase or to introduce new charges.

For all proposals in the Community Panel survey, a majority of respondents either strongly agreed or agreed with them. The two proposals with the highest levels of agreement and lowest levels of disagreement were increasing licence fees (84%/6%) and increasing leisure and culture admissions and charges (78%/12%); these were also well supported at consultation meetings and by people who responded to 'Your Money, Your Views'.

The option of introducing a charge for Flex cards emerged through the consultation process (this was not part of the original budget strategy and was therefore not included in the Community Panel survey). This option was also generally well supported at consultation meetings and by people who responded to 'Your Money, Your Views'.

Looking at views on the two options of increasing leisure and culture charges and introducing a charge for Flex cards ('Your Money, Your Views' and engagement events), of those who commented on these proposals 37 people supported leisure and culture charge increases (12 opposed) and 42 supported the Flex card charge (11 opposed).

For other proposals, between 22-29% of Community Panel respondents either disagreed or strongly disagreed. Table 3 highlights some possible reasons for this. In the case of car parking charge increases, it appears that some Community Panel respondents mistakenly believed that the Council runs all the Telford Town Centre car parks (this was clarified for people attending consultation meetings, which may explain why these groups were more supportive of the proposal).

In response to a request from the Community-Focused, Efficient Council Scrutiny Committee, additional consultation was carried out with traders in Ironbridge. This involved hand-delivering letters to businesses in the vicinity of Council-owned car parks – traders were invited to attend a meeting to discuss the proposals on 7 February and also had the option to comment on the proposals via freepost, email or telephone. Only 2 traders attended the meeting (along with the Borough Councillor and a representative from the Gorge Parish Council); however, an additional 18 traders commented on the proposals face to face when the meeting invitations were hand-delivered. A summary of the results of this consultation is shown in Table 3a below.

Table 3a – Consultation with Ironbridge Traders

	Number	Comments
Agree	3	- Cheap anyway (3) - Increase to be expected - Rather see money spent on other council services
Neutral	5	- Enforce double yellow lines - People are too lazy to walk so don't use car parks - Customers do not complain about the amount for parking but about the number of spaces - Not a big increase/parking cheap
Disagree	3	- Parking should be free (2) - Ironbridge is dead and trade is slipping away - Very concerned - Do not change residents' parking - Get rid of market square car park
Did not state whether they agreed/disagreed but made a comment	9	- Trade may/will be affected (2) - Will not affect my business (2) - Inevitable - Do not change the permits for locals - Not a big increase/cheap anyway (2) - Not enough car park spaces (2)
Other comments (ward/Parish councillor)	N/A	- May increase on-street parking - 2nd year in a row that prices have increased

The two least well supported proposals overall appear to be introducing a charge for new and replacement bins and increasing charges for low-level preventative services. The proposal to increase cemetery burial charges appears to be a sensitive issue for some Community Panel respondents; in contrast people who discussed this issue at consultation meetings had relatively few concerns.

b) Reductions to Services

Table 4 sets out the responses and comments on a range of proposals to reduce, withdraw or change a number of services.

The proposals with the highest levels of agreement amongst the Community Panel were switching off street lights at night (92%), reducing shrub bed maintenance (87%) and reducing the frequency of grass-cutting (85%); these were also all well supported at consultation meetings and by people who responded to 'Your Money, Your Views'.

There was almost universal support for reviewing non-mandatory milk provision (96%) at engagement events and consultation meetings; this proposal was also the most supported by people who responded to 'Your Money, Your Views'.

Whilst 83% of the Community Panel agreed or strongly agreed with the proposal to revise Wrekin Connect and withdraw the Twister service, some people who took part in engagement events expressed concerns about the impact of this proposal on vulnerable people living in rural areas, suggesting that the Council should engage directly with the users of this service. In response to this, we telephoned the 20 people who had used this service in the last 6 months to discuss the proposal in more detail and to understand their individual circumstances (we were unable to make contact with 6 of people, so in total 14 people were contacted). A summary of these discussions is shown in Table 4a below.

Table 4a – Twister Service

Are you a concessionary travel pass holder? - Yes (13) - No (1)
What have you used Twister for in the past? - Shopping (13) - Working (1) - Socialising (5) - Medical (1)
Do you use any other buses now as well as Twister? - Yes (6) - No (8)
Do you use any other form of transport? - Car (9 – driver (5), passenger (4)) - Taxi (3)
Why do you use Twister instead of Wrekin Connect? - Have no information on the Wrekin Connect (2) - Don't understand Wrekin Connect - Didn't think/know Wrekin Connect came to my area (4) - The Twister is handy and picks me up closer to home (2) - Can't get to bus stop - Runs more often and at more convenient times

- Excellent, helpful drivers (2) - Goes direct to the Town Centre/other areas i.e. not just Wellington - Enjoy the journey and socialising on the bus
If the Twister service was withdrawn, how would this impact on you? - Would have to go back to using a car - Would have to go back to using a taxi (2)/would have to pay for a taxi (2) - Wouldn't be able to get to Telford (2) - Very little as long as buses still available - Would stop me going to work - Would miss it, it's very convenient - Can't get to the bus stop - It's a lifeline
The Twister service currently costs the Council about £19 per passenger per journey do you see this as good value for money for the Council? - Yes – 10 - No – 4

Approximately three-quarters of the Panel and the people who took part in engagement events agreed or supported the proposals to reduce road-sweeping and revert to the national concessionary travel scheme. However, the latter proposal was one of the least well-supported proposals amongst people who responded to 'Your Money, Your Views'.

The two least well supported proposals overall appear to be reducing maintenance of roads and pavements and withdrawal of the free pest control service (both with less than 40% agreement and 50%+ disagreement amongst the Community Panel).

c) Alternative Savings Options

Looking at overall responses to the Community Panel, Your Money, Your Views' and engagement events there appears to be a high level of agreement with and support for the majority of the Council's savings proposals.

However, those people who took part in these consultations also had the opportunity to suggest any alternative savings options.

Is there anything else we should stop doing or do less of? Responses (3 or more respondents) included: - Other street lighting savings – switch off during the day, switch off every other light, use low energy bulbs/solar lights (26) - Greater use of volunteers/community payback (16) - Switch off some traffic lights at night (11) - Reduce Councillors allowances and expenses (8) - Reduce number of Councillors (3) - Increase or introduce more fees and charges (3) - Reduce traffic management schemes further (3) - Parking enforcement (fines etc.) (3)

2.5 COUNCIL TAX

The Panel questionnaire and 'Your Money, Your Views' asked people to what extent they supported or opposed the proposal to freeze Council Tax. Those who did not support the proposed increase were asked to give their reasons.

Amongst the Panel, 91% of respondents stated that they strongly support or support the proposed freeze. For 'Your Money, Your Views', the figure supporting the proposal is slightly lower (84%).

Of the people who opposed the proposal (5% - Panel, 8% - 'Your Money, Your Views', the main reason appears to be that people would prefer a small increase to secure some services and reduce the need to make service cuts. Only 2 people said that Council Tax should be reduced.

Table 3 – Fees and Charges (All Consultation)

Proposal	Community Panel (CP)	Consultation Meetings	‘Your Money, Your Views’ (YM, YV)	Comments and Issues Raised (more than 3 respondents/groups)
Increase licensing fees	84% agree (6% disagree)	15/18 groups agree (2/18 disagree)	In ‘top 5’ most supported savings proposals (ranked 4 th)	- The Council should not be subsidising businesses (meetings – 4 groups, CP - 4) - Taxi-drivers may go to Shropshire so Council may lose revenue (meetings - 5 groups) - Fee increase will be passed on to customers (CP – 4) - Unfair as you have to have a licence (CP – 3)
Increase leisure and culture charges (either an annual price increase across leisure and culture or annual Flex card ¹ charge)	78% agree (12% disagree)	13/18 groups agree with both options (0/18 disagree)	In ‘top 5’ most supported savings proposals (ranked 2 nd)	- Support Flex card charge of about £5 (meetings – 6 groups, EE – 4, YMYV - 3) - Price increases could discourage people from using leisure centres (meetings – 5 groups, CP – 21, EE- 3) - Consider family Flex card or other concessions (meetings – 4 groups) - Should be covered by users (CP – 5) - Annual price review should be routine (CP – 4)
Introduce standard charge for bulk collections	69% agree (22% disagree)	11/18 groups agree (2/18 disagree)		- Could lead to fly-tipping (meetings – 8 groups, CP – 82) - Consider concessions (CP – 8) - Should get 1 free collection a year (CP – 8)
Increase car parking	60% agree	16/18 groups agree	In ‘top 5’ most	- Car parking fees for shopping too high

charges	(29% disagree)	(2/18 disagree)	supported savings proposals (ranked 5 th =)	and will move shoppers away (CP – 45) - Will discourage visitors (CP – 14) - Car parking should be free (CP – 8) - Should be linked to inflation (CP – 5) - The Range car park – will impact on disabled drivers (CP – 4) - Should not be free at market towns (CP – 3)
Increase charges for help with shopping and cleaning	57% agree (25% disagree)	8/18 groups agree (4/18 disagree)	In 'top 5' least well supported proposals (ranked 5 th least supported)	- No increase or Increase lower (meetings – 6 groups, CP - 35) - Should be free (CP – 8) - Increase should be higher (meetings – 3 groups) - Need to make sure that people get maximum benefits/financial support (meetings – 3 groups) - Will impact on vulnerable people (CP – 21) - Look at ability to pay (CP – 3)
Increase cemetery burial charges	52% agree (26% disagree)	15/18 groups agree (3/18 disagree)		- Could be seen as a 'death tax' (CP – 51)
Introduce a charge for new/replacement bins ²	N/A	6/18 groups agree (5/18 groups disagree)	In 'top 5' least well supported proposals (ranked 2 nd least supported)	- You shouldn't have to pay if your bin is stolen (meetings – 5 groups) - You shouldn't have to pay if your bin is damaged by the contractor (meetings – 3 groups) - Impact on recycling/fly-tipping (YMYV – 16)

- 1 – Flex card option emerged through consultation (not included in original budget strategy), therefore not part of Community Panel survey
- 2 – Not included in Community Panel survey, as full details of proposal not available until after survey distributed.

Table 4 – Reductions or Changes to Services (All Consultation)

Proposal	Community Panel (CP)	Consultation Meetings	‘Your Money, Your Views’ (YM,YV)	Engagement Events (EE)	Comments and Issues Raised (more than 3 respondents/groups)
Switch off street lights at night	92% agree (6% disagree)	15/18 groups agree (1 disagrees)		92% support (65/71 comments)	- Could affect personal safety and increase crime (meetings – 5 groups) - Council should make sure no lights are on during the day (meetings – 4 groups, EE - 7) - Switch off every other/3rd light (meetings – 3 groups, EE – 3)
Reduce shrub-bed maintenance	87% agree (6% disagree)	15/18 groups agree (0 disagree) – proposals discussed together	In ‘top 5’ most supported savings proposals (ranked 3 rd)	84% support (52/62 comments)	- Use volunteers and community payback (meetings – 10 groups, EE - 6) - Keep grass cut at junctions/roundabouts for safety reasons (meetings – 3 groups) - Replace shrub beds/verges with lower maintenance alternatives (meetings – 3 groups) - Could affect appearance of town – good at the moment (EE – 3)
Reduce frequency of grass cutting	85% agree (9% disagree)				
Revise Wrekin Connect/withdraw Twister	83% agree (5% disagree)	12/18 groups agree (3 disagree)		57% support (24/42 comments)	- Need to look at alternative options and talk to service users (meetings – 4 groups) - Concern about vulnerable people in rural areas (EE – 8)
Reduce frequency of road sweeping	76% agree (15% disagree)	16/18 groups agree (0 disagree)	In ‘top 5’ most supported savings	74% support (36/49 comments)	- Concern over flooding in rural areas if gullies not cleared (meetings – 3 groups) - Don’t see sweepers now so it won’t

			proposals (ranked 5 th =)		make much difference (EE – 3)
Revert to mandatory concessionary travel scheme	75% agree (16% disagree)	11/18 groups agree (1 disagrees)	In 'top 5' least well supported proposals (ranked 4 th least supported)	74% support (50/68 comments)	- People will not be able to travel free to hospital/day care appointments (meetings – 4 groups, EE - 5) - Impact on rural areas (meetings – 1 group, EE – 3) - Look at alternative of an annual fee for extra half an hour (EE – 4)
Reduce spend on street lighting maintenance	51% agree (34% disagree)	See roads – proposals discussed together	Included with roads	Included with roads	
Remove pest control service	36% agree (50% disagree)	10/18 groups agree (3 disagree)	In 'top 5' least well supported proposals (ranked 3 rd least supported)	40% support (20/51 comments)	- Prefer the Council to provide an in-house service with a charge (meetings – 8 groups, EE - 6) - An essential service that should be retained (meetings – 4 groups, CP – 6, EE – 5, YMYV - 10) - Look at concessions for those who can't afford to pay (meetings – 3 groups, EE - 5) - Potential public health issue (EE – 3)
Reduce spend on road and pavement repairs	32% agree (56% disagree) – these proposals	8/18 groups agree (3 disagree)	In 'top 5' least well supported proposals (ranked 1 st least supported)	19% support (11/59 comments)	- A false economy, storing up problems for future (meetings – 6 groups) - Do quality, long-term repairs in the first place (meetings – 5 groups, CP - 5) - Will increase damage to cars and

	were joined together in Panel				insurance claims (meetings – 5 groups, EE - 3) - Will impact on pedestrians, especially those with mobility problems/visual impairment (meetings – 4 groups, YMYV - 3) - Roads are already in a poor condition, need to be maintained (meetings – 3 groups, CP – 29, EE – 22, YMYV - 26)
Reduce spend on traffic management		14/18 groups agree (1 disagrees)			- Support de-cluttering of signs (meetings – 4 groups) - Some concerns over reduced rights of way budget (meetings – 4 groups)
Review of non-mandatory milk provision ¹	N/A	14/16 groups agree (0 disagree)	In 'top 5' most supported savings proposals (ranked 1 st)	96% support (64/67 comments)	- Some parents will not opt-in, could affect nutrition (EE – 4)

1 - Not included in Community Panel survey, as full details of proposal not available until after survey distributed. Consultation on this started slightly later – hence only 16 groups consulted.

Appendix 8- Impact Assessment

The strategy set out in this report has also been subject to a full impact assessment. This follows the Council's standard impact assessment methodology for strategies and major plans. The impact assessment is presented in 2 sections:

- Table 1 – Community impacts (including equality impact assessment)
- Table 2 – Other impacts (including economic and environmental impacts)

Financial impact and legal issues are covered within the main body of the report.

It should be noted that the community impact section goes further than the current minimum legal requirement and considers the full range of protected characteristics that will apply from 1 April 2011. Where possible we have carried out a full analysis of Community Panel data for different groups to identify any statistically significant differences in responses (in some cases, number of responses have been too small to draw any definite conclusions).

The impact assessment has been based on the results of consultation and engagement activities, as well as information and data supplied by relevant service managers. Tables 1 and 2 should be read in conjunction with Appendix 6.

Table 1 – Community Impact

Group	Impacts identified – Yes/No?	Number	Description of impacts with supporting evidence	Proposed actions to reduce, manage or enhance impacts where appropriate
People of different ages – children and young people	Yes	1	The aim of the proposed extra funding for Children's Social Care is to continue to meet the need for care placements for Children in Care (CIC). This proposal was supported by 84% of the Community Panel (January 2011). The number of children in care in the Borough is currently higher than the national average and has increased from 251 at the end of March 2009 to approximately 280 at the end of January 2011. This investment will have a positive impact on this highly vulnerable group, as this should help to keep them safe from neglect and harm.	Complete current review of services for children and families to include proposals that are designed to reduce the overall unit cost of placements in future (this will include proposals for a best value approach to placements and to put in place intensive, responsive family support for those in care or at risk of entering care and to support rehabilitation to the family from care). These proposals will be subject to a separate engagement programme and impact assessment as part of the service review process.
		2	The aim of the continued investment in Sports & Learning Communities across the Borough is to have a positive impact on all school-age children (and the wider community) by modernising and improving secondary schools and associated leisure, sports and community facilities. This investment was identified as the most important out of a list of 10 long-term investments by the Young People's Forum and the 3= most important across all groups and forums consulted in January 2010. Sports & Learning Communities will provide comprehensive, integrated childcare and education, a focal point for delivering the 14-19 and	

			adult learning agenda, local service delivery points for integrated multi agency service and comprehensive sport, culture, leisure and community facilities. The SLCs will complement other regeneration and investment programmes, maximising value for money, for example in Dawley where the schools will create footfall to ensure the sustainability of the local centre. As a result we expect to see increased attainment, affordable accessible sports, increased participation and cohesion and increased involvement of low participation groups.	
		3	The loss of the Young Carers Pathfinder Grant will mean that the current 2-year pilot pathfinder project will end. However, the core Young Carers Support Service will continue and the existing provider will be re-commissioned for 2011/12. This will mean that the 44 young carers the service is currently working with will continue to be supported, although not as intensively as under the pathfinder project.	• Seek additional funding for the longer-term – options being explored include NHS carers allocation, external funding sources (Transition Fund, Big Lottery)
		4	The proposal to reduce the play budget is expected to have a minimal impact on the children and young people that use these services (4,281 young people aged between 5-19 years), as savings will be delivered by improved utilisation of buildings.	
		5	The proposal to reduce spending on the Playing for Success programme as a result of loss of specific grant funding will not impact on after school activity that is currently provided to 280 children and young people. The savings proposal relates to the deletion of a managerial post with Playing for Success being managed by one person rather than two.	

		6	The proposal for parents to opt-in to non-mandatory milk provision in schools will reduce the 25% of milk that is currently wasted as some children do not drink the milk provided. The proposal will ensure that all children whose parents want them to have free milk will still receive it (this proposal was supported by 88% of groups at consultation meetings and 96% of people who took part in engagement events – January 2011).	• Communicate opt-in scheme to parents on and monitor take-up; • Continue to invest in the provision of fresh drinking water for all schools throughout the school day
People of different ages – 18-65	No	7	No specific impacts relating to this age group have been identified through consultation meetings or engagement events. There are, however, some statistically significant different responses to particular questions in the Community Panel. These are: - Significantly higher % of 18-44 year olds disagree with the proposal to reduce spending on road and pavement maintenance than other age groups; - Significantly higher % of 45-64 year olds agree with the proposal to withdraw the Twister service than the 18-44 age group.	
People of different ages – older people	Yes	8	The aim of the continued investment in extra care housing is to have a positive impact by providing additional specialist housing for older people. The proposed investment for 2011/12 will be used to support the development of an extra care housing scheme at Lawley for older people, which is likely to include 60 two-bedroom apartments for individuals or couples and communal facilities (restaurant, social areas etc) that will also be available for use by the local community. The scheme will provide the basis for the delivery of outreach services for the wider community. Housing will be allocated on the basis of an individual's housing and care needs. The Council's	

			contribution will lever in additional investment of up to £10m from the Homes & Communities Agency (HCA), the housing association partner and others. This investment was ranked as the 2nd most important out of a list of 10 long-term investments by a range of local groups and forums and was supported by 88% of the Community Panel in January 2010.	
		9	The proposal to revert to the national concessionary travel scheme (removing the discretionary service currently available between 9.00-9.30am) will impact on older people who are eligible for this service (in September 2010, there were 22,375 older people who were concessionary bus card holders). Overall, 73% of Community Panel members aged 65+ agreed with this proposal (19% disagreed), which was not statistically significantly different to other age groups (January 2011). However, a number of specific issues about the impact of this proposal on older people have been raised during the consultation process: - The revised service would mean that older people could not travel free of charge to day centres or hospital/doctors appointments before 9.30am (raised at Voluntary and Community Forum, Rural Forum, Parishes Forum); - The revised service would have a greater impact on older people in rural areas with less frequent bus services (raised at Rural Forum). In September 2010, 3,517 concessionary bus card holders lived in 'rural' postcodes (approximately 16% of the total).	• Confirm with Arriva the option of continuing to offer concessionary travel between 9.00-9.30am in remote rural areas where bus services are particularly infrequent • Promote to users of concessionary travel service the system where they can choose the time of their hospital/doctors appointment, reducing the need to travel before 9.30am
		10	The proposal to increase charges for services to help	• Set level of increase so that service

			people with low level tasks like shopping and cleaning will impact on the 342 (primarily older) people who currently use this non-statutory service. The maximum increase in charges will be £4 per week and the service will continue to be subsidised by the Council (to recover costs in full, we would need to increase charges to over £11 per hour). These changes will not affect statutory personal care or those who need intensive support. Overall, 56% of Community Panel members aged 65+ agreed with this proposal (24% disagreed), which was not statistically significantly different to other age groups. The consultation process has highlighted that there are variable opinions about how much charges should increase – some people feel the proposed increase is too large (Voluntary and Community Forum, Connecting Communities Group, Young People's Forum), whilst others feel the Council should increase charges further so that they are not subsidising this service (Rural Forum, Parishes Forum).	continues to be subsidised (not full cost recovery) to reflect preventative nature of service • Promote benefit take-up and financial support available for people using service to ensure they are claiming all they are entitled to, to help reduce impact of increase • Explore alternative option of voluntary sector/social enterprise providing this service in the longer-term
		11	In terms of other budget proposals, there are two other areas where there are statistically significant differences between Community Panel respondents aged 65+ and other age groups. These are: - Significantly higher % of people aged 65+ than those aged 18-44 who agree with the proposal to increase charges for leisure and cultural services; - Significantly higher % of people aged 65+ than those aged 18-44 who agree with the proposal to withdraw the Twister service.	
People with a long-term	Yes	12	The investment in Disabled Facilities Grants will have a positive impact on people with a disability by	

limiting illness or disability			providing aids and adaptations to enable people to remain in their own homes (for example during 2010/11, we have issued approximately 200 grants at an average of £6,000 per grant). This proposal was supported by 94% of Community Panel members with a long-term limiting illness or disability (LTLI), which was significantly higher than those without LTLI (January 2011).	
		13	A number of people have raised concerns through the consultation process about the impact of reducing spend on maintenance of pavements on those with mobility problems or a visual impairment (Disabilities Forum, Voluntary and Community Forum). This is reinforced by data from the Community Panel (January 2011), which shows that a significantly higher % of people with a LTLI disagreed with this proposal.	• Remove the proposed saving from the budget proposals in recognition of public concerns
		14	Similarly, a significantly higher % of Community Panel respondents (January 2011) with a LTLI disagreed with the proposals to switch off street lights at night and to reduce maintenance of street lights (it should be noted that this issue was not raised at any of the consultation meetings in 2011, although it was highlighted by the Disabilities Forum in January 2010 when the Council first began to switch off street lights at night). Overall, 92% of the Community Panel supported the proposal to switch off street lights at night (January 2011). No formal complaints have been received about the switching off of street lights at night this year and there is no accident data linked to switching off of street lights to date.	• Continue to focus switch-off of street lights at night in non-residential areas and continue to light slip roads, junctions and residential areas • Meet with Disabilities Forum to highlight roads where it is proposed to extend switch off lights at night in order to identify any particular locations where there may be specific issues for people with a LTLI • Review impact of these savings on people with a LTLI after 6 months, reviewing any complaints/issues/accident data in this period in conjunction with the Disabilities Forum
		15	The proposal to revert to the national concessionary travel scheme (removing the discretionary service	• Confirm with Arriva the option of continuing to offer concessionary travel between 9.00-

			currently available between 9.00-9.30am) will impact on eligible disabled people (in September 2010, there were 1,355 disabled people who were concessionary bus card holders). Overall, 66% of Community Panel members with a LTLI agreed with this proposal, however 23% disagreed, which was statistically significantly higher than those without a LTLI (January 2011). The Voluntary and Community Forum highlighted the issue of disabled people not being able to travel free of charge to hospital/day centre appointments (NB for hospital referrals, GPs are able to request free hospital transport for disabled people that they feel will have transport difficulties).	9.30am in remote rural areas where bus services are particularly infrequent • Promote to users of concessionary travel service the system where they can choose the time of their hospital/doctors appointment, reducing the need to travel before 9.30am • Promote alternative transport options to eligible disabled people (for people in rural areas, this includes taxi tokens as an alternative to a concessionary travel pass – it is proposed to increase taxi token allocations from £16 to £30 per annum)
		16	The proposal to reduce spending in relation to the Speech Language Therapy Service will be realised through delivery of vacant posts and generating additional income. Indications have been given from external parties that they wish to buy-in to the service for 2011/12 and discussions are ongoing. There will therefore be no impact to current levels of service (this was flagged as 'no impacts' in our budget strategy, but a specific impact assessment was requested by CYP Scrutiny Committee).	• Actively promote service to schools
		17	In terms of other budget proposals, the only other statistically significant difference was that a higher % of Community Panel respondents with a LTLI disagreed with the proposal to increase cemetery charges (January 2011).	
People of different genders or	No	18	No specific issues relating to people of different genders or who are transgender have been highlighted through consultation meetings or engagement events.	

who are transgender			There are, however, some statistically significant differences in responses of people of different genders to particular questions in the Community Panel. These are: - Significantly higher % of female respondents who support investment in Children's Social Care and supporting vulnerable people to stay in their own homes; - Significantly higher % of male respondents who agree with the proposal to increase cemetery burial charges; - Significantly higher % of male respondents who disagree with proposals to increase taxi licence fees and reduce frequency of road sweeping.	
Different racial groups	Yes	19	One person (Connecting Communities Group) has raised a concern about the impact of the proposal to increase cemetery burial charges on certain racial groups, whose culture and traditions focus around burial, removing the alternative option of cremation for these groups. Looking at responses to this proposal in the Community Panel, there was no statistically significant difference between BME and white respondents.	• Take account of the cost of other authority charges and cremation charges to ensure that price of burials in TWC cemeteries remains competitive
		20	The savings proposal regarding traveller sites relates to improved procurement of repairs and maintenance and new arrangements for utility billing. There are 36 pitches on 2 sites (31 are currently occupied).	
		21	The proposal to reduce spending in relation to the Schools Multicultural Service will be realised through delivery of vacant posts and generating additional income. Indications have been given from external parties that they wish to buy-in to the service for	• Actively promote service to schools

			2011/12 and discussions are ongoing. There will therefore be no impact to current levels of service (this was flagged as 'no impacts' in our budget strategy, but a specific impact assessment was requested by CYP Scrutiny Committee).	
		22	In terms of other budget proposals, a statistically significant higher % of BME respondents than white respondents disagreed with the proposal to switch off street lights between midnight and 5am.	• Continue to focus switch-off of street lights at night in non-residential areas and continue to light slip roads, junctions and residential areas • Review impact of this saving after 6 months, reviewing any complaints/issues/accident data in this period
People with different religion or beliefs	No	23	No specific issues relating to people of different religions or beliefs have been highlighted through the consultation process.	
People of different sexual orientation	No	24	No specific issues relating to people of different sexual orientation have been highlighted through the consultation process.	
People living in particular wards/areas of the Borough, including the rural area	Yes	25	The aim of the continued investment in Borough Town Centres (including Dawley, Wellington, Newport, Hadley and Oakengates) is to regenerate and have a positive economic, environmental and social impact on these specific areas of the Borough. This investment was ranked as the most important out of a list of 10 long-term investments by a range of local groups and forums and was supported by 83% of the Community Panel in January 2010.	
		26	The aim of the continued investment in Woodside and Sutton Hill is to regenerate and have a positive	

			economic, environmental and social impact on these specific areas of the Borough. In January 2010, this investment was ranked as 3= out of a list of 10 long-term investments, although support amongst the Community Panel was lower than for Borough Town regeneration (65%). The regeneration projects will continue to focus on issues raised by residents as their major concerns, such as crime and community safety, and all residents will be encouraged and supported to get involved.	
		27	The proposal to withdraw the Twister service relates to two specific zones within the rural area where this service has been piloted for the last 3 years (it is not currently available across the whole rural area). These zones include Little Wenlock, Wrockwardine, Ellerdine, Great Bolas, Waters Upton, Crudginton, High Ercall, Roden and Rodington. Of the registered users of the service, only 20 have travelled during the last 6 months. Overall, 83% of the Community Panel supported the proposal (January 2011) and there were no significant differences in responses to this proposal between different geographic areas. However, a specific concern has been raised through the consultation process about potential social isolation for current users who may have become reliant on the service (Connecting Communities Group, Rural Forum) and a number of people suggested talking directly to service users. In response to this, regular users were contacted to discuss the proposal in more detail (14 people took part). Of these 14 people, 9 people also used a car, either as a driver or passenger. In addition, 13 were concessionary travel	• Promote alternative transport options such as taxi tokens or the voluntary car scheme to any users who may have difficulty using the Wrekin Connect service (NB it is proposed to increase the allocation of taxi tokens to people in rural areas from £16 to £30 per annum) • Promote a revised Wrekin Connect service • Following withdrawal of the service, contact all regular users of the service again within one month to ensure that they are aware of and are able to access an appropriate transport option

			pass holders. If the proposal is approved, people will continue to have the option of using the Wrekin Connect bus service as an alternative means of transport, although Wrekin Connect is not available every day in all areas and is not demand-responsive. This will bring services in these areas in line with other rural parts of the Borough.	
		28	In terms of other budget proposals, there are a number of proposals where there are statistically significant variations in responses between different geographic areas. These are: - Significantly higher % of respondents in Wellington and Newport who support increased car parking charges than Telford Central; - Significantly higher % of respondents in Wellington and Newport who support increase in cemetery burial charges than Telford Central; - Significantly higher % of respondents in Telford South who disagree with certain proposed reductions in service, such as reduced frequency of grass cutting and removal of concessionary travel between 9-9.30am.	
People affected by deprivation	Yes	29	Some comments have been made during the consultation process regarding the effect of increasing charges on people affected by deprivation. The consultation process suggests that some people have a general concern about the impact of these proposals on people affected by deprivation (Community Panel – 31, Voluntary and Community Forum). Proposals where ‘ability to pay’ and need for concessions was specifically raised as an issue were: - Increased charges for low-level preventative	• Review Council's concessions policy and ensure that there is a consistent approach to concessions across services In addition, there are various specific mitigating actions the Council is proposing to take, including: • Re: low-level preventative service - promote benefit take-up and financial

			service (Community Panel – 24); - Standard charges for bulk collections (Community Panel – 9, Voluntary & Community Forum); - Charges for Flex card/admissions to leisure centres (Connecting Communities Group, Parishes Forum); - Increased charges for cemetery burial (Connecting Communities Group). For some of these changes, it will be a matter of personal choice whether a person seeks to use the service. Analysis of Community Panel data suggests two areas where there are significantly significant differences in responses based on deprivation (Index of Multiple Deprivation): - A significantly higher % of respondents who were in the most 20-30% deprived opposed the proposal to increase cemetery burial charges than those in the least 20-30% deprived; - A significantly higher % of respondents in the least 10% deprived supported the proposal to increase taxi licensing fees than those in the most 10% deprived (this may relate to some concerns being expressed that increase in licence fee will result in higher fares for the public – Community Panel (4), Voluntary and Community Forum).	support available for people using service to ensure they are claiming all they are entitled to, to help reduce impact of increase • Re: charges for bulk collection - promote 'Chairs & Spares', a social enterprise that re-uses furniture and electrical items, who will collect appropriate items in Telford & Wrekin and surrounding areas free of charge • Re: cemetery charges: - Take account of the cost of other authority charges and cremation charges to ensure that price of burials in TWC cemeteries remains competitive (current burial charges are approximately 40% below the national average – proposed charges will still be £140 less or a fifth below the average neighbouring councils charged in 2009/10); - Promote financial support that is available from the Dept for Work and Pensions (DWP) Social Fund (Social Fund Funeral Payment) for those in receipt of benefits and able to demonstrate that they meet the criteria for support.
Women who are pregnant or breast-	No	30	No specific issues relating to women who or are pregnant or are breast-feeding have been highlighted through the consultation process.	

feeding				
People who are married or are in a civil partnership	No	31	No specific issues relating to people who are married or who are in a civil partnership have been highlighted through the consultation process.	

Table 2 – Impact Assessment (Other Impacts)

Impact	Impacts identified – Yes/No?	No	Description of impacts with supporting evidence	Proposed actions to reduce, manage or enhance impacts where appropriate
Environmental	Yes	33	The proposal to extend the switch-off of non-residential street lights between midnight and 5.00am will have a positive environmental impact by reducing energy consumption of street lights by 500,000 kWh, which would also reduce carbon emissions by 270 tonnes.	Continue with the scheme ensuring that residential areas are not affected
		34	The aim of the proposed investment in a new waste bulking station is to have a positive environmental impact by helping to divert an additional 21,000 tonnes of waste from landfill in the first year of operation and give the Council more options to manage recyclable materials.	Continue with the proposal to minimise cost of waste disposal
		35	Strong concerns have been expressed through the consultation process about the proposal to reduce revenue spend on maintenance of roads and pavements, despite the fact that the impact of this will be reduced by the continued capital investment in the planned maintenance programme. 56% of the Community Panel disagreed with the proposal (only 32% agreed) and reduced road/pavement maintenance was the most frequently raised concern during the on-street engagement. The consultation process suggests that people regard maintenance of roads and pavements as an essential environmental service and are concerned about the current levels of potholes, particularly following recent cold weather.	Remove the proposed saving from the budget proposals in recognition of public concerns
		36	Concerns have also been raised through the	Retain this service with a full cost recovery

			consultation process about the proposal to remove the pest control service for rats and mice (only 36% of the Community Panel agreed and 50% disagreed). The consultation process suggests that people regard pest control as an important environmental/public health service that should be retained even if this is provided for a charge.	charge (this option will also require robust enforcement of public health problems and statutory nuisances arising from premises whose occupiers fail to treat infestations)
		37	The proposals to reduce the frequency of some aspects of environmental maintenance (shrub bed maintenance, grass cutting and road sweeping) will inevitably impact to some extent on the quality of the environment, although advice from service managers is that this should be minimal. Amongst the Community Panel, the majority of people agreed with proposals to reduce shrub bed maintenance (87%), grass cutting (85%) and road sweeping (76%).	• Continue to sweep roads in Borough Town Centres and District Town Centres at current frequencies (daily/weekly) • Cut grass/shrubs along major roads and at junctions and roundabouts at a frequency that will ensure the safety of road-users • Engage regularly with Parish/Town Councils to identify any areas where reduced environmental maintenance is having a particular visual impact
		38	The proposal to charge for new and replacement bins has also been highlighted through the consultation process as having a potential environmental impact. This was the 2 nd least well supported proposal amongst 'Your Money, Your Views' respondents; reasons for this included concerns that the charge could deter people from recycling and could increase fly-tipping.	• Revise the proposal so that any charge applies to new and additional grey bins only (i.e. no charge for recycling bins/receptacles or green bins and no charge for any replacement bins)
		39	Some concerns (82 members of the Community Panel) have been raised through the consultation process about a possible increase in fly-tipping as a result of the proposal to extend charging for bulk collections to all residents (this is currently free for assisted pull-out customers). Charging for the majority of residents was introduced in June and since this date	• Continue to monitor fly-tipping levels and engage with Town and Parish Councils to identify any fly-tipping hotspots • Promote 'Chairs & Spares', a social enterprise that re-uses furniture and electrical items, who will collect appropriate items in Telford & Wrekin and surrounding

			levels of fly-tipping have not increased significantly (from January-December 2010 we have received only 1 complaint). The current proposals, which will increase the number of households liable to a charge by around 8%, are therefore considered unlikely to have a significant impact.	areas free of charge
Economic	Yes	40	The aim of the proposed investment in Telford Town Centre is to have a positive economic impact. Investment by the Council will lever in significant private sector and inward investment, including façade upgrades to bowling and bingo (equivalent to an investment of £0.83m), multi-screen cinema, commercial office space (12,606 m ²), budget hotel, A class uses (4,800m ²) and extensions to the international centre (equivalent to £32m). A particular focus will be to encourage business tourism and to increase the capacity of the conferencing quarter in Telford – we expect to attract an additional 200,000 visitors to the area per annum through this investment. This development will also generate and sustain additional and diversified employment opportunities.	
		41	The aim of the continued investment in Borough Town Centres (including Dawley, Wellington, Newport, Hadley and Oakengates) is to regenerate and have a positive economic impact on these specific areas of the Borough. The benefits of this investment includes job creation (construction and jobs created by businesses taking up retail/office space), enhanced perception of towns (leading to further inward investment & expansion of existing businesses) and shoppers and visitors being attracted to the Borough Towns.	

		42	The aim of the continued investment in Sports & Learning Communities is to have a positive impact on the education and skills of all school-age children (and the wider community) by modernising and improving secondary schools and associated leisure, sports and community facilities. The development of the Sports & Learning Communities includes proposals for a University Technical College (UTC), which specialises in technical studies and is sponsored by a University. The UTC will prepare students for work through practical enterprise-themed projects. We will look to recruit an appropriate local employer to work with us on the development of the UTC. Through the Building Schools for the Future (BSF) programme, Keir Moss will directly engage with partner schools to improve the employment prospects of students in construction and other sectors.	
		43	Some concerns have been raised about the economic impact of the proposal to increase car parking charges in Ironbridge and the car park at the back of the Range in Telford Town Centre. 45 Community Panel respondents felt that the proposed increases would drive shoppers away and 14 people commented that the proposals would discourage visitors. However, the majority of the Panel (60%) agreed with the proposal (29% disagreed) and increased car parking charges were generally well supported at consultation meetings. Charges in Ironbridge will increase by a maximum of 20p (£1.40 maximum charge), which will be lower than Ironbridge Gorge Museum car parks (£1.50 maximum charge). The Town centre car park will increase by a maximum of 40p (£3.10 maximum	• In Ironbridge, continue to monitor on-street parking and work with the Police to manage this, especially during major events such as World Heritage day • In Ironbridge, continue to provide free residents' parking (via a permit system), disabled parking and coach parking

			charge), which will only be slightly higher than other neighbouring car parks (it should be stressed that the vast majority of Pay & Display car parks in Telford Town Centre are not owned or operated by the Council). In response to a request from the Community Focused, Efficient Council Scrutiny Committee, additional consultation was carried out with local traders in Ironbridge. Of the 20 traders who commented on the proposals as part of this consultation, only 3 disagreed, whilst 6 traders commented that charges are currently seen as being cheap. The Gorge Parish Council queried whether the proposed increases could lead to more on-street parking in residential streets.	
		44	A number of taxi drivers attended the Connecting Communities Group meeting to raise concerns about the impact of the proposed increase in taxi licence fees on their businesses (it should be noted that the proposal to move towards full cost recovery for taxi licence fees was determined by the Licensing Committee which operates on a quasi-judicial basis outside of the budget process). There was strong support for increasing taxi licence fees through the consultation process overall with 84% of the Panel agreeing with the proposal (6% disagreeing). For an individual taxi driver licence, the proposed increase will be £45 over a 2-year period and for an individual vehicle licence, the proposed increase will be £61 – these increases have been subject to a separate consultation process, which closed on 6 February 2011.	- Analyse results of consultation and review proposed fees - Stagger agreed increases over a 2-year period to minimise economic impact
Other Risks &	Yes	45	The saving that is resulting from initiatives to reduce	

Opportunities			use of bed and breakfast accommodation also has wider non-financial benefits by helping to deal with homelessness and improving the quality of accommodation for homeless people.	
		46	The proposal to reduce the library book fund will have a small effect on the choice of books available. The proposed saving (£15k) is only 6% of the total book fund and this saving can be partially offset by funding for stock purchase that the Council is currently receiving from the PCT for health and well-being projects. New books and other stock is shared pro-rata across all libraries, so this proposal will not have a particular effect on any specific library.	• Continue to prioritise the book fund on target user groups, such as children and young people and adults with essential skills needs • Purchase books through a consortium with 3 other library authorities to obtain maximum discount
		47	The proposal to reduce spending on arts (development and events) will reduce the ability of the Council to match fund projects or partnerships, potentially reducing opportunities to deliver new arts projects.	• Continue to target funding on those projects that will have the greatest impact on delivering local priorities
		48	The Voluntary and Community Forum commented on the proposals to reduce grant funding to a number of voluntary sector organisations. We are currently in discussion with the organisations involved (CVS, CAB, Fairshare and A4U) about moving towards a new commissioning approach, which will lead to the Council commissioning services from voluntary organisations in line with community priorities.	• Voluntary and Community Sector Chief Executives Forum has been established and is jointly developing a commissioning approach with the Council • The Council is providing individual support to those funded organisations to help them revise their business plans to reflect reduced grant funding, and to find alternative independent funding, with a view to minimising the impact on service delivery
		49	The proposal to reduce targeted support in primary and secondary schools relates to targeted continuing professional development (CPD) for teachers delivered by the local authority. To mitigate any potential fall in	• Complete current review of services for children, families and schools. These proposals will be subject to a separate engagement programme and impact

			standards, the Council is instead proposing to work in partnership with schools to identify and share learning 'school to school' in a range of new ways in accordance with the recent Schools White Paper (this forms part of the current review of services for children, families and schools).	assessment as part of the service review process
		50	Discussions with the Telford Race Equality & Diversity Partnership (TREDP) indicate that the proposed 20% reduction in the Council's core grant to TREDP will have a minimal impact on their organisation, as they are currently developing a new operating model and seeking charitable status, which will reduce their costs.	
		51	The proposal to delete the residential rehabilitation budget for substance misuse relates to the current residential capacity for 5 people.	• Provide alternative community-based day services

TELFORD & WREKIN COUNCIL

COUNCIL 3 MARCH 2011

SERVICE & FINANCIAL PLANNING 2010/11 – 2013/14: CAPITAL PROGRAMME

**REPORT OF THE CHIEF FINANCE OFFICER AND THE HEADS OF FINANCE,
PROPERTY & DESIGN AND THE ASSISTANT CHIEF EXECUTIVE**

PART A – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

The report details the revised capital programme for 2010/11 and the proposed capital programme for 2011/12 to 2013/14, together with the Capital Strategy (including the proposed Asset Management Plan and related Building Maintenance programme).

2. RECOMMENDATIONS

Members are asked to approve the report and associated capital estimates and variations for 2010/11 and 2011/12, which incorporates the Capital Strategy, the Capital Programme (Annex II), the Planned Building Maintenance Programme (Annex III), and Asset Management Plan (Annex IV);

Members are asked to delegate authority to the Head of Property & ICT to deliver the planned programme of works within the Asset Management Plan in line with the approved budget.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT *Do these proposals contribute to specific priority plan objectives?*

Yes/No All priorities are covered by the report. The overall budget framework contains funding to support the Council's work to promote Equalities & Diversity across the Borough. As part of the Planned Maintenance funding an allocation had been identified to improve accessibility, and service delivery from the Authority's buildings

Will the proposals impact on specific groups of people?

Yes/No An element of the capital improvements to Council buildings will be focused on improving accessibility. The allocation is prioritised using the full range of asset

management data and specifically using the accessibility audits as well as working with Service Heads and the Equalities team.

TARGET COMPLETION / DELIVERY DATE	<i>There are many different capital projects and each one has a different target completion. Some of the programmes are ongoing, others will complete during the period of the programme as shown in Annex II.</i>
FINANCIAL/VALUE FOR MONEY IMPACT	<i>Yes/No Where appropriate these are detailed in the body of the report.</i>
LEGAL ISSUES	<i>Yes/No all proposals are covered by the legislative framework within which the council operates</i>
OTHER IMPACTS, RISKS AND OPPORTUNITIES	<i>Yes/No The Council's current Strategic Risk Register has been considered as part of allocating resources in the overall programme</i>
IMPACT ON SPECIFIC WARDS	<i>Yes/No Proposals affect all wards in the Borough</i>

PART B – ADDITIONAL INFORMATION

4.0 SUMMARY

- 4.1 This report presents the Council's Capital Strategy for 2010/11 – 2013/14 and later years and a capital programme of £366.652m that includes the proposed investments included in the overall budget strategy. It also sets out the Council's Asset Management Plan and proposed planned Building Maintenance programme, particularly focusing on 2011/12.
- 4.2 The strategy and programmes address our corporate priorities in conjunction with the service and financial planning strategy.
- 4.3 The revenue cost of the use of the Council's own resources and unsupported borrowing are built into the proposed 2011/12 budget and future projections, while the cost of government supported allocations is met through a combination of Revenue Support Grant and direct capital grants, though the former is currently restricted by the government's damping of the Council's grant, no new government supported allocations have been issued for 2011/12 or 2012/13, this is offset by a partial switching to capital grant.
- 4.4 The Asset Management Plan sets out the framework for assessing and prioritising property related issues. The approved framework has been adhered to in prioritising the planned building maintenance programme for 2011/12. The building maintenance programme has been set in accordance with the proposed budget 2011/12 – 2013/14.

5.0 **STRATEGIC OVERVIEW**

- 5.1 Telford & Wrekin is a Unitary Authority, which is responsible for one of the fastest growing areas in the West Midlands over the medium term. The Council is committed to delivering our **vision** for the community of:

“A successful, prosperous and healthy community which offers a good quality of life for all the people of Telford & Wrekin”

- 5.2 This is a shared vision which has been developed in consultation with the local community and the Telford & Wrekin Partnership. It underpins our Council Plan and Telford & Wrekin Partnership’s Vision 2026, Community Strategy and Local Area Agreement. It is supported by a framework of **Council Priorities** that relate to:

- **Housing, Regeneration & Prosperity**
- **Children and Young People**
- **Community Protection and Cohesion**
- **Environment and Rural Area**
- **Adult Care and Support**
- **Active Lifestyles**
- **Efficient, Community-Focused Council**

- 5.3 The underlying ethos in our long-term Vision and Priorities is about **transforming and improving the Borough** and these provide a major driver for identifying investment priorities. We support our corporate service and financial strategy with Priority Plans which articulate our medium-term plans, key targets and actions and how these align with capital and revenue resources. The programme takes into account the 45% cut nationally to government capital funding over the Comprehensive Spending Review period. Our Asset Management Plan complements the Capital Strategy and, in relation to the Council’s facilities and land-holdings, is key to informing decisions on where capital spending needs to be targeted as well as identifying opportunities to make savings or generate capital receipts through asset disposals and property rationalisation. Our aim is to maximise the value and opportunities of our assets.

- 5.4 Through our service and financial planning process and strategy, our three overarching focuses are on:

- making and/or securing investment to create and sustain the long-term economic prosperity and success of the Borough and the realisation of Vision 2026;
- ensuring that current levels of service provision and facilities are fit-for-purpose to meet the needs and expectations of our community and enable people to enjoy a good quality of life; and
- Working to mitigate the effects of the economic downturn within the Borough and planning for the recovery by seeking to put in place the right policies and plans which will enable the Borough to be well-positioned as the economy begins to recover from the recession.

5.5 The growth of the Borough and the 'New Town effect' of an ageing infrastructure have created a heavy burden in terms of the requirement for new investment in facilities and infrastructure. The former new Town housing estates, where deprivation levels are high, are also in need of significant regeneration. These are major strategic challenges for the Council to address. Also, because it is a former New Town area, Telford & Wrekin does not have the land holdings or the planning powers and freedoms that exist in more traditional areas, so we cannot rely on traditional local authority methods in our approach.

5.6 As part of the development of our medium-term service and financial planning strategy, we carry out a detailed assessment of the key issues, pressures, needs and opportunities facing the Borough in the short, medium and long-term and what the implications/requirements would be for both revenue and capital. In terms of capital spend, key issues identified include:

➤ **Key 'transformational' developments**

- Resourcing requirements for **major projects** such as:
 - Revitalising the Borough Towns (Newport, Wellington, Dawley, Madeley, Oakengates and Ironbridge)
 - Delivering physical, social and economic regeneration in our most deprived communities (Woodside, Sutton Hill);
 - Improving Telford Town Centre (including the relocation of Civic Offices to "kick start" the redevelopment of the Southwater area) and Town Park;
 - Developing Sports and Learning Communities;

➤ **Key medium-term service developments**

- Key focuses are around:
 - Maintaining & improving the local environment (e.g. roads, pavements, street lights and recycling);
 - Improving local facilities across the Borough (e.g. Borough Parks and play areas, Leegomery Centre) and activities for children and young people;
 - Supporting more new homes being built, particularly affordable homes in the rural area, and helping older and disabled people to stay in their own homes;

5.7 Capital investment clearly plays a key role in the achievement of our local priorities and priority policy objectives. **Our Capital Strategy and programme are not, however, just about 'concrete, tarmac, buildings etc', they are about making a positive difference to the quality of local people's lives** through specific projects, services, technology and facilities. In recent years, key initiatives progressed/ delivered through targeted capital investment include:

- Improvements to roads, pavements and street lighting;
- Redevelopment of the local centres of Wellington, Dawley, Hadley, Oakengates and Newport through the Borough Towns Initiative;
- Development of new 'state of the art' schools commencing with Abraham Darby Academy and Woodlands Primary

6.0 **CAPITAL STRATEGY: 2010/11 – 2013/14**

- 6.1 During 2011/12, we are planning to invest **£105.470m** as part of a **£366.652m** capital programme, to build and improve the facilities, assets and infrastructure to support the delivery of these objectives. This investment has been secured primarily through a combination of Government grants and supported borrowing allocations, use of the Council's own resources (capital receipts), and Prudential Borrowing by the Council. Over the planning period, our capital programme is as follows:

Priority Area	Total £'000	2010/11 £'000	2011/12 £'000	2012/13 £'000	2013/14 £'000	Later Years £'000
Adult Care & Support	1,553	552	403	414	184	0
Community Protection & Cohesion	7,359	2,671	2,163	1,250	1,275	0
Housing, Regeneration & Prosperity	107,902	28,162	49,419	21,671	7,385	1,265
Children & Young People	198,174	41,213	41,277	58,583	29,373	27,728
Environment & Rural Areas	39,648	15,021	9,037	4,821	5,795	4,974
Active Lifestyles	2,567	2,107	460	0	0	0
Efficient, Community Focused Council	9,449	3,338	2,711	1,700	1,700	0
	366,652	93,064	105,470	88,439	45,712	33,967

- 6.2 Supporting Telford & Wrekin's role as a focus for continued growth and development until 2026 underpins all our priorities. This is very much a 'capital' agenda – though it must be supported by the day-to-day delivery of high quality and efficient and improving services for the community - and we will look creatively to utilise local resources such as the Council's land assets and land owned by other partners, and external funding and investment to turn vision into reality.
- 6.3 **BOROUGH TOWNS INITIATIVE – SPORTS & LEARNING COMMUNITIES.** The original funding allocation was based on the Partnership for Schools construction cost index at September 2008. The allocation has been rebased by applying the funding methodology prescribed by Partnership for Schools, which takes account of construction industry costs, which have reduced in recent years. This resulted in a reduction of £43.1m in grant but this should be matched by a corresponding fall in construction costs which are also linked to that index. As a result of a Strategic Review by government a saving of 30% has been sought from all schemes, this has resulted in a further reduction in grant of £41.3m and has been achieved by revising schemes and seeking efficiencies. There is an increase in unsupported borrowing of £1.6m. These have been reflected in the capital programme contained in this report.
- 6.4 Details of the major projects and investments that we are looking to resource are detailed in Annex II. Many of these investments contribute in to the delivery of more than one Priority.

7.0 **CAPITAL PLANNING FRAMEWORK**

7.1 The Council's Capital Strategy is driven by our shared Vision for the Borough and our Priorities. All our plans and spending proposals (both capital and revenue) are developed within a partnership framework. The capital strategy is seen as a key opportunity to:

- drive forward the Vision and Priorities for the Borough;
- influence the development of the Borough and the actions of other agencies;
- work in partnership with other bodies to pursue national and regional objectives;
- ensure that funding mechanisms are used effectively and external funding maximised;
- maintain and improve the condition and suitability of our assets.

7.2 A key feature of our approach is that capital and revenue expenditure are considered together through one integrated service and financial planning framework and process. The Capital Strategy process brings together all aspects of capital planning and management. It guides and acts as the focus for all work on capital issues. The capital strategy process is given firm leadership:

- at officer level by the Corporate Management Team;
- at member level by the Cabinet.

Progress and the outcomes of capital expenditure are also considered by the Council's seven scrutiny committees as part of their service and financial performance monitoring role. They also input specifically to the strategy development process through scrutiny of the Draft Budget Strategy.

(i) Approach

7.3 Our approach to the Capital Strategy Process is set out diagrammatically in **Annex I** and described below. This process is continually evolving and has been developed to enable the Council to respond effectively to the developments in Capital and Asset Management Planning.

7.4 The Prudential Code of Borrowing requires us to look at capital and revenue spend in an integrated way. Under this regime, the Council has much more freedom to invest in capital projects as long as the borrowing is determined to be **affordable, prudent, sustainable and represents value-for-money**. The prudential system of capital finance makes the capital strategy a much more integral and essential part of the annual budget setting process and medium term financial strategy; developed through an emerging 3-year forward planning framework which brings together service and financial planning priorities and proposed developments to support delivery of our priorities.

(ii) Capital Strategy Process

a) Strategic Review of Needs

7.5 We annually review plans and priorities for capital spending. This is done as part of the annual corporate planning process, the development of key planning documents such as Priority Plans, and the outcome of major policy and/or service reviews. In seeking to determine priorities for investment and action, it is important to understand the key issues, needs and opportunities that need to be addressed. The following documents in particular map these out in detail, these are:

- The LSP's Vision 2026, Community Strategy and Local Area Agreement;
- The Council Plan/Priority Plans;

7.6 The result is a clear strategic view of priorities which identifies both **pressures and developments** in terms of:

- Projects required to progress the Vision for the Borough – whether partner, Council or joint (developments);
- Projects required to meet service priorities (pressures and developments);
- Maintenance spending required on assets (pressures).

This process is done collaboratively through dialogue with partners and is also informed by the Council's annual consultation strategy. This framework encourages a joined-up focus on outcomes, on major strategic initiatives and partnership working. The outcome is a broadly-based overview of capital spending priorities, business needs and opportunities, and outcomes to be realised.

b) Strategic Consideration of Priorities, Resources and Resource Implications

7.7 The financial implications of new capital spending requirements are carefully assessed within a business case in terms of:

- Overall resource availability including the anticipated results of asset disposals;
- Identification and consideration of whole life costings;
- Identification of significant revenue implications for capital proposals, with overall decisions on capital programme being made (and consulted on) as part of the overall service, financial planning and value-for-money process;
- Consideration of appropriate procurement strategies and potential funding regimes.
- 'Pay back'/Invest to Save potential, such as for example investment in Waste Recycling facilities to reduce the future impact of Landfill Tax increases.

7.8 The Prudential Code of Borrowing highlights the need, in making decisions on capital investment, to have regard to a number of core factors. As such, the Capital Strategy and Programme for 2011/12 has been developed around the following principles and processes:

- Corporate Strategic Planning Assessment:

7.9 Revenue and capital budgets are planned together as far as practicable each year. Desired spending has been prioritised and narrowed down into an overall capital strategy taking account of local, national and regional priorities. National priorities are considered

within the parameters of the Government's Annual Capital Guidelines (ACG's) for major service areas.

- Options Appraisal to Secure Value for Money:

- 7.10 In developing the capital programme, the Council has sought to identify which of a number of alternative ways is the best way to fund and deliver a capital project to meet its objectives. Also, to ensure that the Council's approach to prudential borrowing is affordable, prudent and sustainable, a set of prudential indicators have been developed to monitor performance. The business case for capital investment requires consideration/identification of how such spend represents or will improve value-for-money to the community.

c) Detailed Capital Programme

- 7.11 The Strategic Assessment of capital spending priorities is then subjected to further internal and external consultation and translated into an achievable phased programme across the whole Council with clearly agreed and identified:
- Revenue implications.
 - Procurement Arrangements;
 - Timescales, project management arrangements and accountabilities;

Annex II sets out details of our committed Capital Programme 2010/11 – 2013/14 and Detailed Analysis of Capital Grants.

d) Control, Monitoring, Performance Management & Review

- 7.12 A corporate framework for project management exists for capital schemes. Regular monitoring of progress and spend takes place both at service level and corporately. The Asset Management Plan ensures that relevant property PIs have been incorporated into corporate performance monitoring arrangements and into the monitoring of the management of the capital programme. In-year progress is highlighted as part of the reporting arrangements of the Service & Financial Performance Management Framework.

8.0 ASSET MANAGEMENT PLANNING & PROGRAMME

Our Strategic Approach

- 8.1 The Asset Management Plan (attached at Annex IV) and associated data on property (i.e. condition, suitability, sufficiency, access, asbestos and property information matrix) informs the Council's planned Repair and Maintenance programme. The Council has completed condition surveys for all properties used for the delivery of its services which are updated on a rolling programme. The property information data collated also informs the property rationalisation process enabling the most efficient use of property.
- 8.2 The Council's Asset Management Plan has identified a condition backlog over 25 years of £29.4m for education properties and £11.1m for operational properties. Much of the Education backlog is within secondary accommodation which will be dealt with as part of the Borough Towns Initiative Sports and Learning Communities programme. The Asset Management Plan allows the Council to prioritise investment to manage the backlog.

- 8.3 The planned building maintenance programme as identified in Annex III was set in accordance with the approved framework for prioritising condition backlog as detailed in the Asset Management Plan.
- 8.4 The prioritisation to reduce the condition backlog is based upon the following categories which are adapted to suit the specific needs and service delivery objectives of operational property.

Priority 1

Urgent works that will prevent closure of premises and/or address a high risk to the health and safety of occupants and/or remedy a serious breach of legislation.

Priority 2

Essential work required within two years that will prevent serious deterioration of the fabric or services and/or address medium risk to the health and safety of the occupants and/or remedy a minor breach of legislation.

Priority 3

Desirable work required within 3 to 5 years that will prevent deterioration of the fabric or services and/or address a low risk to the health and safety of the occupants and/or a minor breach of legislation.

8.5 Previous year comparisons

		2007	2008	2009	2010
Schools	P1-P3	£26,491,290	£25,277,205	£27,657,372	£29,352,678
Operational	P1-P3	£10,173,636	£11,984,120	£10,134,790	£11,080,659

*Note: Hadley PFI / Jigsaw / Madeley Academy / Abraham Darby Academy have not been included within the above figures.

- 8.6 The proposed level of investment included in the Capital Programme 2011/12 is £2.320m for Educational assets and £1.0m for all other operational assets, with £0.400m of this being shown within BTI. The budget allocations do not take into account the capital investment relating to amalgamation of schools and the secured investment relating to Building Schools for the Future which will greatly reduce the condition backlog for Education properties as part of the building rationalisation process.

In addition to the above capital allocations schools are also in receipt of Devolved Formula Capital (DFC) which is used fundamentally for repairing and maintaining the school building stock on a day to day basis.

The Asset Management Database is analysed on a yearly basis as the priorities may change due to new findings as part of continuing re-surveys of property. Emergencies that occur within the financial year may also lead to reprioritisation of the allocated budgets and a change to the programme identified.

- 8.7 In accordance with prioritisation as set out in 7.4 Annex III, identifies the building maintenance programme for 2011/12; all schemes listed are priority 1 or priority 2

items, health and safety, or are deemed necessary in order to maintain service delivery.

9.0 PARTNERSHIP AND CROSS CUTTING ACTIVITY

- 9.1 There is a very well-developed Local Strategic Partnership, bringing together key local organisations and agencies across all sectors. The Partnership is overseen by an 'executive' Agenda Group which comprises the chief officers of the main public, private and voluntary organisations in Telford & Wrekin.
- 9.2 Partnership working is the framework through which all key local cross-cutting issues are tackled. The Partnership has a range of both 'thematic' and 'area based' sub-partnerships tackling local issues and informed by an extensive programme of consultation.
- 9.3 The Council actively works with partners to maximise assets. For example through various co-locations of services which is a key feature in particular of the Learning Communities that are being developed. Amalgamation and co-location of services and community facilities is a key aim that drives our asset management and service planning.

10.0 CONSULTATION

- 10.1 Telford and Wrekin Council is strongly committed to effective consultation and engagement with our community. This underpins all local plans and initiatives. Consultation takes place at two main levels: *strategic*; on issues affecting the Borough as a whole; and more *focused* consultation on specific issues, projects and priorities. This is an integral aspect of the Council's overall approach. There are three main strands to consultation:
- With the community overall through a range of quantitative and qualitative methods such as residents' surveys, local meetings, focus groups. A prominent feature of the consultation 'landscape' is the Telford & Wrekin Community Panel – a representative cross-section of some 1,360 local residents.
 - Through partnership and with local agencies – often around plans, priorities and projects;
 - Through specific, tailored consultations at a more localised level or with different 'sections' of the community.
- 10.2 Consultation influences all aspects of capital strategy planning and service provision. We have consulted a wide range of local people and organisations about the proposed investments included in the overall budget strategy – further details are set out in the over-arching Service and Financial Planning report considered by Cabinet on 11 January 2011.

11.0 **RESOURCES**

11.1 **Mainstream Government Supported Borrowing**

The main borrowing allocations received, along with forward indications of minimum future allocations are as follows:

	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	Later Years £m
Environment & Rural Areas	4.315	0.000	0.000	0.000	0.000
Children & Young People	2.839	0.462	0.000	0.000	0.000
Total	7.154	0.462	0.000	0.000	0.000

In the comprehensive spending review the government announced that no new allocation would be issued for 2011/12 or 2012/13. The only allocation we have in 2011/12 is anticipated slippage from 2010/11.

The revenue cost of utilising these government allocations should be funded by Revenue Support Grant although this is impacted by the RSG damping mechanism which withholds a substantial part of the additional revenue funding due to the Council to support the cost of these allocations at present.

11.2 **Supplementary Grants**

While information is still awaited on some allocations, the following new allocations have been built into the overall resources position: This takes into account the reduction in grant for Sports and Learning Communities discussed in 6.3 above.

	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	Later Years £m
Housing, Regeneration & Prosperity	10.241	7.757	2.844	2.844	0.000
Environment & Rural Areas	1.405	4.689	3.944	3.725	4.499
Children & Young People	32.864	29.756	55.590	26.233	24.843
Adult Care & Support	0.552	0.403	0.414	.0.184	0.000
Active Lifestyles	1.700	0.160	0.000	0.000	0.000
Community Protection & Cohesion	1.940	0.698	0.698	0.698	0.000
Total	48.702	43.463	63.490	33.684	29.342

11.3 **Capital Receipts**

The capital programme places a significant reliance on future capital receipts, totalling £80.061m shown in the table below. Any shortfall in the amounts received or re-phasing of schemes would have a revenue impact which is not built into the budget strategy. This would have to be mitigated through re-phasing of spend, re-prioritising schemes or incurring additional borrowing which would have a revenue

impact which would have to be taken into account in future in the Medium Term Service & Financial Planning Strategy.

	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	Later Years £m
Total	2.509	8.399	33.085	12.600	23.468

11.4 Prudential Borrowing Regime

Within the budget strategy for 2010/11 to 2013/14 the level of Prudential Borrowing assumed is as follows:

	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	Later Years £m
Housing, Regeneration & Prosperity	16.522	34.352	-7.148	-8.059	-13.373
Children & Young People	1.695	10.559	-4.117	3.140	-5.945
Environment & Rural Areas	9.401	3.323	0.877	2.070	0.475
Community Focused Efficient Council	2.594	2.711	1.700	1.700	0.000
Community Protection & Cohesion	0.562	1.465	0.552	0.577	0.000
Active Lifestyles	0.407	0.300	0.000	0.000	0.000
Total	31.181	52.710	-8.136	-0.572	-18.843

11.5 Overall Resources Position

For planning purposes, some forward allocation indications have been included below. In these cases no firm scheme proposals will be put forward for approval until actual allocations are known.

Resources Available						
	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	Later Years £m	Total £m
Government Allocations						
Children & Young People	2.839	0.462	0.000	0.000	0.000	3.301
Environment & Rural Areas	4.315	0.000	0.000	0.000	0.000	4.315
	7.154	0.462	0.000	0.000	0.000	7.616
Grant Allocations						
Children & Young People	32.864	29.756	55.590	26.233	24.843	169.286
Adult Care & Support	0.552	0.403	0.414	0.184	0.000	1.553
Housing, Regeneration & Prosperity	10.241	7.757	2.844	2.844	0.000	23.686
Environment & Rural Areas	1.405	4.689	3.944	3.725	4.499	18.262
Active Lifestyles	1.700	0.160	0.000	0.000	0.000	1.860
Community Protection & Cohesion	1.940	0.698	0.698	0.698	0.000	4.034
	48.702	43.463	63.490	33.684	29.342	218.681

Other Resources						
Capital Receipts	2.509	8.399	33.085	12.600	23.468	80.061
Revenue/External	3.518	0.194	0.000	0.000	0.000	3.712
Prudential Borrowing	31.181	52.710	-8.136	-0.572	-18.843	56.340
	37.208	61.303	24.949	12.028	4.625	139.540
Total	93.064	105.470	88.439	45.712	33.967	366.652

The revenue impact of the use of Council resources, government allocations and prudential borrowing in the proposed programme are built in to the budget summary.

12.0 **CONCLUSION**

12.1 Because Telford & Wrekin is a growing and changing area it has substantial capital spending needs:

- to support and meet the growing needs of the Borough and our aspirations to transform Telford & Wrekin;
- to maintain and develop the Council's own stock of capital assets;
- to address the 'New Town effect' of a commonly-ageing infrastructure.

12.2 As a former new town area, with the Council having very limited land and asset holdings, we have a more limited capacity to generate capital receipts through disposals than some other authorities. We, therefore, take the capital strategy and its asset management planning very seriously. We look on capital spending as an integral element of our overall approach to Community Planning, partnership working and community engagement.

12.3 We are committed to maximising the effectiveness of our assets and capital spending and to identifying or creating opportunities to attract external funding resources. **Our focus is on delivering our priorities and policy objectives and on ensuring that our vision for the community can, each year, become more of a reality for local people.**

Background Papers

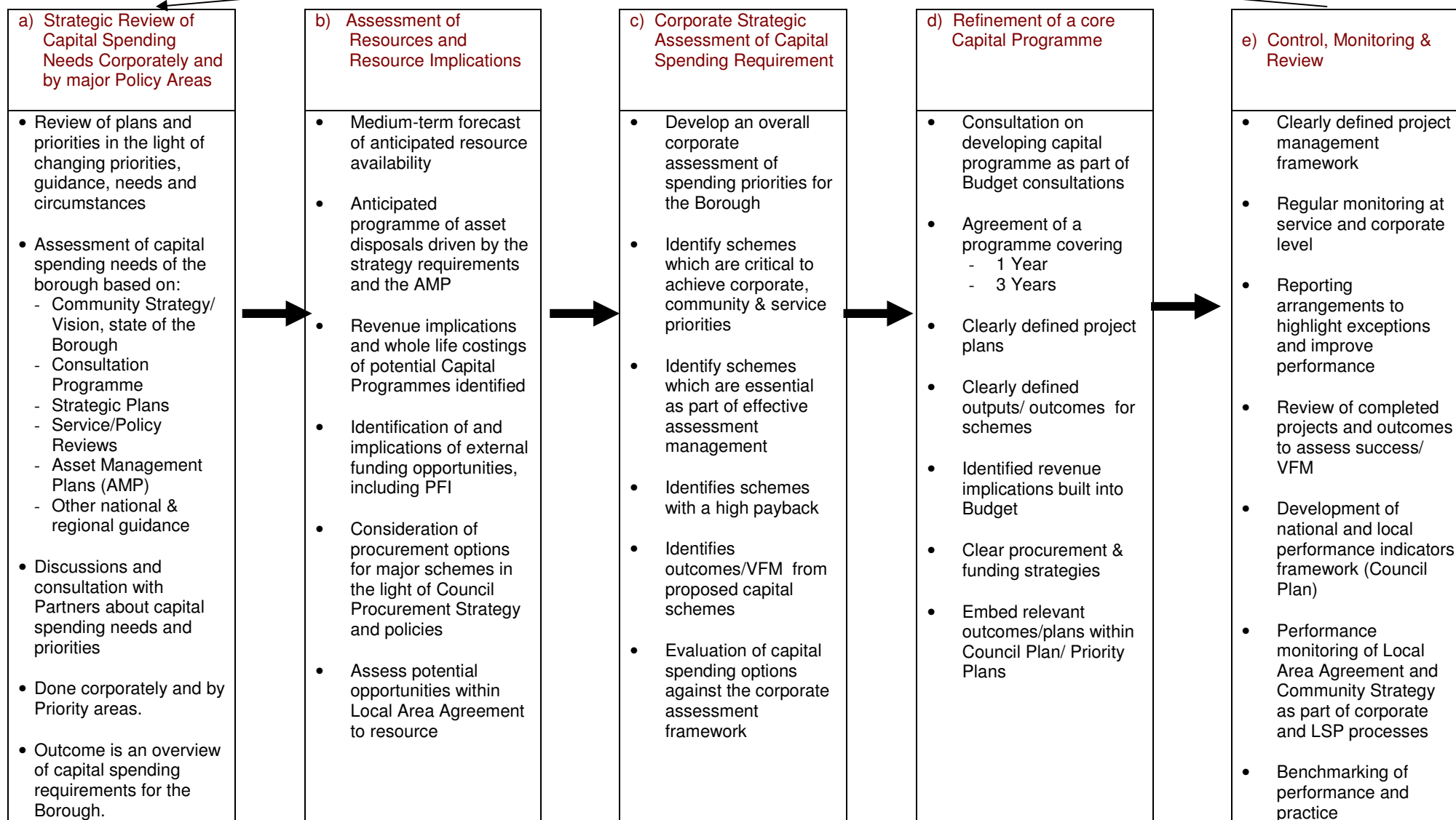
Funding notifications, investment proposals, cabinet reports on various schemes, previous Capital Strategy documents and capital programmes.

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Telford & Wrekin Capital Planning Framework

Community & Corporate Priorities



Capital Programme 2010/11 to 2013/14 and later years
See attached Excel spreadsheet

Property Programme 2011/12

Education Programme 2011/12

Asset	Description of Works	Estimated allocated Budget	Corporate Priorities
Various	Asbestos Removals within schools. The removals will be prioritised using the Asbestos Management survey data.	£100,000	Children and Young People Environment and Rural
Various	Emergency Works - A reserved budget to cover landlord responsibilities for major un planned replacements (i.e. re roofing / boiler replacements).	£300,000	Children and Young People
Various	External Painting and preventative repairs - It is vital to undertake preventative planned maintenance to minimise future capital expenditure, it is proposed to carry out approximately 15 schools per year based on a 4 year programme.	£100,000	Children and Young People
Various	Kitchens - replacement of defective kitchen equipment	£75,000	Children and Young People
Various	Security Measures including fencing and alarms	£50,000	Children & Young People Community Protection & Cohesion
Donnington Junior School	Phase 1 replacement roofing – the property is suffering from roof leaks that are affecting the delivery of the curriculum and has caused previous school closures.	£60,000	Children and Young People
Moorfield Primary School	Replacement roofing - the property is suffering from roof leaks. The proposal includes insulation as part of the investment.	£50,000	Children and Young People Environment and Rural
Teagues Bridge Primary	Curtain Walling (Phase 2) - The works are to replace the remainder of the curtain walling following the first phase being completed in 2009.	£300,000	Children and Young People Environment and Rural
Apley Wood Primary	Electrical Sub-mains upgrades to support current loadings to address regular problems with power failure	£20,000	Children and Young People
Crudgington Primary	Land Purchase and access improvements.	£100,000	Children and Young People
Hollinswood Junior	Second phase of alterations to the main entrance to address accessibility problems and security in line with suitability survey.	£20,000	Children and Young People
Alexander Fleming Primary	Replacement guttering	£25,000	Children and Young People
William Reynolds	Potential Amalgamation - Various construction works as part of amalgamation	£250,000	Children and Young People

Infants / Juniors			
Wombridge Primary	Replacement Drainage to alleviate flooding problems to rear of the school	£20,000	Children and Young People
Dothill Junior	Replacement of defective boilers following amalgamation of Infants and Juniors. The investment will address condition liability and deliver lower fuel / co2 emissions and also ensure continuity of curriculum delivery	£150,000	Children and Young People
Various	Access works and purchase of specialist equipment to meet the requirements of individual pupils	£200,000	Children & Young People
HLC and Jigsaw	Contractual obligations and essential changes at HLC & Jigsaw sites.	£200,000	Children & Young People
Various	Sinking fund for BSF	£300,000	Children & Young People
TOTAL		£2,320,000	

Non Education Programme 2011/12

Asset	Description of Works	Estimated Allocated Budget	Corporate Priorities
Wellington Civic & Leisure	Contribution to major capital works to address H&S priorities within the pool area. Part of BTI.	£400,000	Active Lifestyles Community Focused and Efficient Council
Various	Emergency Works to cover landlord responsibilities for major unplanned replacements.	£300,000	Community Focused and Efficient Council
Various	External Painting and preventative repairs - It is vital to undertake preventative planned maintenance to minimise future capital expenditure, it is proposed to carry out preventative repairs to approximately 20 properties per year based on a 4 year programme.	£50,000	Community Focused and Efficient Council
Various	Asbestos Removals will be prioritised using the Asbestos Management survey data.	£100,000	Community Focused and Efficient Council
Various	Energy Certification and related improvements. The energy certification of properties is a legislative requirement.	£150,000	Community Focused and Efficient Council
TOTAL		£1,000,000	

Corporate Property Asset Management Plan

2011/2014



February 2011



Telford & Wrekin
C O U N C I L

FOREWORD

Land and Property assets are a key issue for the public sector and provides a significant contribution to the delivery of the Council's vision ambitions, priorities and services. Through investment, effective prioritisation of planned maintenance and rationalisation, real improvements are being made across the Borough.

At a time of significant budget constraints, it is important to continue to manage and utilise our assets effectively, and examine how they can be better used and rationalised to 'encourage town place' and regenerate our Borough towns. The majority of Council services are provided indirectly through land and property; therefore ensuring that properties meet both our staff and service needs is of paramount importance.

Refurbishments, improvements and extensions have been carried out to a number of schools including Lawley Primary and a significant extension is underway at Newport Girls High School. In addition to this, new developments such as Lightmoor Primary school which opened in September 2010 and Old Park Primary School are not just providing high quality educational facilities for our young people, but also provide new housing, an improved retail centre tailored to current needs including doctor's surgery and Children's Development Centre, in collaboration with the Primary Care Trust. Building Schools for the Future funding provides a huge opportunity to transform educational and recreational service within local communities, further contributing to the "Place Shaping" agenda and The Borough Towns Initiative.

The regeneration and transformation of our Borough towns and Telford Town Centre is also a priority. The Borough towns are being developed in partnership with local communities, businesses, Town and Parish councils and regeneration partnerships. The built environment will play an important role and whenever possible, property will be used as a catalyst for change.

At the Town Centre there are plans to bring a mixed use development linking the shopping centre with the International Centre and Telford Town Park with the infrastructure and enabling work starting on site in December 2010. Phase 1 of the infrastructure works including re forming the lake will be completed by May 2011.. The Civic Offices are being funded at no cost to the public through the sale of the existing Civic Offices site for a retail development. These offices together with Darby House and the new Wellington Civic development provide the three main bases for Council staff accommodation. The space requirement has been significantly reduced via New Ways of Working which will allow us to deliver a robust property rationalisation programme.

The Dawley and Malinslee Borough Towns Initiative is a major regeneration programme, the re opening of the High Street to traffic and high quality public realm improvements was completed in October 2010 and major infrastructure works on the brown field 90 acre site started in October 2010. Wellington Borough Town Initiative involves a £9 million new library, registry office and co located services for up to 220 staff at the existing Civic and leisure facility is due to open September 2011. Leegomery Local Centre following its fire damage was rebuilt by the Council and opened in February 2010. Sutton Hill centre re construction started in September 2010 and is due for completion in Spring 2011.

A robust Asset Management Plan will inform decisions relating to service delivery, and bring major benefits to the local community.

CONTENTS

1.0 Statement of Context

– Asset Management Plan/ Aims

2.0 Links to Key Plans and Objectives

3.0 Data Management

– Core Data

4.0 Programme Development & Implementation

5.0 Operational Assets Key Drivers For Change and Initiatives

– Building Rationalisation, New Ways Working

6.0 Regeneration Opportunities Across The Borough

Town Centre

Building Schools for the Future

Housing Homes & Communities Assets

Borough Towns Initiative

Dawley & Malinslee

Wellington

Madeley

Leegomery

Randlay

Oakengates

7.0 PIP / Land

8.0 Asset Details & Performance

Statement of Assets

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1.0 Statement of Context

Telford & Wrekin Council is a Unitary Authority responsible for the fastest growing area in the West Midlands. The Council's "Local Development Framework" core strategy has been approved and the outcome of The Central Telford Area Action Plan (CTAAP) will be known during Spring 2011 following an examination in public during Autumn 2010..

This continuing growth and development of the area ensures services and facilities are constantly monitored and reviewed, resulting in major implications for property holdings and Asset Management.

The plan is split into 3 main areas

- Operational Property and associated Land
- Property Investment Portfolio (Property held for investment purposes)
- Land (held for disposal or future operational use)

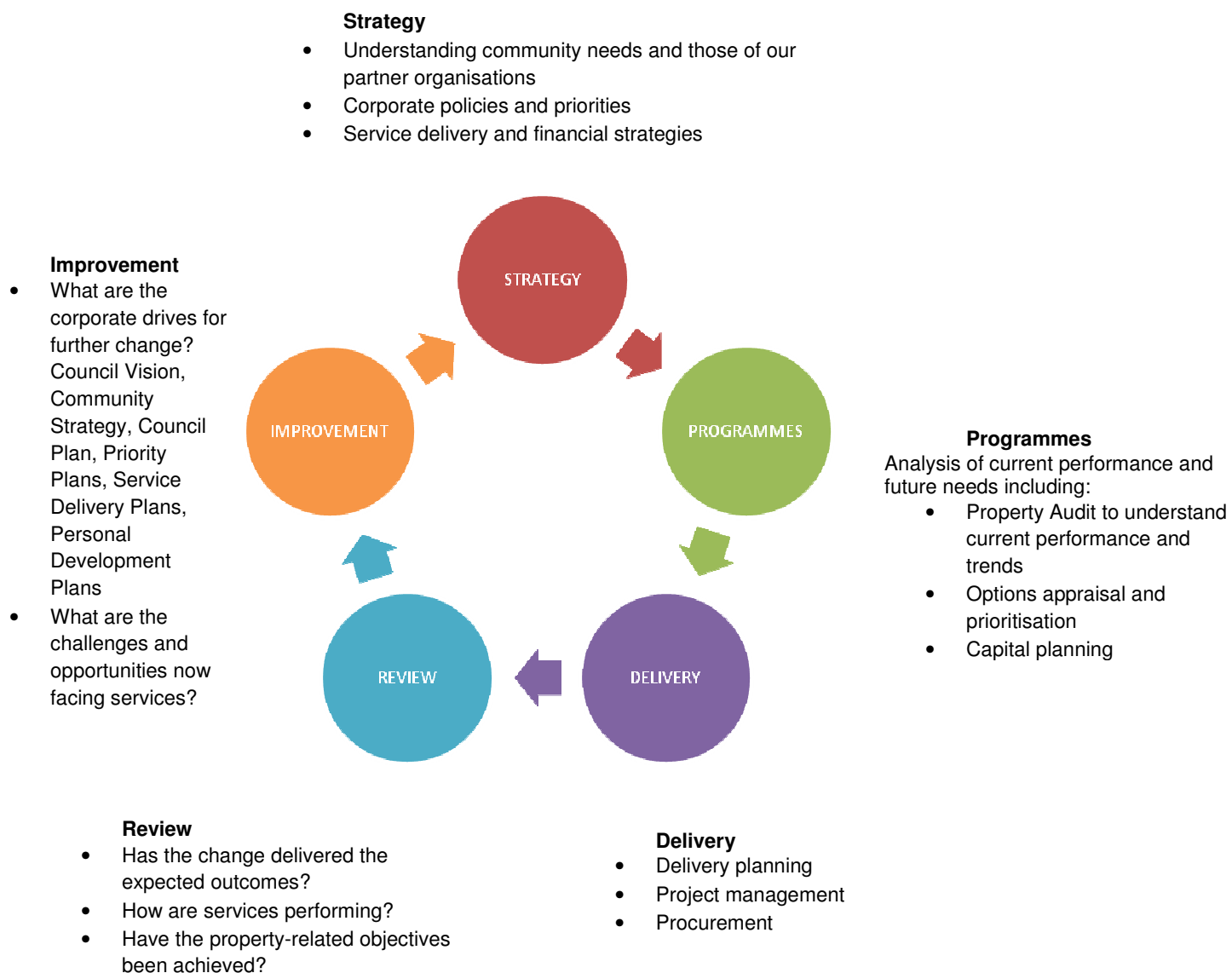
The Land strategy, Operational Property strategy and PIP strategy all inter link to form a comprehensive and over arching approach to Asset Management covering all property assets within Telford.

Asset Management Plan - Aims:

- Ensure assets are fit for purpose
- Ensure assets are located in appropriate locations for service delivery
- Deliver an integrated approach to Asset Management across the Authority
- Reinforce a corporate approach for holding property and outline objectives
- Ensure Asset Management decisions are planned in a co-ordinated manner and consistent with council priorities
- Manage a simple and robust performance measurement system
- Provide comprehensive and accurate data to facilitate analysis of Property
- To support and facilitate improved service delivery
- Use land and buildings as an enabler to the "Place Shaping" agenda and the enabler of regeneration in Borough towns, local centre etc.
- Optimise property revenue towards the Council's current and future aims, objectives, policies and programmes
- Optimise and prioritise the level of property investment, to meet the Council's current and future service needs
- Promote the innovative use of property together with partners and stakeholders

2.0 Links to Key Plans and Objectives

The Council's Vision and Priority Plans identify Key priorities for the Council (see Appendix 1). From 2011/12 this process will be revised in accordance with the Council's priority plan. The table below details the strategic Asset Management decision-making links within and across Services:



3.0 Data Management

The ability to make informed property decisions is dependant upon collating and constantly updating accurate data

Core Data

All Council property data is recorded on a Property Management System, which is designed to accommodate all forms of property data in a central location. The Property Management software brings all the main functions such as Asset Management, Capital Projects, Service Asset Register and Help Desk Software together into one integrated solution. This will provide greater exchange of information and streamlined property database linked help desk. The software is Internet based will provide a direct link to customers and stakeholders, enabling them to access data and information in a user friendly environment. As the software is internet based it will also enable officers to work more flexibly.

- The Asset Register:

The Council maintains a central corporate asset register to record valuations and information for all land and buildings, in accordance with Chartered Institute of Public Finance and Accountancy (CIPFA) and Audit requirements.

A five-year rolling programme of asset and insurance valuations is in place for Operational Property, ensuring that 20% of assets are re-valued each year after the validity of the basic data/information has been verified. The Property Investment Portfolio is re-valued annually.

- Condition & Suitability

Condition surveys of all schools and operational buildings have been completed and are re-assessed as part of an on going re-survey process. Operational data is captured across all service areas and work is prioritised according to the data, allowing a transparent planned programme of work to be implemented. Similarly this enables informed decisions on investment disposal.

- Asbestos

Comprehensive Asbestos database has been developed, incorporating 'Type 2 Enhanced Surveys' as part of the Asset Management data; ensuring quality and up to date information is retained.

In accordance with the Council's Asbestos Management Plan 2009, annual risk assessments are conducted on all previously surveyed properties, to ensure that the Council targets available resources at priority items and manages the risks on site.

- Access

Accessibility to properties is paramount to the delivery of services. Comprehensive Disabled Access Audits of operational properties (excluding schools) ensuring suitability of premises in relation to service delivery. The Audits are stored electronically on the central Asset Management database and are accessible for stakeholders and managers via a Web browser. This ensures ownership under the duties imposed as part of the Disability Discrimination Act (DDA).

- Energy and Efficiency

There is a dedicated energy module as part of the Asset Management Software System, which enables the Authority to input and analyse property related energy data. This data feeds into the property performance indicators (see Section 11), and assists when making key decisions regarding investment and disposal of property. The data also informs the Council's Climate Change Strategy, allowing a targeted approach based upon poor energy ratings of building to ensure resources are allocated in the right areas to reduce the carbon footprint. CRC's has led to the Council obtaining accurate readings of all energy consumption and a team has been established to target high use buildings raising awareness amongst occupiers. Similarly the opening hours at evenings and weekends of major buildings will be limited to key meeting rooms and small mobile work areas reducing energy usage.

The first use of photovoltaics taking advantage of the attractive feed in rates has been agreed with a private operator at Wellington Civic. A similar arrangement is being looked at the proposed Civic Offices. Combined with the property rationalisation programme this is expected to lead to a major reduction in the Councils carbon footprint. Water harvesting has been installed at Hadley, Old Park and Short Wood together with cedum roofs to minimise water run off. Web enabled monitoring of heating and ventilation at new schools is proving to be a significant benefit. This controlled regulation should result in meaningful reductions in energy usage, improving efficiency.

- Measured Surveys

Accurate, comprehensive, measured building surveys are available on AutoCAD.

4.0 Programme Development and Implementation

The Decision Making Process

The information contained in the Asset Management system allows informed, property related decisions. This corporate planning process identifies requirements for the Property Portfolio. The Council utilises data detailing condition, suitability, access, sufficiency and asbestos, etc in the following areas (list not exhaustive):

- Schools AMP
- Review of office accommodation
- Repair and maintenance programmes
- Capital programmes
- BSF
- Property Rationalisation
- Borough Towns Initiative

Maintenance Programme

The planned maintenance programme for 2011/12 has been submitted to Cabinet for approval in February 2011. The planned maintenance programme details the priorities set in accordance with the framework described in the Asset Management Plan.

Formulating the Property Related Capital Programme and Key Issues

Option appraisal processes take account of the different outputs required. They will include examining reduced operating costs, regeneration factors, service benefits, geographic and

deprivation indices, alternate premises/sharing premises and partnership with the private sector or other public sector partners. Whole life cycle costing provides a far more accurate assessment of the long-term cost effectiveness of a project, than standard economic methods that focus solely on first costs or on operating-related costs in the very short term. Research has identified the relationship between capital cost, cost in use and the cost to the business of assets as a ratio of 1:5:200. This results in the cost of operating and maintaining a building over its life will be five times the original capital cost. Moreover, the cost of staff productivity and occupation is two hundred times the capital cost.

Telford & Wrekin Council actively considers sustainability as part of asset provision, use and management. Sustainable Procurement Strategy is part of our commissioning approach, and we are innovative in ensuring sustainability is part of all new-build and refurbishment schemes.

Key Issues Addressed Within our Asset Management Approach to Finalising the 2011/12 Capital Investment Programme Include:

- The delivery of the capital projects to underpin and support improved service delivery
- Property Rationalisation, planned investment in retained buildings to reduce maintenance back log
- Regeneration – support and project management to all regeneration projects
- Repair and maintenance programmes for property investment portfolio will maintain income levels for the Council redevelopment opportunities within the property investment portfolio
- Climate Change/Energy Efficiency/Carbon Reduction Commitment (CRC)

In consultation with Community Groups assessing benefits of transferring management/ownership of buildings to community groups. A number of community centres, have been transferred to Parish Councils.

- Building Schools For The Future Programme reassessment of funding

5.0 Operational Assets

Property Rationalisation/ New Ways Working

The Council has inherited a diverse range of land and property, often of varying standard and in which employees work in a range of differing ways/cultures. The current climate linked with the spending review and the need to make savings and demonstrate value for money has focussed attention on Property. The Council has implemented a number of restructures with the most recent involving Heads of Service which resulted in a reduction in the number of posts. Restructures across service areas are programmed during 2011. This has reduced the cultural and physical barriers between services and created a more open infrastructure. A key element of this is the removal of portfolios, having strategic Directors and a greater emphasis on matrix management to manage the Council's business.

The ongoing need to re shape the Councils services and change service delivery leads to continual changes in Council structures which in turn impacts on property. Linked with this maintenance budgets will be significantly reduced in future years. This offers major

opportunities to review / rationalise property. This offers two interlinked and crucial areas of work:

- New Ways of Working
- Property Rationalisation

The two areas dovetail and complement each other and are governed by:

- Place shaping
- Partnership working
- Council re-shaping services
- Sustainability and environmental issues
- Efficiencies agenda
- Government challenge

- Place Shaping

Using Council Property assets together with other public sector assets facilitates Property & ICT in bringing significant regeneration benefits across the borough. Linking to the Borough Towns Initiative (section 9) many towns are enjoying major investments and improved services under pinned by property as the catalyst.

- Partnership Working

Under the Total Place Agenda in 2010 the Council was instrumental in bringing together all public sector bodies and plotting all public sector ownership within the Borough. An exercise to identify clusters and opportunities for co location is now underway. The establishment of local area agreements and public sector boards are driving major increases in partnership working and integrated service delivery. There are aspirations that staff working in partnerships will be co-located with partners. This will impact on the demand and type of office accommodation dependant upon strategy. However, it is recognised that partner organisations may have their own work style, culture and statutory requirements. Flexible accommodation is required to respond to the constantly changing nature of partnerships, and to enable new forms of integrated working to be established. On behalf of the Shropshire Fire Authority, Property & ICT have acted as Client adviser on three projects outside The Borough. The first two were at Craven Arms and Cleobury Mortimer, which involved extending and refurbishing the existing stations. The third and more complex project currently underway is to rationalise the Headquarters building at Shrewsbury by remodelling their current accommodation estimated at £3.5 million build cost. The excellent relationship established across these projects is being mirrored in Telford with a review of accommodation linked to Council needs and opportunities for co located services.

- Sustainability and Environmental issues

The Council's commitment to climate change is demonstrated with "A Climate for Change"; document for the community of Telford & Wrekin. Further contributions towards reducing the environmental impact of the Council's operations remain in consideration of "whole-life" value of buildings - the total life costs and material requirements, rather than initial build costs. The strategy will result in specification for office buildings using fewer raw materials, and having lower energy costs; this will enable the replacement of outdated offices with high energy costs, with new efficient smaller premises. The revised Carbon Reduction Commitment which comes into effect from April 2011 forces all public authorities to review their carbon consumption and brings in significant additional taxation if they do not. As a result of this legislation the Council is reviewing data management and staff resources in this area with a cabinet report planned for later in 2011.

- Efficiencies Agenda

Telford & Wrekin Council is planning to achieve 20% efficiency savings on non salary budgets. Property running costs are a significant element of this. By consolidating services in properties services can also contribute significant savings from their own budgets.

- Government Challenge

Central government is challenging all public sector organisations on how and what services they deliver. The property and location these services are delivered from is a critical element of this challenge.

- New Ways Working

There is potential to release both capital and revenue costs from the Council's Operational Property. In November 2009 Property & ICT became the pilot study across the council for New Ways of Working with office accommodation. This reduced the number of desks required at that time from 73 to 59 and the area reduced from 150square meters. The findings from this study have been published and it has been agreed to roll this out across all council accommodation.

Changing Work Patterns and Culture

There is now a range of office options, such as "hot-desking", touchdown, open plan offices and the creation of flexible team, or group-working places, that support and encourage a flexible workforce. Many staff are completely mobile increasingly reliance on ICT. Public sector agencies now offer combined services from individual premises, however, Council offices have remained substantially unchanged. Similarly the needs of Councils services have changed but again buildings have not kept pace with this level of change. Council occupation rates have been monitored within Civic Offices and Darby House which has been used to identify existing space standards to create a baseline across services. The accommodation strategy is based upon the following buildings;

Civic Offices
Darby House
Wellington Civic Offices

The first and third buildings will be delivered to BREEAM excellent and Darby House significantly refurbished. This will permit the disposal and surrender of leases on offices which had inefficient space standards, were expensive to maintain and had high running costs.

Property Rationalisation

The New Ways Working principles will allow a strict rationalisation programme to be pursued reducing the gross amount of space occupied from 30,960 square metres to 23,094 square metres and the number of properties occupied from 28 to 16. Combined with the new Civic Offices at the Town Centre which offers new space and the chance to re locate services according to public need, decisions will be made based on a scoring system. Reflecting location, condition and suitability of the property including energy efficiency and life cycle costings.

6.0 Regeneration Opportunities Across The Borough

Management of Homes and Communities Agency (HCA) Assets

Chapter 7 Section 3 examines the land holding still within Telford. The management of HCA assets is a significant opportunity to shape how the Borough is developed in line with the localism agenda and to support the new role HCA have as facilitator and enabler. It will provide the opportunity to complete the New Town in line with the original vision as set out 40 years ago.

Town Centre Regeneration

The regeneration of Telford Town Centre is a key priority for T&WC, partners and the region. The regeneration will underpin and support growth, stimulate and attract investment in the Borough and create a Town Centre responding to the needs of the community. Planning Consent was obtained in March 2010 and sets the context for regeneration through the

establishment of land use zones to include residential, commercial, bars, restaurants, hotels, retail and leisure. Southwater will see the creation of a high quality Southwater Square, main Street up to the boundary of the International Centre and a new Southwater Lake adjacent to Southwater Square. Collectively these improvements will create a series of distinctive, interlinked and pedestrian dominated routes and spaces throughout Southwater which will more effectively link the shopping centre, town park and events facilities at The International Centre creating a lively and vibrant street scene. Infra structure works for the development started in December 2010. The Learning & Media Centre (LMC) encompassing a new and improved Telford Library and potential for relocation of Meeting Point House costing is due for construction in 2012. The developments will be high quality, iconic, BREEAM Excellent buildings and will act as exemplars and catalysts to other developments within Southwater defining quality parameters. Further plots will then be available for development as offices, retail and leisure uses.

Milestone	Start	Finish
Enabling Works (including infrastructure)	Autumn 2010	Winter 2011
Public Realm	Autumn 2011	Summer 2012
Learning & Media Centre	Summer 2012	Summer 2014

Borough Towns Initiative

The regeneration of Borough towns is a key Council priority. With reduced funding we are having to be more creative with the use of our assets to facilitate and achieve this.

Dawley & Malinslee

The regeneration of Malinslee and Dawley is well underway with the completion of the school amalgamation of two primary schools at Old Park in September 2009 together with the opening of the re paved High Street Dawley during November 2010. This is combined with a proposed new shopping centre, health facilities and housing. The biggest contribution will be the bringing back into beneficial use of around 90 acres of spoil mounds on the edge of Dawley. The development will be underpinned by the new Phoenix secondary school and adjoining retail development. This will link into the existing High Street bringing much needed footfall to Dawley providing a significant stimulus to place shaping and regeneration. The remaining land will be used for housing and leisure uses.

Wellington Centre

Wellington's new Civic scheme combining existing leisure centre with new library, registry offices and Council offices started in March 2010 and is due for completion September 2011. This has partly been funded through property rationalisation. This will support the regeneration of Wellington by consolidating a significant number of staff in a purpose built, central, land mark building, in partnership with the Town Council thus providing increased footfall to support the local economy. In addition the police will be provided with an office for their Community Officer. This will be on the edge of the retail core and will have strong links between the two areas. Combined with this funding the public realm works and de cluttering of Wellington's streets was delivered. This work started in June and should be completed by April 2011. Spurred on by this investment several long term empty shops including the former Barley Mow pub in Crown Street and the Fox & Hounds in Duke Street are now being renovated and occupied using private investment.

Leegomery Centre

Leegomery was a typical local parade of shops. Constructed in the 1970's, it had suffered from anti-social behaviour and was out dated by modern standards. A fire destroyed two of the four shops. An option appraisal was undertaken to explore alternative forms of redevelopment. This included land assembly to reshaping the area with a modern energy

efficient mixed use development. Unfortunately, disposal of the site faltered due to the “Credit Crunch.” In January 2009 Cabinet approved the construction of the new centre with the intention of later residential development once the market returns. Construction started in February 2009. The build will be completed in spring 2010.

Randlay

Randlay is a similar centre to Leegomery but in this case the shops have been found to have a structurally unsafe roofing system. In addition, the adjoining community centre requires substantial investment to bring up to suitable modern standards. Again, rather than simply rebuilding/repairing these faults, which would have been very costly, the possibility of potential redevelopment was explored. An outline planning consent was obtained and the site put to the market to include new shops and importantly for the community a new community centre attached to Randlay Primary School. A residential care operator has purchased the site and construction is due to start in spring 2011.

Oakengates

In October 2010 it was proposed to remodel Oakengates by re engineering and re paving the bus station and main roads of Market Street and Oxford Street, together with partial demolition of the 1960s shopping precinct owned by the Council and introduction of a retail store on Limes Walk.

Building Schools For The Future

The Council was awarded funding for Wave 4 of the Governments Building Schools For The Future Programme in 2007. This is a one off chance to completely transform secondary education and community buildings within the Borough as part of a £200 million vision to create ‘Campus Telford’. Property & Design advise on all ‘Technical’ aspects of this project.

In order to deliver real transformational change the Council has considered co locating secondary education with primary schools and leisure/community facilities. In certain cases this will involve closing certain facilities disposing of the sites and re locating them elsewhere. Some school locations will change to provide better coverage across the Borough. The proposals will include some new schools and the remainder being remodelled. In order to meet the Partnership For Schools timescales an Outline Business Case was submitted in January 2009. This included an Outline Planning Application for the first pilot school the Abraham Darby School submitted in November 2009.

In October 2009 after an extensive evaluation process Kier Construction were appointed as the “preferred bidder”. This contractor will provide all the schools with Abraham Darby to the first started in Spring 2010. The delivery of this programme to time and budget will be challenging and staff resources will need to be carefully considered. The reduction in funding announced in October 2010 has necessitated a re plan of the proposed works and a revised bid has been submitted with the support of Partnership for Schools.

7.0 Property Investment Portfolio (PIP)

The Authority holds a number of individual sites for investment, regeneration and economic development purposes. Details of all assets are contained in the Authority’s Asset Register and their values (see Section 10) based on CIPFA valuation principles. The property investment portfolio (PIP) has an annual revenue target of £6.2m.

Independent assessments measuring performance of the PIP are undertaken on an annual basis. The most recent report by GVA Grimley dated July 2010 recognised that, ‘The Council’s Portfolio out performed the IPD benchmarks by a considerable margin.

Challenging times are expected in 2010/11 with increasing instances of tenant default, difficulties re-letting and decreased rental income as market levels fall below those of five

years previous. Recovery from the credit crunch is underway but expected to be weak, and whilst output rose by 0.4 in the final quarter of 2009 and 0.3 in the first quarter of 2010, uncertainty remains. Rents generally will be lower at the end of 2010 than at the start, but 2011 should see a return to growth'. Property & ICT has continued to support local businesses throughout the recession whilst trying to protect revenue streams for the Authority. This has extended to agreements and deferred rental payments helping to safeguard jobs in the Borough, and maintain the local economy. The estates & Investments service continued to enjoy great success in 2010 despite challenging economic conditions and achieved lettering totalling 350,000

GVA Grimley's assessment and the Spending Review 2010 prompted a compressive review of the PIP. Completed in November, the review identified a number of assets that are not performing in terms of income generation and those whose age and condition will be a significant drain on a repair and maintenance budget to be reduced in 2011. The review analysed every item of income and expenditure from 2005 to 2010, together with liabilities emanating from condition and asbestos surveys completed in 2009. The indicators against which the performance of each asset was then assessed were:

1. Condition

Previous levels of repair and maintenance expenditure, and an examination of future liabilities expressed as a percentage of current capital value. Future liabilities were reported in the context of a reduction in the repair and maintenance budget in 2011.

2. Net Return

The impact of changes in income, expenditure and capital values on the overall net return. Prospects of increases in light of typical void rates and conditions within the different market sectors.

3. Portfolio Mix

The impact that a disposal of the asset would have in terms of meeting the PIP income target.

4. Community Benefit

Whether the asset is used for a purpose that directly benefits the local community.

5. Regeneration

Whether the asset located within a regeneration area, or a catalyst for the Authority's Borough Towns Initiative.

The buildings were then categorised according to the Traffic Light System below:

% Compliance	Traffic Light Indicator	Actions Arising
0-35	Red	Asset suitable for disposal
36-70	Amber	Asset to be reviewed
71+	Green	Asset to be retained

The process has identified 26 sites suitable for disposal and a further 18 for review. Those considered suitable for disposal will be sold. The sales will be timed to achieve best consideration, and coincide with the acquisition/development of replacement investments in

order to maintain income streams. A total of 40 sites were rated green, considered to be performing well in all aspects and may be retained at the present time.

There is a need to transform the assets held within the PIP, disposing of those assets nearing the end of their useful life and reinvesting the proceeds in modern buildings capable of providing income/capital growth, have reduced maintenance liabilities and will help deliver new employment opportunities for the Borough. The new investments will seek to maintain the balanced mix across the property sectors, spreading the overall risk to the Authority.

The Authority has continued to enjoy close working relationships with a number of key partner organisations and stakeholders within the Borough including Telford and Wrekin Primary Care Trust, West Mercia Police, Parish/Town Councils and elected members.

Practical examples of partnership working include a £1 million fit out by Property & ICT of Euston House on behalf of the Telford & Wrekin Primary Care Trust. The project which was completed in January 2011, will enable the PCT to deliver high quality Musculoskeletal and Ophthalmology services direct to patients in a community setting. Property & ICT is also undertaking appraisals to design, build and lease Doctors Surgeries, improving the coverage of care throughout the Borough. Working in partnership with the PCT will ensure the best use of public sector assets and funding.

Property & ICT work in conjunction with the Authority's Economic Development Unit, Business Link and Shropshire Chamber of Commerce to secure new lettings of its properties, attract inward investment, and help create jobs within the Borough.

Key Achievements 2010

- External assessment on the performance of the Property Investment Portfolio undertaken by GVA Grimley for the financial year 2009/10.
- Condition and asbestos data relating to the Property Investment Portfolio analysed and the extent of repair and maintenance liabilities understood.
- Comprehensive Review undertaken of the Property Investment Portfolio, and sites scored against the following criteria:
 1. Condition
 2. Financial Return
 3. Portfolio Mix
 4. Regeneration
 5. Community Benefit
- A business like approach to managing the PIP with ownership and responsibility. Strong improvements through financial management and property management in the proactive approach to managing the PIP
- Performance Management embedded within the approach to managing the PIP covering a range of areas such as rental income, repair and maintenance, voids, debt management, investment
- Continued to source alternative sources of funding with which to help finance new developments, and improve condition of existing assets. An example is the funding from The Townscape Heritage Initiative. Supported by the Heritage Lottery Fund the fund has been used to improve the external appearance of 9 New Street, Wellington, a listed building within a Conservation area and Borough Town's Initiative.

- Energy Performance Assessments undertaken for all investment properties (with the exception of properties with a low energy usage). The Energy Performance Certificates can now be issued electronically to customers. The certificates shall also serve as a guide to improving the energy efficiency of those assets to be retained.
- Property & ICT are continuing to develop robust debt recovery procedures, in conjunction with the Authority's Business Revenues and Legal Services Business Units. The levels of current and former tenant debt can now be viewed in a graphical format enabling assessments to be made regarding levels and achievements.
- Assisted a number of our customers during the economic downturn, via payment arrangements, agreeing to deferred payments and restructuring of leases. This has helped ensure progress towards achieving of Investment Portfolio income target, and helped safeguard jobs within the Borough.
- Developed strong links with the Council's Economic Development Service, transforming enquiries into new business that generates revenue for the Authority and creates new jobs in the Borough. The Economic Development Service also offers a business support service to customers of Property & ICT.
- Greater use of conditional break options, surrender premiums, rent deposits and guarantees, reducing risk during a time of market uncertainty.
- Established Rent, Repair and Maintenance and Service Charge budgets for individual assets. Regular meetings held with Finance to ensure actual spend throughout the financial year is operating to budget.
- Development of new properties capable of achieving the highest possible BREEAM rating, conforming to national policies regarding sustainability and energy performance. An example being the new Leegomery Local Centre completed April 2010. Continued reinvestment in properties for the Investment Portfolio, that offer rental and capital growth, reduced liabilities and help achieve the overall rental income target that exists for the Property Investment Portfolio.
- Review of current marketing and promotional practises undertaken and an Enquiries database established.

Plans and Developments 2011

- Obtain external assessment from GVA Grimley on the performance of the Property Investment Portfolio for the financial year 2010/11.
- Complete a planned programme of disposals and reinvest the proceeds to ensure the long term sustainability of the Property Investment Portfolio.
- Develop an Estates & Investments web site, increasing customer awareness and opportunities to generate new business.
- Develop and implement a planned programme of repair and maintenance works, and enforcement of lease covenants. The programme will ensure that the overall condition of assets within the investment portfolio is effectively managed.
- Completion of a new retail store in Oakengates

- Completion of new retail in Randlay and Sutton Hill. The development will achieve a 'very good' BREEAM rating, and conform to national policies regarding sustainability and energy performance.
- Continue the greater use of conditional break options linked to repayment of rent free incentives, surrender premiums, rent deposits and guarantees at a time of market uncertainty.
- Continued reinvestment in properties for the Investment Portfolio, that offer rental and capital growth, reduced liabilities and improved energy efficiencies.
- Development of new properties capable of achieving the highest possible BREEAM rating, and conforming to national policies regarding sustainability and energy performance.
- Identifying and securing external sources of funding, to help finance the development of new investment property.
- Achieving the Investment Portfolio income target whilst being proactive in the assistance of clients in the current economic downturn.
- Continue to reduce both current and former tenant debt.
- Effectively manage Rent, Repair and Maintenance and Service Charge budgets against targets set for individual assets.
- Review performance of assets within the Investment Portfolio based on financial information for 2010/11 and combine disposal and reinvestment strategy based on the Traffic Light Scoring system.

Land Strategy (Including TWC & HCA)

TWC Land Assets

The land Assets held by the Authority within the Asset Register are defined as playing fields, public open space, amenity land, woodland, paddocks etc and amount to some 300 hectares (Ha). Specifically the area excludes the site area of built operational and non-operational assets (which extends to some 700Ha). The aim of the Land Strategy has been to undertake a detailed appraisal of each individual land asset by collating information from a number of sources into a single database. The information for each site includes the following key information:-

- Site Description
- Site Area
- Existing Use
- Suitability for disposal
- Potential for alternative use
- Legal issues
- Planning issues
- Engineering information
- Regeneration considerations

In specific issues such as planning, regard has been made to the adopted Local Development Framework and the sites current land allocation, together with a view on future development potential.

The information collated has been used to categorise each land asset. A traffic light system of categorising has been adopted as follows:

Red	Land suitable for disposal
Amber	Land that may be suitable for disposal, further investigations are required before a recommendation is made e.g. Engineering study, Planning application etc..
Green	Land to be retained

The assessment was completed in 2010 with the detailed appraisal of the 358 assets categorised as follows:

Category	Number of Assets
Red	17
Amber	107
Green	234

The assets identified for disposal (red) could be sold through a range of methods including private treaty, informal tender and auction. The timing of the individual disposals will be at a point when best consideration can be achieved and following relevant approvals.

The land strategy has identified some 107 “Amber sites” that could be suitable for disposal but where further studies/investigations are required before the assets can be sold e.g. Engineering studies, ecological surveys, Planning applications etc. A programme will be established to investigate these Amber sites over the next 5 years.

Assets categorised as green (land to be retained) will continually be reviewed on a rolling 5 year program (20% per annum) to ensure that where criteria/circumstances have changed the sites development /disposal can come forward.

The Land strategy, Operational Property strategy and PIP strategy all connect and form the approach to Asset Management within Telford.

HCA Land Assets

The HCA's land ownership in Telford amounts to some 755Ha. These assets are split between strategic (sites include Lawley, East Ketley & Lightmoor) and non-strategic assets (which have three distinctions, namely Sites with residential potential, Sites with employment potential and Other land). In early 2010 the HCA's land and Property Working Group undertook a review of the HCA's strategic and non-strategic assets and how these might best be managed between the area and corporate teams. Following this, a paper was considered by the HCA's West Midlands Management Board in July 2010 for the future management and disposal of assets. The paper outlined a proposal whereby all or some of the HCA's assets in Telford could be transferred or managed by TWC. Positive discussions continue to take place between HCA and TWC as to how to take this opportunity forward, with the proposed solution being assessed in 2011.

8.0 Asset Details & Performance

The statement of assets is found in Appendix 2.

A raft of Performance Indicators are collected and compared with other similar Local Authorities via the Octopus Benchmarking Group. 3 key measures against condition, energy use and space utilisation are contained in Appendix 3.

In summary with reducing budgets maintenance/refurbishment has been kept to a minimum across both Operational property and schools. This has led to a rise in condition back log. However BSF will substantially reduce the school back log as new and refurbished schools come on stream. On the Operational side Property Rationalisation will reduce the backlog of outstanding maintenance as services and staff are concentrated in key modern buildings and old out dated buildings are disposed of.

Energy use as we have seen in Chapter 5 is increasingly important from both an environmental and financial viewpoint. Whilst we have pursued a programme of eco friendly initiatives such as bio mass boilers, increased insulation etc this has been offset by increasing use of technology powered by electricity in buildings. It is expected that further significant reductions in usage can come from both the BSF and Property Rationalisation programme which will both utilise modern technologies including photo voltaics, ground source heat pumps etc.

Similarly space utilisation should further improve from current standards as Property Rationalisation gathers momentum (Chapter 5).

Appendix 1

Corporate Vision

The wider Corporate Vision of the Authority seeks:

“A successful, prosperous and healthy community which offers a good quality of life to all the people of Telford and Wrekin that reflects the needs and opportunities of the 21st Century”

Creating a successful, prosperous and healthy community is dependent on all parts of the community and local organisations and agencies working together in a 'joined up' way. Together with our partners on the Local Strategic Partnership, the Council is committed to realising a shared agenda of community priorities that support the delivery of the Vision. The seven shared priorities, together with our key focuses for action that we have identified. Each of the AMP drivers which will contribute to their achievement are identified as follows:

Priority 1: Active Lifestyles:

- To maintain, refurbish and develop leisure buildings which help to maintain a healthy and well educated community such as refurbishing Newport Swimming pool.
- Development of the Building Schools for the Future (BSF) programme including community leisure provision such as Abraham Darby Learning Community.
- Working with sports governing bodies to secure funding and develop facilities of the highest quality such as Oakengates Tennis Centre and Telford AFC pitches.

Priority 2: Adult Care and Support:

- Develop co-location strategies with external partners to improve support to community e.g. Primary Care Trust, Fire Service. Partnership development with PCT at Euston House.
- To ensure that buildings are adapted to ensure that the needs of people with disabilities are encompassed within service delivery.

Priority 3: Children and Young People:

- To deliver value for money, well constructed and designed school buildings and other learning facilities (e.g. school amalgamations) in which people can learn and develop.
- Development of the Building Schools for the Future (BSF) programme embedding 'every child matters' principles at the heart of decision making. Abraham Darby Academy is being constructed at present.
- Continue with the modernisation programme for schools to improve condition and suitability of the schools.
- To ensure delivery of the construction projects relating to amalgamation of schools.
- Delivery of the Primary Capital Programme in consultation with Children & Young People.

Priority 4: Community Focussed and Efficient Council:

- Provide and maintain appropriate assets, property and infrastructures (e.g. ICT/eGovernance) to successfully support service delivery.
- Property Review and rationalisation of office accommodation and new ways of working.
- Seek appropriate methods of procurement (i.e. Term Contracts) to ensure that value for money and high service delivery is provided
- Undertake Equalities Impact Assessments on all major projects to ensure that the needs of the local communities are embedded within the design process.
- Maintaining property assets to a high standard in line with good Asset Management principles and Service Delivery requirements
To maximise revenue income from the Council's investment portfolio within sound estate and asset management principles and having due regard to supporting the local economy and job creation

Priority 5: Community Cohesion and Protection:

- To improve the safety and sense of well being on estates and local centres for the public, by continuing to improve security and safety measures through risk assessments, guarding and other sustainable methods
- To provide safe schools in which to learn and study
- Support and work with local police forces and community safety officers, to ensure they target resources where the Council is suffering a high level of incidents and to inform planned construction projects.
- Undertake Equalities Impact Assessments on all major projects to ensure that the needs of the local communities are embedded within the design process.

Priority 6: Environment and Rural Area:

- To ensure that the public areas are maintained to a high standard
- To seek enhancements to the environment of public and office areas
- To provide attractive, energy efficient public buildings and schools within a quality environment
- To strive towards an excellent BREEAM rating in relation to school provision.
- To ensure environmental principals are embedded within Land Disposal and the Planning Process.

Priority 7: Housing Regeneration and Prosperity:

- Town Centre regeneration to provide vibrant heart to Telford with employment, leisure, retail and housing opportunities
- Regeneration of Borough Towns. Including new Offices, Library and registry office in Wellington, re paving Wellington, Dawley High Street re paving, Newport High Street repaving, Victoria Park improvements.
- Working with Wrekin Housing Trust and other social housing providers to bring forward sites for housing.
- Development of the Building Schools for the Future (BSF) programme embedding 'every child matters' principles at the heart of decision making.
- To maximise revenue income from the Council's investment portfolio within sound estate and asset management principles and having due regard to supporting the local economy and job creation
- To contribute to a dynamic economy via a capital spending programme

Appendix 2

Fixed Assets Utilised by the Council		Total Values
Emergency Planning Centre	1	£200,000
Bus Stations	4	£119,000
Cemetery Building	1	£1
Changing Rooms & Pavilions	12	£1,019,000
Community Centres	5	£1,303,500
Travellers' Sites	2	£1,070,000
Hostels, Refuges, Homeless & Sheltered Accommodation	2	£1,798,000
Ice Rink	1	£1,500,000
Leisure Centres	5	£8,932,000
Libraries	8	£2,869,400
Nursery Schools	1	£279,000
Offices	14	£10,110,750
Outdoor Activity Centre	1	£617,000
Primary/Infants/Junior Schools	55	£87,599,300
Public Conveniences	3	£134,800
Secondary Schools	10	£35,517,000
Ski Slope	1	£367,000
Special Schools	3	£5,738,000
Swimming Pools	2	£1,769,000
Theatres	1	£1,780,000
Training/Day Centres & Residential Care	7	£5,584,000
Visitors Centre (Spout Farm)	1	£250,000
Youth Projects	5	£609,000
Joint Service Facility (Swan Centre)	1	£1,191,000
Pupil Referral Units	1	£430,000
Children Centres	2	£1,805,000
First Point Centres - Former Hadley Library	1	£60,000
TOTAL	150	£170,748,087

Operational Property Leased in from Property Investment Portfolio

Property Type	Quantity	Total Values
Offices	7	See PIP table for asset value
Training / Day Centre	2	See PIP table for asset value

Operational Property Leased in from Private Sector

Property Type	Quantity
Offices	5
HLC Learning Community (Private Finance Initiative – PFI)	1
Jigsaw (PFI)	1
TOTAL	7

Property Investment Portfolio - Details

Property Investment Assets	Quantity	Total Values
Smallholdings	1	£400,000
Offices	28	£17,846,700
Retail	30	£7,828,600
Industrial	30	£20,966,600
Miscellaneous/Ground Rents/rationalisation	151	£25,201,000
TOTAL	240	£72,242,900

Appendix 3

Telford & Wrekin Property Performance Indicators for 2010

General indicator comments as per AMP 2011/2014 with the note that all indicators are available for inspection in Property & ICT and that contained in this AMP report are those considered most appropriate.

Indicator 1Bi : Required maintenance by cost expressed as a total cost in Priority levels 1–3

Priority 1–3 covers a 5 year maintenance period

The total cost of priority level 1 – 3 works for all operational property (including schools) is £40,433,337. The average for the Benchmark group which comprises similar sized authorities is £62, 232,762. T&WC figure is split as follows:

Operational Property	£11,080,659
School Property	£29,352,678

Previous year comparisons

		2007	2008	2009	2010
Schools	P1-P3	£26,491,290	£25,277,205	£27,657,372	£29,352,678
Operational	P1-P3	£10,173,636	£11,984,120	£10,134,790	£11,080,659

Both figures have risen. The primary reasons for this is reduced expenditure in both schools and leisure centres pending Building Schools for the Future and reduced expenditure on Operational Property pending Property Rationalisation programme.

Indicator 2A : Energy costs/consumption

The cost for all operational buildings including schools is:

£ spend per m2 GIA	£14.00
Benchmark average	£12.11

Previous year comparisons

Year	£ spend per m2 GIA
04/05	£8.08
05/06	£5.91
06/07	£10.75
07/08	£10.75
08/09	£16.59
09/10	£14.00

It is encouraging to see that energy consumption has fallen. The main reasons for this have been awareness campaigns to staff to switch off lights and heating together with energy efficiency measures in buildings when alterations/refurbishments or boiler replacement occurs. Against this increasing use of computers and ICT across buildings has and will continue to increase consumption. Property Rationalisation and Building Schools For The Future will again significantly reduce this. New schools will be built to modern standards and refurbished schools will have their efficiency improved via better insulation and heating systems. Property Rationalisation will increase the number of buildings and concentrate services in a small number of modern efficient buildings.

Translated Introduction

If you require any part of this Telford and Wrekin Council Corporate Asset Management Plan 20010/2013 of Telford and Wrekin Council translating into your own language, please telephone our Translation Service on 01952 382121 and quote reference AMP2009/2012:

This document is also available in large print, in Braille and on audio tape.

PART A – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

The report details the Treasury Strategy to be adopted for 2011/12.

2. RECOMMENDATIONS

Members are asked to note the treasury management activities for the first half year and approve the Treasury Strategy, including the approval of the counter party limits shown in Appendix C with immediate effect.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific priority plan objectives? Yes/ ~~No~~ Efficient Community Focussed Council Will the proposals impact on specific groups of people? Yes/ ~~No~~
TARGET COMPLETION / DELIVERY DATE	Part of ongoing Treasury Management Activities within the Treasury Management Strategy and Policy approved by Council.
FINANCIAL/VALUE FOR MONEY IMPACT	Yes/ ~~No~~ Where appropriate these are detailed in the body of the report.
LEGAL ISSUES	Yes/ ~~No~~ The Head of Finance and (Section 151 Officer) has responsibility for the administration of the financial affairs of the Council. In providing this report the Head of Finance is meeting one of the responsibilities of the post contained within the Council's Constitution at Part 2, Article 12, paragraph 12.04(f) which states "The Chief financial Officer will contribute to the promotion and maintenance of high standards of governance, audit, probity and propriety, risk management and the approval of the statement of accounts through provision of support to the Audit Committee."

**OTHER IMPACTS,
RISKS AND
OPPORTUNITIES**

Yes/No

The key opportunities and risks associated with treasury management activities are set out in the body of the report and in the Treasury Management Strategy and Policy approved by Council and will be regularly monitored throughout the year.

**IMPACT ON
SPECIFIC WARDS**

Yes/No

PART B – ADDITIONAL INFORMATION**4. 2010/11 TREASURY MANAGEMENT UPDATE****4.1 CURRENT PORTFOLIO POSITION**

	31 March 2010	31 Dec 2010
	Principal	Principal
	£m	£m
Fixed Rate Borrowing	118.024	118.024
Variable Rate Borrowing	<u>5.000</u>	<u>9.500</u>
Total Debt	123.024	127.524
Investments - in-house	54.033	82.340
- with external managers	<u>19.811</u>	<u>0.000</u>
Total Investments	73.844	82.340
Net Indebtedness	49.180	45.184

4.2 INTEREST RATES

Base rates began the year at 0.5% and have remained there all year. The Bank of England extended its Quantative Easing programme during last year to £200bn. There has not been any extension to this nor any unwinding during the current year. The next move in the base rate is expected to be upwards, but not until late 2011 and will be strongly linked to how the economy recovers.

4.3 BORROWING & RESCHEDULING

The borrowing strategy for the current year has been to use maturing investments to reduce borrowing.

Rescheduling

During 2010/11 no rescheduling has taken place as market conditions have not been favourable, however the scope for opportunities is regularly monitored.

New Borrowing

During May and November two of our short term PWLB loans both for £5m matured. 2 new PWLB loans were taken in August both for £5m and 10 years with Equal Instalments of Principal. These are to fund capital investment. The borrowing has been undertaken in advance to take advantage of current favourable rates. Rates are predicted to increase over the next few months.

As part of the Comprehensive Spending Review in October, the Government announced an increase to the interest rates on loans from the PWLB, which saw PWLB borrowing costs rise by around 0.9%.

Between the period 1 June 2010 (previous Member update) and 31 December 2010, £34.2m of temporary loans have been raised in order to fund short-term cash flow requirements at various points. Interest rates have ranged from 0.28% to 0.60% - interest rates have remained fairly low during this time. £4.5m of this temporary borrowing was outstanding at 31 December 2010.

4.4 INVESTMENTS

The strategy for the current year is: To gain maximum benefit, subject to risk control parameters, whilst achieving as a minimum target the 7 day deposit rate.

4.4.1 Fund Managers

It has been very difficult for Fund Managers to achieve reasonable rates of return in the current climate and the outlook for future years is only slightly more promising. The Council had one fund manager between April And December 2010 who achieved a return of 0.98%. All funds have now been withdrawn given the very low rate of return being achieved and limited prospects for improvement in the short and medium term.

4.4.2 In-House Investments

The majority of the Council's investments are internally managed - a mix of both temporary investments for cash flow purposes and longer term investments are undertaken internally. The target return is to achieve at least the 7 day deposit rate.

Temporary Investments

A proportion of funds are invested by the Council's own officers in order to maximise returns from day to day cash flows

In total £692.5m of investments were placed between 1 June and 31 December. Interest rates have ranged from 0.25% to 0.80% and periods ranged from overnight deposits to 40 days. £17.3m in house temporary investments were held at 31 December 2010.

Longer Term Investments

A number of internally managed deposits have been made previously as an alternative to fund managers. This has been added to during 2010/11 with a £10m one year investment at 2.15%, a £5m one year investment at 1.9% and

a £5m six month investment at 1.33%. A full list of longer term investments is shown below.

		£m	%
Fixed Deposit	22/01/07 – 24/01/11	5.0	5.52
Fixed Deposit	01/10/08 – 01/10/13	5.0	6.62
Fixed Deposit	02/10/08 – 02/10/13	5.0	6.80
Variable Deposit	30/07/08 – 30/07/12	10.0	1.00
Fixed Deposit	03/08/09 – 01/08/14	5.0	6.32
Fixed Deposit	06/03/09 – 06/03/14	5.0	6.31
Fixed Deposit	31/03/09 – 31/03/14	5.0	6.37
Fixed Deposit	22/04/09 – 22/04/14	5.0	6.35
Fixed Deposit	09/07/10 – 15/07/11	10.0	2.15
Fixed Deposit	18/11/10 – 17/11/11	5.0	1.90
Fixed Deposit	18/11/10 – 17/05/11	5.0	1.33
Total		65.0	

It should be noted that under the current guidance from our Treasury Advisors our investment policy would mean that investments should not be placed for longer than 2 years. However the majority of these investments were placed before the start of the financial crisis which resulted in recommended periods for maximum duration being shortened. The council is benefiting from very attractive rates of interest that are no longer available.

Overall the weighted average return on all internal investments for the year to date was 3.74% compared to a benchmark return for the period of 0.40% representing a projected annual additional £2.1m generated over what we would have achieved had all the investments been short term.

4.4.3 Overall Position and Exposure

A full analysis of all Council investments at the end of December is shown in Appendix E.

Our current maximum exposure is £20.0m with any one counterparty which was agreed when we had 3 fund managers, Counterparty limits will be reviewed when our long term investments mature in 2014. At the end of December the greatest exposure with a single counterparty was £20.0m with Barclays and £20m with Royal Bank of Scotland (24.3% of the total portfolio).

No investments in Supranational Bonds were held at the end of December.

The Council is guided by its Treasury advisers, Arlingclose, in assessing investments.

4.5 LEASING

Each year the Council arranges operating and finance leases for assets such as vehicles, computers and equipment. This helps to spread the cost over a number of years.

The first drawdown for 2010/11 took place in October for ICT equipment and vehicles. The value of the lease is £120,305 with JCB Finance.

5.	<u>PREVIOUS MINUTES</u>
	Audit Committee 2 February 2010 Audit Committee 10 February 2010 Council 4 March 2010 Audit Committee 28 June 2010 Audit Committee 2 November 2010 Audit Committee 1 February 2011

6. TREASURY STRATEGY FOR 2011/12 to 2013/14

6.1 BACKGROUND

6.1.1 The CIPFA Treasury Management Code of Practice 2009

The Chartered Institute of Public Finance and Accountancy's Code of Practice for Treasury Management in Public Services (the "CIPFA TM Code") and the Prudential Code require local authorities to determine the Treasury Management Strategy Statement (TMSS) and Prudential Indicators on an annual basis. The TMSS also incorporates the Investment Strategy as required under the CLG's Investment Guidance.

CIPFA has defined Treasury Management as:

"the management of the organisation's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."

The Council is responsible for its treasury decisions and activity. No treasury management activity is without risk. The successful identification, monitoring and control of risk are integral element to treasury management activities and include Credit and Counterparty Risk, Liquidity Risk, Market or Interest Rate Risk, Refinancing Risk and Legal and Regulatory Risk.

The strategy takes into account the impact of the Council's Revenue Budget and Capital Programme on the Balance Sheet position, the current and projected Treasury position (Appendix A), the Prudential Indicators and the outlook for interest rates (Appendix B).

The purpose of this TMSS is to approve:

- Treasury Management Strategy for 2011-12 (Borrowing and Debt Rescheduling - Section 6.2, Investments - Section 6.3)
- Prudential Indicators – (NB: the Authorised Limit is a statutory limit)
- MRP Statement – Section 6.6
- Use of Specified and Non-Specified Investments – Appendices C & D.

The Council approved the adoption of the CIPFA Treasury Management Code at its meeting on 4 March 2010, which incorporated the changes from the revised CIPFA Code of Practice into its treasury policies, procedures and practices.

All treasury activity will comply with relevant statute, guidance and accounting standards.

6.1.2 Balance Sheet and Treasury Position

The underlying need to borrow for capital purposes, as measured by the Capital Financing Requirement (CFR), together with Balances and Reserves, are the core drivers of Treasury Management Activity. The estimates, based on the current Revenue Budget and Capital Programmes, are:

	31/03/2011 Estimate £m	31/03/2012 Estimate £m	31/03/2013 Estimate £m	31/03/2014 Estimate £m	31/03/2015 Estimate £m
Capital Financing Requirement	237.937	284.390	269.021	260.862	234.175

6.1.3 The Council's level of physical debt and investments is linked to the CFR and level of Balances and Reserves. The current portfolio position is set out at Appendix A. Market conditions, interest rate expectations and credit risk considerations will influence the Council's strategy in determining the borrowing and investment activity against the underlying Balance Sheet position. The Council will ensure that net physical external borrowing (i.e. net of investments) will not exceed the CFR other than for short term cash flow requirements.

6.1.4 Estimates of Capital Expenditure

2.3. It is a requirement of the Prudential Code to ensure that capital expenditure remains within sustainable limits and, in particular, to consider the impact on Council Tax.

Capital Expenditure	2010/11 Approved £m	2010/11 Revised £m	2011/12 Estimate £m	2012/13 Estimate £m	2013/14 Estimate £m	2014/15 Estimate £m
Total	95.510	93.064	105.470	88.439	45.712	33.967

Capital expenditure is expected to be financed as follows

Capital Financing	2010/11 Approved £m	2010/11 Revised £m	2011/12 Estimate £m	2012/13 Estimate £m	2013/14 Estimate £m	2014/15 Estimate £m
Capital receipts	2.067	2.509	8.399	33.085	12.600	23.468
Government Grants	45.986	48.702	43.463	63.490	33.684	29.342
Revenue / External contributions	0.000	3.518	0.436	0.000	0.000	0.000
Total Financing	48.053	54.729	52.298	96.575	46.284	52.810
Supported borrowing	5.728	7.154	0.462	0.000	0.000	0.000
Unsupported borrowing	41.729	31.181	52.710	-8.136	-0.572	-18.843
Total Funding	47.457	38.335	53.172	-8.136	-0.572	-18.843
Total Financing and Funding	95.510	93.064	105.470	88.439	45.712	33.967

Incremental Impact of Capital Investment Decisions:

6.1.5 Incremental Impact of Capital Investment Decisions:

As an indicator of affordability the table below shows the impact of capital investment decisions on Council Tax and Housing Rent levels. The incremental impact is calculated by comparing the total revenue budget requirement of the current approved capital programme with an equivalent calculation of the revenue budget requirement arising from the proposed capital programme.

Incremental Impact of Capital Investment Decisions	2010/11 Approved £	2011/12 Estimate £	2012/13 Estimate £	2013/14 Estimate £	2014/15 Estimate £m
Revenue Impact – in year		-63,000	328,000	-82,000	-69,000
Revenue Impact - cumulative		-63,000	265,000	183,000	114,000
Increase in Band B Council Tax	6.47	-0.96	4.04	2.79	1.74

6.1.6 The estimate for interest payments in 2011/12 is £6.523m and for interest receipts is £2.783m. The ratio of financing costs to the Council's net revenue stream is an indicator of affordability and highlights the revenue implications of existing and proposed capital expenditure by identifying the proportion of the revenue budget required to meet borrowing costs. The ratio is based on costs net of investment income.

Ratio of Financing Costs to Net Revenue Stream	2010/11 Approved %	2010/11 Revised %	2011/12 Estimate %	2012/13 Estimate %	2013/14 Estimate %	2014/15 Estimate %
Non-HRA	2.95	2.40	2.60	4.00	3.95	4.50

6.2 Borrowing and Rescheduling Strategy

6.2.1 The Council's balance of actual gross borrowing plus other long-term liabilities is shown in Appendix A. This is measured in a manner consistent for comparison with the Operational Boundary and Authorised Limit.

6.2.2 The Authorised Limit sets the maximum level of external borrowing on a gross basis (i.e. not net of investments) and is the statutory limit determined under Section 3(1) of the Local Government Act 2003 (referred to in the legislation as the Affordable Limit).

Authorised Limit for External Debt	2010/11 Approved £m	2010/11 Revised £m	2011/12 Estimate £m	2012/13 Estimate £m	2013/14 Estimate £m	2014/15 Estimate £m
Borrowing	300	300	330	320	320	300
Other Long-term Liabilities	6	6	6	6	6	6
Total	306	306	336	326	326	306

6.2.3 The Operational Boundary links directly to the Council's estimates of the CFR and estimates of other cashflow requirements. This indicator is based on the same estimates as the Authorised Limit reflecting the most likely, prudent but

not worst case scenario but without the additional headroom included within the Authorised Limit.

Operational Boundary for External Debt	2010/11 Approved £m	2010/11 Revised £m	2011/12 Estimate £m	2012/13 Estimate £m	2013/14 Estimate £m	2014/15 Estimate £m
Borrowing	280	280	310	300	300	280
Other Long-term Liabilities	4	4	4	4	4	4
Total	284	284	314	304	314	284

6.2.4 The Chief Finance Officer has delegated authority, within the total limit for any individual year, to effect movement between the separately agreed limits for borrowing and other long-term liabilities. Decisions will be based on the outcome of financial option appraisals and best value considerations. Any movement between these separate limits will be reported to the next meeting of Council.

6.2.5 In conjunction with advice from its treasury advisor, Arlingclose Ltd, the Council will keep under review the following borrowing options :

- PWLB loans
- Borrowing from other local authorities
- Borrowing from institutions such as the European Investment Bank and directly from Commercial Banks
- Borrowing from the Money Markets
- Medium Term Notes
- Local authority stock issues
- Structured finance

6.2.6 Notwithstanding the issuance of Circular 147 on 20th October following the CSR announcement which increases the cost of new local authority fixed rate loans to 1% above the cost of the Government's borrowing, the PWLB remains an attractive source of borrowing, given the transparency and control that its facilities continue to provide. The types of PWLB borrowing that are considered appropriate for a low interest rate environment are:

- Variable rate borrowing
- Medium-term year Equal Instalments of Principal (EIP) or Annuity Loans
- Long-term Maturity loans, where affordable

Capital expenditure levels, market conditions and interest rate levels will be monitored during the year in order to minimise borrowing costs over the medium to longer term and maintaining stability. The differential between debt costs and investment earnings, despite long term borrowing rates being at low levels, remains acute and this is expected to remain a feature during 2011/12. The "cost of carry" associated with medium- and long-term borrowing compared to temporary investment returns means that new fixed rate borrowing could entail additional short-term costs. The use of internal resources in lieu of borrowing may again, in 2011/12, be the most cost effective means of financing capital expenditure.

6.2.7 PWLB variable rates are expected to remain low as the Bank Rate is maintained at historically low levels for an extended period. Exposure to variable interest rates will be kept under regular review. Each time the spread between long-term rates and variable rates narrows by 0.50%, this will trigger

a formal review point and options will be considered in conjunction with the Authority's Treasury Advisor and decisions taken on whether to retain the same exposure or change from variable to fixed rate debt.

6.2.8 The Council has £60.0m loans which are LOBO loans (Lender's Options Borrower's Option) of which £35.0m of loans are currently in or will be in their call period in 2011/12. In the event that the lender exercises the option to change the rate or terms of the loan, the Council will consider the terms being provided and also repayment of the loan without penalty. The Council may utilise cash resources for repayment or may consider replacing the loan(s) by borrowing from the PWLB. The default response will however be early repayment without penalty.

6.2.9 The Council is able to under certain circumstances to borrow in advance of spending needs. As our borrowing is currently well below our CFR we don't anticipate any borrowing in advance during 2011/12, especially given the cost of carry associated with any such borrowing.

6.2.10 The rationale for rescheduling would be one or more of the following:

- Savings in interest costs with minimal risk
- Balancing the volatility profile (i.e. the ratio of fixed to variable rate debt) of the debt portfolio
- Amending the profile of maturing debt to reduce any inherent refinancing risks.

As opportunities arise, they will be identified by Arlingclose and discussed with the Council's officers.

6.2.11 Borrowing and rescheduling activity will be reported to the Audit Committee.

6.2.12 The following Prudential Indicators allow the Council to manage the extent to which it is exposed to changes in interest rates. The upper limit for variable rate exposure has been set to ensure that the Council is not exposed to interest rate rises which could adversely impact on the revenue budget. The limit allows for the use of variable rate debt to offset exposure to changes in short-term rates on investments.

The Council's existing level of fixed interest rate exposure is 96% and variable rate exposure is 4%.

	2010/11 Approved %	2010/11 Revised %	2011/12 Estimate %	2012/13 Estimate %	2013/14 Estimate %
Upper Limit for Fixed Interest Rate Exposure	100	100	100	100	100
Upper Limit for Variable Interest Rate Exposure	25	25	30	30	30
Local Indicator – Upper limit for net variable rate exposure. (Net principal re gross variable rate borrowing and investments divided by gross borrowing plus investments)	80	80	60	60	60

6.2.13 The Council will also limit and monitor large concentrations of fixed rate debt needing to be replaced. Limits in the following table are intended to

control excessive exposures to volatility in interest rates when refinancing maturing debt.

Maturity structure of fixed rate borrowing	Existing level at 31/03/10 %	Lower Limit for 2011/12 %	Upper Limit for 2011/12 %
under 12 months	8	0	20
12 months and within 24 months	13	0	25
24 months and within 5 years	13	0	50
5 years and within 10 years	0.0	0	75
10 years and within 20 years	0.0	0	75
20 years and within 30 years	0.0	0	75
30 years and within 40 years	0.0	0	100
40 years and within 50 years	24	10	100
50 years and above	42	15	100

6.3 Investment Policy and Strategy

6.3.1 Guidance from CLG on Local Government Investments in England requires that an Annual Investment Strategy (AIS) be set.

6.3.2 The Council's investment priorities are:

- security of the invested capital;
- liquidity of the invested capital;
- an optimum yield which is commensurate with security and liquidity.

6.3.3 Investments are categorised as 'Specified' or 'Non Specified' investments based on the criteria in the CLG Guidance. Potential instruments for the Council's use within its investment strategy are contained in Appendices C and D. The Chief Finance Officer, under delegated powers, will undertake the most appropriate form of investments in keeping with the investment objectives, income and risk management requirements and Prudential Indicators. Decisions taken on the core investment portfolio will be reported to the Audit Committee.

6.3.4 Changes to investment strategy for 2011/12 include:

- AAA-rate Variable Net Asset Value (VNAV) Money Market Funds
- T-Bills
- Term deposits in Sweden
- Maximum duration for new deposits 2 years

6.3.5 As identified in Section 6.2.9 of this TMSS, the Council's investments include £0m borrowed in advance of spending needs .

The management of risks, including the risk of loss of the borrowed capital are identical to all forms of investment as set out in this strategy. The risk associated with interest rate changes are based on the Interest Rate forecast at Appendix C and the current "cost of carry".

6.3.6 The Council's current level of investments is presented at Appendix A and E.

6.3.7 The Council's in-house investments are made with reference to the outlook for

the UK Bank Rate and money market rates.

- 6.3.8** In any period of significant stress in the markets, the default position is for investments to be made with the Debt Management Office or UK Treasury Bills. (The rates of interest from the DMADF are below equivalent money market rates, but the returns are an acceptable trade-off for the guarantee that the Council's capital is secure.)
- 6.3.9** The Council selects countries and the institutions within them (see Appendix C), for the counterparty list after analysis and careful monitoring of:
- Credit Ratings (minimum long-term A+ for counterparties; AA+ for countries)
 - Credit Default Swaps (where quoted)
 - GDP; Net Debt as a Percentage of GDP
 - Sovereign Support Mechanisms/potential support from a well-resourced parent institution
 - Share Prices
 - Macro-economic indicators
 - Corporate developments, news and articles , market sentiment.
 - Maximum placed with a non UK sovereign – 20%

A guide to credit ratings is included in Appendix F

Counterparty limits will have to be reviewed should the Council decide to employ Fund Managers to manage investments in the future.

- 6.3.10** The Council and its Treasury Advisors, Arlingclose, will continue to analyse and monitor these indicators and credit developments on a regular basis and respond as necessary to ensure security of the capital sums invested.
- 6.3.11** The UK Bank Rate has been maintained at 0.5% since March 2009, and is anticipated to remain at low levels throughout 2011/12. Short-term money market rates are likely to remain at very low levels for an extended period which will have a significant impact on investment income.
- 6.3.12** To protect against a lower for longer prolonged period of low interest rates and to provide certainty of income, 2 year deposits and longer-term secure investments will be actively considered within the limits the Council has set for Non-Specified Investments (see Appendix D). The longer-term investments will be likely to include:
- Term Deposits with counterparties rated at least A+ (or equivalent)
 - Supranational Bonds (bonds issued by multilateral development banks):
- Even at the lower yields likely to be in force, the return on these bonds will provide certainty of income against an outlook of low official interest rates.
- 6.3.13** The Council has placed an upper limit for principal sums invested for over 364 days, as required by the Prudential Code. This limit is to contain exposure to the possibility of loss that may arise as a result of the Council having to seek early repayment of the sums invested. The relatively high limit is as a result of a number of long term investments being placed before the start of the financial crisis and more recently the reduction in investments mainly through withdrawal of funds from fund managers rather than incur borrowing.

No 12	Upper Limit for total principal sums invested over 364 days	2010/11 Approved %	2010/11 Revised %	2011/12 Estimate %	2012/13 Estimate %	2013/14 Estimate %	2014/15 Estimate %
		90	90	95	95	95	95

6.3.14 Liquidity Risk - As the Council has ready access to borrowings from the Public Works Loans Board, there is no significant risk that it will be unable to raise finance to meet its commitments in relation to financial instruments. The Council's strategy is also to ensure that not more than 40% of fixed rate loans are due to mature within the next three-year period through a combination of careful planning of new loans taken out and (where it is economic to do so) making early repayments. The Council also maintains some investments in liquidity/call accounts to provide immediate access to funds, if required.

6.3.15 Market Risk - During periods of falling interest rates, and where economic circumstances make it favourable, fixed rate loans will be repaid early to limit exposure to losses. The risk of loss is ameliorated by the fact that a proportion of government grant payable on financing costs will normally move with prevailing interest rates or the authority's cost of borrowing and provide compensation for a proportion of any higher costs.

The treasury management team has an active strategy for assessing interest rate exposure that feeds into the setting of the annual budget and which is used to update the budget monitoring during the year. This allows any adverse changes to be accommodated. The analysis will also advise whether new borrowing taken out is fixed or variable.

Going into 2011/12, the Council does not have investments managed by an external fund manager which are subject to price revaluations and therefore to market risk. This risk would arise should monies be reinvested through external fund management at any point in the year.

6.4 Outlook for Interest Rates

6.4.1 The economic interest rate outlook provided by the Council's treasury advisor, Arlingclose Ltd, is attached at Appendix B. The Council will reappraise its strategy from time to time and, if needs be, realign it with evolving market conditions and expectations for future interest rates.

6.5 Balanced Budget Requirement

6.5.1 The Council complies with the provisions of S32 of the Local Government Finance Act 1992 to set a balanced budget.

6.6 2011/12 MRP Statement

6.6.1 The Local Authorities (Capital Finance and Accounting)(England)(Amendment) Regulations 2008 (SI 2008/414) place a duty on local authorities to make a prudent provision for debt redemption. Guidance on Minimum Revenue Provision has been issued by the Secretary of State and local authorities are required to "have regard" to such Guidance under section 21(1A) of the Local Government Act 2003.

6.6.2 The four MRP options available are:
Option 1: Regulatory Method
Option 2: CFR Method

Option 3: Asset Life Method

Option 4: Depreciation Method

NB This does not preclude other prudent methods.

- 6.6.3** MRP in 2011/12: Options 1 and 2 may be used only for supported expenditure. Methods of making prudent provision for self financed expenditure include Options 3 and 4 (which may also be used for supported expenditure if the Council chooses).
- 6.6.4** The MRP Statement will be submitted to Council before the start of the 2011/12 financial year. If it is ever proposed to vary the terms of the original MRP Statement during the year, a revised statement should be put to Council at that time.
- 6.6.5** The Council will apply Option 1 in respect of supported capital expenditure and Option 3 in respect of unsupported capital expenditure.

And

MRP in respect of leases brought on Balance Sheet under the IFRS-based Code of Practice will match the annual principal repayment for the associated deferred liability.

6.7 Monitoring and Reporting on the Treasury Outturn and Prudential Indicators

- 6.7.1** Treasury activity is monitored monthly and reported internally to the Audit Committee on a quarterly basis. The Prudential Indicators will be monitored through the year and reported as under :

The Head of Finance will report to the Audit Committee on treasury management activity / performance and Performance Indicators as follows:

- (a) quarterly against the strategy approved for the year.
- (b) The Council will produce an outturn report on its treasury activity no later than 30th June after the financial year end.
- (c) Audit Committee? will be responsible for the scrutiny of treasury management activity and practices.

6.8 Other Issues

6.8.1 Training

CIPFA's Code of Practice requires the responsible officer to ensure that all members tasked with treasury management responsibilities, including scrutiny of the treasury management function, receive appropriate training relevant to their needs and understand fully their roles and responsibilities.

Reviewing and addressing training needs : The Head of Finance will ensure that those responsible for undertaking treasury activities are appropriately trained and kept up to date. Our treasury advisers provide regular free courses to assist with this..

6.8.2 Investment Consultants

The Council uses Arlingclose as its external treasury management advisers.

The Council recognises that responsibility for treasury management decisions remains with the organisation at all times and will ensure that

undue reliance is not placed upon our external service providers.

It also recognises that there is value in employing external providers of treasury management services in order to acquire access to specialist skills and resources. The Council will ensure that the terms of their appointment and the methods by which their value will be assessed are properly agreed and documented, and subjected to regular review.

7. BACKGROUND PAPERS

CIPFA Code of Practice for Treasury Management in Local Authorities
Fund Manager Valuations
Temporary Borrowing Records
PWLB records
Investment records
Draft Treasury Strategy provided by Arlingclose
Local Government Act 2003
CLG Guidance on Local Authority Investments
Audit Commission – Risk and Return

Report prepared by
Bernie Morris, Finance Manager (01952) 383702
Ken Clarke, Head of Finance (01952) 383100.

APPENDIX A

EXISTING PORTFOLIO PROJECTED FORWARD

	Current Portfolio £m	%	31/3/11 Estimate £m	31/3/12 Estimate £m	31/3/13 Estimate £m	31/3/14 Estimate £m	31/3/15 Estimate £m
External Borrowing:							
Fixed Rate – PWLB	63.0	33	106.2	125.3	125.3	125.3	125.3
Fixed Rate – Market	55.0	29	55.0	60.0	60.0	60.0	60.0
Variable Rate – PWLB	0.0	0	0.0	0.0	0.0	0.0	0.0
Variable Rate – Market	9.5	5	5.0	29.3	21.1	20.6	1.7
Total External Borrowing	127.5	67	166.2	214.6	206.4	205.9	187.0
IFRS Long Term Liabilities:							
PFI	63.4	33	63.4	62.4	61.0	59.7	58.0
Finance Leases	0.7	0	0.7	0.7	0.7	0.7	0.7
Total Gross External Debt	191.6	100	230.3	277.7	268.1	266.3	245.7
Investments: <i>Managed in-house</i>							
Short-term monies (Deposits/ monies on call /MMFs)	42.3	51	35.0	45.0	55.0	55.0	55.0
Long-term investments (maturities over 12 months)	40.0	49	40.0	30.0	20.0	20.0	20.0
Total Investments	82.3	100	75.0	75.0	75.0	75.0	75.0
(Net Borrowing Position)/ Net Investment position	(109.3)		(155.3)	(202.7)	(193.1)	(191.3)	(170.7)

Arlingclose's Economic and Interest Rate Forecast

Interest Rate Forecast – January 2011

	Mar-2011	Jun-2011	Sep-2011	Dec-2011	Mar-2012	Jun-2012	Sep-2012	Dec-2012	Mar-2013	Jun-2013	Sep-2013	Dec-2013	Mar-2014
Official Bank Rate													
Upside risk	0.25	0.25	0.25	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Central case	0.50	0.50	0.75	1.00	1.25	1.50	2.00	2.50	2.75	2.75	3.00	3.00	3.00
Downside risk			-0.25	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50
1 yr LIBID													
Upside risk	0.25	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Central case	1.65	1.90	2.15	2.40	2.50	2.50	2.75	3.00	3.25	3.50	3.50	3.50	3.50
Downside risk	-0.25	-0.25	-0.25	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50
5-yr gilt													
Upside risk	0.25	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Central case	2.75	3.00	3.25	3.50	3.75	4.00	4.00	4.00	4.00	4.00	4.25	4.25	4.00
Downside risk	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25
10-yr gilt													
Upside risk	0.25	0.25	0.25	0.25	0.25	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Central case	3.90	4.00	4.10	4.25	4.50	4.75	4.75	4.75	4.75	4.75	5.00	5.00	4.75
Downside risk	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25
20-yr gilt													
Upside risk	0.25	0.25	0.25	0.25	0.25	0.25	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Central case	4.50	4.75	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.25	5.25	5.00
Downside risk	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25
50-yr gilt													
Upside risk	0.25	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Central case	4.25	4.50	4.75	4.75	4.75	4.75	4.50	4.50	4.50	4.50	4.75	4.75	4.50
Downside risk	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25

- The recovery in growth is likely to be slow and uneven.
- The initial reaction to the CSR is positive, but implementation risks remain.
- The path of base rates reflects the fragility of the recovery and the significantly greater fiscal tightening of the emergency budget. With growth and underlying inflation likely to remain subdued, the Bank will stick to its lower for longer stance on policy rates.
- Uncertainty surrounding Eurozone sovereign debt and the risk of contagion will remain a driver of global credit market sentiment.
-

Underlying assumptions:

- The framework and targets announced in the Comprehensive Spending Review (CSR) to reduce the budget deficit and government debt will be put to the test; meeting the 2010 borrowing target of £149bn will be crucial to the gilt market's confidence in the credibility of the deficit reduction plans.
- Despite Money Supply being weak and growth prospects remaining subdued, the MPC has gravitated towards increasing rates in the new year as global inflation continues to rise along with household inflation.
- Consumer Price Inflation is stubbornly above 3% and is likely to spike above 4% in the first quarter of 2011 as a result of VAT, Utilities and Rail Fares.
- Unemployment remains near a 16 year high, at just over 2.5 Million, and is set to increase as the Public Sector shrinks. Meanwhile employment is growing but this is mainly due to part time work, leaving many with reduced income.
- Recently announced Basel III capital/liquidity rules and extended timescales are positive for banks. Restructuring of UK banks' balance sheets is ongoing and expected to take a long time to complete. This will be a pre-condition for normalisation of credit conditions and bank lending.
- Mortgage repayment, a reduction in net consumer credit and weak consumer confidence are consistent with lower consumption and therefore the outlook for growth.

- The US Federal Reserve downgraded its outlook for US growth; the Fed is concerned enough to signal further QE through asset purchases. Industrial production and growth in the Chinese economy are showing signs of slowing. Both have implications for the global economy.

Specified and Non Specified Investments

Specified Investments identified for use by the Council

Specified Investments will be those that meet the criteria in the CLG Guidance, i.e. the investment

- is sterling denominated
- has a maximum maturity of 1 year
- meets the “high credit quality” as determined by the Council or is made with the UK government or is made with a local authority in England, Wales, Scotland or Northern Ireland or a parish or community council.
- the making of which is not defined as capital expenditure under section 25(1)(d) in SI 2003 No 3146 (i.e. the investment is not loan capital or share capital in a body corporate).

“Specified” Investments identified for the Council’s use are:

- Deposits in the DMO’s Debt Management Account Deposit Facility
- Deposits with UK local authorities
- Deposits with banks and building societies
- *Certificates of deposit with banks and building societies
- *Gilts: (bonds issued by the UK government)
- *Bonds issued by multilateral development banks
- Treasury-Bills (T-Bills)
- AAA-rated Money Market Funds with a Constant Net Asset Value (CNAV)
- AAA-rated Money Market Funds with a Variable Net Asset Value (VNAV)
- Other Money Market Funds and Collective Investment Schemes– i.e. credit rated funds which meet the definition of a collective investment scheme as defined in SI 2004 No 534 and SI 2007 No 573.

1. ** Investments in these instruments will be on advice from the Council’s treasury advisor.*
2. *The use of the above instruments by the Council’s fund manager(s) will be by reference to the fund guidelines contained in the agreement between the Council and the individual manager.*

For credit rated counterparties, the minimum criteria will be the lowest equivalent short-term and long-term ratings assigned by Fitch, Moody’s and Standard & Poor’s (where assigned).

Long-term minimum: A+(Fitch); A1 (Moody’s); A+ (S&P)

Short-term minimum: F1 (Fitch); P-1 (Moody’s); A-1 (S&P)

The Council will also take into account information on corporate developments of and market sentiment towards investment counterparties.

New specified investments will be made within the following limits:

Instrument	Country/ Domicile	Counterparty	Maximum Counterp arty Limits £m
Term Deposits	UK	DMADF, DMO	No limit
Term Deposits/Call Accounts	UK	Other UK Local Authorities	No limit
Term Deposits/Call Accounts	UK*	Counterparties rated at least A+ Long Term and F1 Short Term (or equivalent)	£20m
Term Deposits/Call Accounts	Non-UK*	Counterparties rated at least A+ Long Term and F1 Short Term (or equivalent) in select countries with a Sovereign Rating of at least AA+	£20m
Gilts	UK	DMO	No limit
T-Bills	UK	DMO	No limit
Bonds issued by multilateral development banks		(For example, European Investment Bank/Council of Europe, Inter American Development Bank)	£30m
AAA-rated Money Market Funds	UK/Ireland / Luxembou rg domiciled	CNAV MMFs VNAV MMFs (where there is greater than 12 month history of a consistent £1 Net Asset Value)	£20m
Other MMFs and CIS	UK/Ireland / Luxembou rg domiciled	Pooled funds which meet the definition of a Collective Investment Scheme per SI 2004 No 534 and subsequent amendments	£20m

NB Any existing deposits outside of the current criteria will be reinvested with the above criteria on maturity.

NB

Non-UK Banks - These should be restricted to a maximum exposure of 20% per country. This means that effectively all your authority's investments can be made with non-UK institutions should you wish, but it limits the risk of over-exposure to any one country.

MMFs – Investments should be diversified including MMFs. We have been advised that, as far as is practicable, investments in Money Market Funds should be spread between two funds or more.

Group Limits - For institutions within a banking group, these are set at £20m.

This is the list of our current counterparties. This is regularly updated in conjunction with our treasury advisers. No new investment is made without checking current status of counterparty with our treasury adviser. :

Instrument	Country/ Domicile	Counterparty	Maximum Counterpa rty Limit £m	Maximum Group Limit (if applicabl e) £m	Current Holding £m
Term Deposits/Call Accounts	UK	Santander UK Plc (Banco Santander Group)	20	20	10
Term Deposits/Call Accounts	UK	Bank of Scotland (Lloyds Banking Group)	20	20	0
Term Deposits/Call Accounts	UK	Lloyds TSB (Lloyds Banking Group)	20	20	15
Term Deposits/Call Accounts	UK	Barclays Bank Plc	20	20	20
Term Deposits/Call Accounts	UK	Clydesdale Bank (National Australia Bank Group)	20	20	11
Term Deposits/Call Accounts	UK	HSBC Bank Plc	20	20	1
Term Deposits/Call Accounts	UK	Nationwide Building Society	20	20	0
Term Deposits/Call Accounts	UK	NatWest (RBS Group)	20	20	0
Term Deposits/Call Accounts	UK	Royal Bank of Scotland (RBS Group)	20	20	20
Term Deposits/Call Accounts	Australia	Australia and NZ Banking Group	20	20	0
Term Deposits/Call Accounts	Australia	Commonwealth Bank of Australia	20	20	0
Term Deposits/Call Accounts	Australia	National Australia Bank Ltd (National Australia Bank Group)	20	20	0
Term Deposits/Call Accounts	Australia	Westpac Banking Corp	20	20	0
Term Deposits/Call Accounts	Canada	Bank of Montreal	20	20	0
Term Deposits/Call	Canada	Bank of Nova Scotia	20	20	0

Accounts					
Term Deposits/Call Accounts	Canada	Canadian Imperial Bank of Commerce	20	20	0
Term Deposits/Call Accounts	Canada	Royal Bank of Canada	20	20	0
Term Deposits/Call Accounts	Canada	Toronto-Dominion Bank	20	20	0
Term Deposits/Call Accounts	Finland	Nordea Bank Finland	20	20	0
Term Deposits/Call Accounts	France	BNP Paribas	20	20	0
Term Deposits/Call Accounts	France	Credit Agricole CIB (Credit Agricole Group)	20	20	0
Term Deposits/Call Accounts	France	Credit Agricole SA (Credit Agricole Group)	20	20	0
Term Deposits/Call Accounts	France	Société Générale	20	20	0
Term Deposits/Call Accounts	Germany	Deutsche Bank AG	20	20	0
Term Deposits/Call Accounts	Netherlands	ING Bank NV	20	20	0
Term Deposits/Call Accounts	Netherlands	Rabobank	20	20	0
Term Deposits/Call Accounts	Sweden	Svenska Handelsbanken	20	20	0
Term Deposits/Call Accounts	Switzerland	Credit Suisse	20	20	0
Term Deposits/Call Accounts	US	JP Morgan	20	20	0

We also currently hold a £5m investment with Dexia whose credit ratings are slightly below the level required to be included on our list for new investments. This investment is regularly monitored with our treasury advisers and currently poses no risk of default.

Please note this list could change if, for example, a counterparty/country is upgraded, and meets our other creditworthiness tools. Alternatively if a counterparty is downgraded, this list may be shortened.

Non-Specified Investments determined for use by the Council

Having considered the rationale and risk associated with Non-Specified Investments, the following have been determined for the Council's use:

	In-house use	Use by fund managers	Maximum maturity	Max % of portfolio	Capital expenditure?
▪ Deposits with banks and building societies	✓		2 years	100	No
▪ CDs with banks and building societies	✓	✓	2 years	50	
▪ Gilts ▪ Bonds issued by multilateral development banks ▪ Bonds issued by financial institutions guaranteed by the UK government ▪ Sterling denominated bonds by non-UK sovereign governments	✓ (on advice from treasury advisor)	✓	2 years	50	No
Money Market Funds and Collective Investment Schemes, which are not credit rated	✓ (on advice from treasury advisor)	✓	2 years	25	No
Government guaranteed bonds and debt instruments issued by	✓	✓	2 years	25	Yes

corporate bodies					
Non-guaranteed bonds and debt instruments issued by corporate bodies	✓	✓	<i>2 years</i>	<i>25</i>	Yes
Pooled funds which are capital expenditure investments as defined by regulations.	✓ (on advice from treasury advisor)	✓	Nil	0	Yes

1. In determining the period to maturity of an investment, the investment should be regarded as commencing on the date of the commitment of the investment rather than the date on which funds are paid over to the counterparty.
2. The use of the above instruments by the Council's fund manager(s) will be by reference to the fund guidelines contained in the agreement between the Council and the individual manager.

TOTAL RISK PER COUNTERPARTY AS AT 31 DECEMBER 2010

	CREDIT RATING		TOTAL £000
<u>Fixed Deposits</u>			
Barclays	UK AAA	F1+AA- B 1	20,000
Dexia	Belgium AA+	F1+A+ C/D 1	5,000
HSBC	UK AAA	F1+AA B 1	900
Lloyds Bank	UK AAA	F1+AA- C 1	15,000
Royal Bank of Scotland	UK AAA	F1+AA- C/D 1	10,000
Santander	UK AAA	F1+AA- B 1	10,000
Yorkshire Bank	UK AAA	F1+AA- C 1	11,440
TOTAL- FIXED TERM AND CASH DEPOSITS			72,340
<u>Variable Deposits</u>			
Royal Bank of Scotland	UK AAA	F1+AA- C/D 1	10,000
TOTAL VARIABLE DEPOSITS			10,000
<u>Total</u>			<u>82,340</u>

<u>SUMMARY BY SOVEREIGN RATING</u>	<u>£000</u>	<u>%</u>
UK AAA	77,340	93.9
BELGIUM AA+	5,000	6.1
Total	82,340	100

Credit Ratings – A Guide.

Long-term credit ratings and Sovereign Ratings

Fitch Rating's long-term credit ratings are set up along a scale from 'AAA' to 'D', first introduced in 1924 and later adopted and licensed by Standard & Poors (S&P). Moody's also uses a similar scale, but names the categories differently. Like S&P, Fitch also uses intermediate modifiers for each category between AA and CCC (i.e., AA+, AA, AA-, A+, A, A-, BBB+, BBB, BBB- etc.).

Investment grade

- **AAA** : the best quality, reliable and stable
- **AA** : good quality, a bit higher risk than AAA
- **A** : economic situation can affect finance
- **BBB** : medium class counterparties, which are satisfactory at the moment

Non-investment grade

- **BB** : more prone to changes in the economy
- **B** : financial situation varies noticeably
- **CCC** : currently vulnerable and dependent on favorable economic conditions to meet its commitments
- **CC** : highly vulnerable, very speculative bonds
- **C** : highly vulnerable, perhaps in bankruptcy or in arrears but still continuing to pay out on obligations
- **D** : has defaulted on obligations and Fitch believes that it will generally default on most or all obligations
- **NR** : not publicly rated

Short-term credit ratings

Fitch's short-term ratings indicate the potential level of default within a 12-month period.

- **F1+** : best quality grade, indicating exceptionally strong capacity of obligor to meet its financial commitment
- **F1** : best quality grade, indicating strong capacity of obligor to meet its financial commitment
- **F2** : good quality grade with satisfactory capacity of obligor to meet its financial commitment
- **F3** : fair quality grade with adequate capacity of obligor to meet its financial commitment but near term adverse conditions could impact the obligor's commitments
- **B** : of speculative nature and obligor has minimal capacity to meet its commitment and vulnerability to short term adverse changes in financial and economic conditions

- **C** : possibility of default is high and the financial commitment of the obligor are dependent upon sustained, favourable business and economic conditions
- **D** : the obligor is in default as it has failed on its financial commitments.

Bank Individual Ratings

Individual Ratings are assigned to banks that are legal entities. The term "banks" here includes bank holding companies and bank assurance holding companies, bank assurance companies operating as single legal entities, investment banks and private banks. These ratings may also be assigned to leasing companies, instalment credit companies, credit card companies, brokerage houses, investment management companies and securities dealing companies, as circumstances demand. These ratings, which are internationally comparable, attempt to assess how a bank would be viewed if it were entirely independent and could not rely on external support. These ratings are designed to assess a bank's exposure to, appetite for, and management of risk, and thus represent the agency's view on the likelihood that it would run into significant financial difficulties such that it would require support.

- A:** A very strong bank. Characteristics may include outstanding profitability and balance sheet integrity, franchise, management, operating environment or prospects.
- B:** A strong bank. There are no major concerns regarding the bank. Characteristics may include strong profitability and balance sheet integrity, franchise, management, operating environment or prospects.
- C:** An adequate bank, which, however, possesses one or more troublesome aspects. There may be some concerns regarding its profitability and balance sheet integrity, franchise, management, operating environment or prospects.
- D:** A bank that has weaknesses of internal and/or external origin. There are concerns regarding its profitability and balance sheet integrity, franchise, management, operating environment or prospects. Banks in emerging markets are necessarily faced with a greater number of potential deficiencies of external origin.
- E:** A bank with very serious problems, which either requires or is likely to require external support.
- F:** A bank that has either defaulted or, in Fitch Ratings' opinion, would have defaulted if it had not received external support. Examples of such support include state or local government support, (deposit) insurance funds, acquisition by some other corporate entity or an injection of new funds from its shareholders or equivalent.

Notes: Gradations may be used among the ratings A to E: i.e. A/B, B/C, C/D, and D/E. No gradations apply to the F rating.

Support Ratings (1 – 5)

The Purpose and Function of Support Ratings

Support Ratings are Fitch Ratings' assessment of a potential supporter's propensity to support a bank and of its ability to support it. Its propensity to support is a judgment made by Fitch Ratings. Its ability to support is set by the potential supporter's own Issuer Default Ratings, both in foreign currency and, where appropriate, in local currency. Support Ratings do not assess the intrinsic credit quality of a bank. Rather they communicate the agency's judgment on whether the bank would receive support should this become necessary. These ratings are exclusively the expression of Fitch Ratings' opinion even though the principles underlying them may have been discussed with the relevant supervisory authorities and/or owners.

Timeliness and Effectiveness Requirements

Fitch Ratings' Support Rating definitions are predicated on the assumption that any necessary "support" is provided on a timely basis. The definitions are also predicated on the assumption that any necessary support will be sufficiently sustained so that the bank being supported is able to continue meeting its financial commitments until the crisis is over.

Obligations and Financial Instruments Covered

In terms of these definitions, unless otherwise specified, "support" is deemed to be in terms of foreign currency. It is assumed that typically the following obligations will be supported: senior debt (secured and unsecured), including insured and uninsured deposits (retail, wholesale and interbank); obligations arising from derivatives transactions and from legally enforceable guarantees and indemnities, letters of credit, and acceptances; trade receivables and obligations arising from court judgments.

Likewise, the agency does not assume that the following capital instruments will be supported when sovereign support is involved: preference/preferred shares or stock; hybrid capital (tier 1 and upper tier 2), including reserve capital instruments (RCIs) and variations upon RCIs; and common/ordinary equity capital. It is also assumed that there will be no support for any moral obligation on securitizations. The sovereign support status of subordinated debt is difficult to categorize in advance; it is assessed on a case by case basis, distinguishing among different jurisdictions.

Definitions:

- 1:** A bank for which there is an extremely high probability of external support. The potential provider of support is very highly rated in its own right and has a very high propensity to support the bank in question. This probability of support indicates a minimum Long-Term Rating floor of 'A-'.
- 2:** A bank for which there is a high probability of external support. The potential provider of support is highly rated in its own right and has a high propensity to provide support to the bank in question. This probability of support indicates a minimum Long-Term Rating floor of 'BBB-'.
- 3:** A bank for which there is a moderate probability of support because of uncertainties about the ability or propensity of the potential provider of support to do so. This probability of support indicates a minimum Long-Term Rating floor of 'BB-'.
- 4:** A bank for which there is a limited probability of support because of significant uncertainties about the ability or propensity of any possible provider of support to do so. This probability of support indicates a minimum Long-Term Rating floor of 'B'.
- 5:** A bank for which external support, although possible, cannot be relied upon. This may be due to a lack of propensity to provide support or to very weak financial ability to do so. This probability of support indicates a Long-Term Rating floor no higher than 'B-' and in many cases no floor at all.

GLOSSARY

Term	Meaning
Affordable Borrowing Limit	The amount the authority would normally borrow at any point of time in the year. This boundary might be exceeded temporarily but only in exceptional circumstances. The limit is set by Full Council at the beginning of March and is a prudential indicator.
Authorised Borrowing Limit	The maximum amount the authority can borrow at any point of time in the year. This limit should never be exceeded. The limit is set by Full Council at the beginning of March and is a prudential indicator.
Capital Financing Requirement (CFR)	This represents the underlying need for the authority to borrow and represent the assets of the authority less the long term capital liabilities.
Credit Default Swaps (CDS)	CDS are bought by investors to insure against defaults (i.e. the counterparty not being able to repay). The higher the cost/premium then the higher the risk – CDS therefore given a market view of the credit worthiness of an organisation.
Credit Ratings	Rating on the ability of an organisation to meet its obligations; ratings are assigned by independent, specialist companies, such as Fitch and Moodys using market intelligence they gather.
Credit Risk	The risk that the debtor will default on their obligations
Counterparty	The organisation that your are conducting your business with.
Debt Management Account Deposit Facility	Provided by the Debt Management Office , users can place cash in secure fixed-term deposits. Deposits are guaranteed by the government and therefore have the equivalent of a sovereign triple-A credit rating.
Discounts	These relate to Public Works Loans Board loans. If rates have increased since the borrowing was undertaken then part of the benefit that PWLB will achieve from being able to loan out at that higher rate are

	passed back to an authority if they repay the loan early.
Fund Managers	Independent investment managers who work to a specific mandate and invest funds on behalf of the Council
Inflation	The rise in prices of goods and services over a period of time.
Interest Rate Risk	The risk that the value of an investment will change due to changes to the interest rate.
Internal Borrowing	This is where the amount of an authority's borrowing is less than its CFR or underlying need to borrow and represents the use of internal balances rather than borrowing from the market.
LIBID	London inter-bank bid rate. Interest rate at which prime banks will borrow money in the London inter-bank market.
LIBOR	London inter-bank offer rate. Interest rate at which prime banks will lend money in the London inter-bank market. Fixed every day by the British Bankers Association to five decimal places.
Liquidity Risk	The risk of not being able to trade an investment quickly to release cash.
Obligor	An individual or company that owes debt to another individual or company (the creditor), as a result of borrowing or issuing bonds.
Premia	This is the penalty applied to the early redemption of PWLB loans where rates have fallen since the loan was undertaken.
Prudential Code	A professional code of practice which provides regulatory framework to local authorities on capital expenditure, investments and borrowing activities.
Prudential Indicators	A set of indicators developed within the Prudential Code which define thresholds for investment and borrowing within a local authority.
PWLB	Public Works Loans Board – a Government agency providing long and short term loans to local authorities. Interest rates are generally lower than the private sector and slightly higher than the rates at which

	the Government themselves may borrow.
Re-scheduling	This relates to repaying existing borrowing early and replacing it with borrowing for a different period usually, but not necessarily, at lower rates
Return	The gain from holding an investment over a given period
Security	An investment instrument, other than an insurance policy or fixed annuity, issued by a corporation, government or other organisation which offers evidence of debt or equity.
Sovereign Exposure	Risk of exposure to one particular country.
Supranational Bonds	These are bonds (similar to gilts) issued by multi government development organisations and are supported by all of the governments who form part of the organisation. E.g European Investment Bank and are usually very secure.
Quantative Easing	This is where the government buy back there own gilt issuance to effectively pump money into the financial markets of the economy.

TELFORD & WREKIN COUNCIL

COUNCIL - 3 MARCH 2011

PRUDENTIAL INDICATORS

REPORT OF THE CHIEF FINANCE OFFICER AND HEAD OF FINANCE

1. Purpose

- 1.1 To approve the prudential indicators for 2011/12 to 2013/14 required under the Prudential Code of Capital Finance in Local Authorities.

2. Recommendations

- 2.1 Members are asked to approve the prudential indicators proposed in this report and recommended by Cabinet on the 22 February as part of setting the budget for 2011/12.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT Do these proposals contribute to specific priority plan objectives?

Yes/No Efficient Community Focussed Council

Will the proposals impact on specific groups of people?

Yes/No

TARGET COMPLETION / DELIVERY DATE Prudential Indicators have to be set annually under the Local Government Act 2003.

FINANCIAL/VALUE FOR MONEY IMPACT Yes/No Where appropriate these are detailed in the body of the report.

LEGAL ISSUES Yes/No CIPFA's Prudential Code is regarded as mandatory guidance associated with the Local Government Act 2003.

OTHER IMPACTS, RISKS AND OPPORTUNITIES Yes/No The opportunities and risks associated with the report have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified.

IMPACT ON Yes/No

SPECIFIC WARDS

PART B – ADDITIONAL INFORMATION

4. Summary

- 4.1 The Prudential System was introduced from 1 April 2004. Under the Prudential System the Council has to approve Prudential Indicators annually and these are contained in the report.

5. The CIPFA Prudential Code

- 5.1 In September 2003 CIPFA Council approved and subsequently published the final version of the code (updated in 2009), and the concluding paragraph of its executive summary records;

*“The Prudential Code supports the systems of capital investment in local authorities. It is integrated within the wider statutory and management processes of local government. Key elements of the system continue to be determined by legislation, in particular the amount required to be charged to taxation by local authorities in respect of capital investment and the amount and method of government support for capital investment. These will be significant decisions when local authorities take decisions on capital investment. **However, the level of capital investment that can be supported will subject to affordability and sustainability and be a matter for local decision.**”*

- 5.2 The general approach of the code is to require the Council to set estimates and limits on its borrowing and features associated with borrowing. The underlying philosophy is that the Council should set limits that ensure borrowing is affordable in the medium to long term. Affordability is determined by the overall amount of borrowing and the interest rate at which it is done. Because borrowing is only permissible (and will remain so) for capital expenditure local authorities have traditionally borrowed at longer term fixed rates of interest (i.e. over 1 year, and typically over 20 years). This helps ensure stability over the medium term; for example a variable rate loan currently at 4.5% may be less attractive than a fixed rate loan at 4.8% if there is thought to be a reasonable possibility that variable rates will rise above 5.2% within a year. To help ensure financial stability the code requires authorities to consider the structure of their borrowing.
- 5.3 The code also requires authorities with significant investments to set indicators associated with lending money.
- 5.4 Practically the remaining paragraphs of this section consider the indicators and recommends what the indicators should be for 2011/12. In most cases indicators have to be set for 3 financial years ahead, so figures are also provided for 2012/13 and 2013/14. In proposing these indicators a pragmatic approach has been taken; i.e. known Council plans (including the present treasury structure) have been considered.

- 5.5 For each indicator, ***the CIPFA requirements of the code are set out in bold italics.*** The limits proposed by the Chief Finance Officer for 2011/12 are then set out. An explanation is provided, unless the indicator and limits are completely self explanatory.

5.6 Prudential Indicators of Affordability – Ratio Affordability Measure

- 5.6.1 ***The local authority will estimate for the forthcoming financial year and the following two financial years the ratio of financing costs to net revenue stream. This prudential indicator shall be referred to as estimates of ratio of financing costs to net revenue stream.***

- 5.6.2 In Telford & Wrekin's case this indicator makes more sense if LGR debt paid over to the County Council is included.

Revenue Budget

Year 1 (2011/12)	2.60%
Year 2 (2012/13)	4.00%
Year 3 (2013/14)	3.95%

- 5.6.3 The indicator has been calculated as debt interest costs divided by budget requirement for the general fund element. The general fund indicator above shows a slight increase in the ratio which then levels out before being expected to increase slightly in 2014/15 (equivalent to an increase in capital financing costs over the next 3 years. This broadly matches the expected increase in prudential borrowing which is noted in 5.10.2).

5.7 Prudential Indicators of Affordability – Incremental Council Tax Affordability Measures

The local authority will

- (i) forecast the total budgetary requirements for the authority based on no changes to the existing capital programme***
- (ii) forecast the total budgetary requirements for the authority with the changes to the capital programme included in the calculation***
- (iii) take the difference between (i) and (ii) and calculate the addition or reduction to Council tax that would result.***

This prudential indicator will be referred to as estimates of the incremental impact of new capital investment decisions on the Council Tax and shall be expressed in the following manner £ xx.xx.

- 5.7.1 The indicator is calculated by taking the estimates of capital included in the Capital Budget Report, assuming it is financed through a mixture of borrowing and use of capital receipts (with interest at 5.4%, with Minimum Revenue Provision calculated in line with the MRP policy as detailed in the

Treasury Strategy Report) and dividing them by the tax base (50,954.7). It also assumes that the only Government Approvals agreed at this stage are those for 2011/12, with those for the latter 2 years being only provisional at this stage. The indicator works on a cumulative basis (i.e. the year 2 indicator includes the full year cost of year 1 expenditure, together with the part year cost of that year's programme), but only part year interest cost in the year expenditure is incurred. The estimate has been split into 3 parts which are expenditure funded by prudential borrowing, capital receipts and government borrowing allocations. No Government Borrowing allocations have been issued for 2011/12 and 2012/13, There are no principal repayments in respect of capital receipts. Only relatively small changes have been made to prudential borrowing from what was considered in 2010/11.

- 5.7.2 The estimate of the incremental impact on Council Tax (Band B) of capital decisions proposed over and above capital investment decisions that have already been taken by the Council are as follows;

<u>Year</u>	<u>Prudential Borrowing</u> £	<u>Government Supported Borrowing</u> £	<u>Total</u> £
2011/12	-0.96	0.00	-0.96
2012/13	4.04	0.00	4.04
2013/14	2.79	0.00	2.79

5.7.3 **Prudential Indicators of Affordability – Incremental Housing Rent Affordability Measures**

This Indicator does not apply to Telford & Wrekin Council.

5.8 **Estimates of Capital Financing Requirement**

The local authority will make reasonable estimates of the total capital financing requirement at the end of the forthcoming financial year and the following two years. These prudential indicators shall be referred to as:

Estimate of capital financing requirement as at the end of years 1, 2 and 3.

- 5.8.1 The capital financing requirement is a concept in the Prudential System, but can simply be understood as the Council's underlying need to borrow money over the long term. The code requires that the figure is calculated gross, to include debt that is paid for by other authorities following LGR, so in Telford & Wrekin's case, these figures have limited meaning, and locally the indicator needs adjusting for LGR debt.

5.8.2 Table A shows the estimated cumulative capital financing requirement at a point in time. These estimates now includes the impact of the Public Finance Initiative.

	Total CFR
31/3/2011	£237.9m
31/3/2012	£284.4m
31/3/2013	£269.0m
31/3/2014	£260.9m

5.8.3 The movement in the CFR is consistent with other planning assumptions.

5.9 **Treasury Management Prudential Indicators**

5.9.1 The Council adopted the revised ***CIPFA Code of Practice for Treasury Management in the Public Services*** at its meeting in March 2010. Treasury Management Practices (TMPs) have been established by the Chief Finance Officer in line with the advice of Sector Treasury Services, and are kept up to date. ***The first prudential indicator in respect of treasury management is that the local authority has adopted the CIPFA Code*** is therefore met.

5.10 **Capital Expenditure and Capital Commitments Prudential Indicators**

5.10.1 ***The local authority will make reasonable estimates of the total of capital expenditure that it plans to incur during the forthcoming financial year and at least the following two financial years. These prudential indicators shall be referred to as:***

Estimate of total capital expenditure to be incurred in years 1, 2 and 3

5.10.2 The budget and capital report to Council for 2011/12 identifies programmed capital schemes, and subsequent year's capital needs. The estimates of capital expenditure to be incurred are therefore;

	Supported Borrowing	Prudential Borrowing	Grant Funded	Revenue/ External	Capital Receipts	Total
	£m	£m	£m	£m	£m	£m
2011/12	0.462	52.710	43.463	0.436	8.399	105.470
2012/13	0.000	-8.136	63.490	0.000	33.085	88.439
2013/14	0.000	-0.572	33.684	0.000	12.600	45.712

It is only the two columns relating to borrowing that impact on prudential indicators.

5.11 External Debt Prudential Indicators

5.11.1 *The local authority will set for the forthcoming financial year and the following two financial years a prudential limit for its total external debt, gross of investments, separately identifying borrowing from other long term liabilities. This prudential indicator shall be referred to as:*

Authorised limit for external debt = authorised limit for borrowing + authorised limit for other long term liabilities for years 1, 2 and 3.

5.11.2 The recommended Authorised Limit for External Debt for:

Year 1 (2011/12) is £330m for borrowing and £6m for other long term liabilities

Year 2 (2012/13) is £320m for borrowing and £6m for other long term liabilities

Year 3 (2013/14) is £320m for borrowing and £6m for other long term liabilities

5.11.3 This limit represents the maximum amount the Council may borrow at any point in time in the year. It has to be set at a level the Council considers is "prudent". (This limit is analogous to the limit on borrowing set out section 44 of the 1989 Act). Because it is ultra vires to exceed, the authorised limit must be set so as to avoid circumstances in which the Council would need to borrow more money than this limit.

5.11.4 Other long term liabilities include items that would appear on the balance sheet of the Council that are analogous to borrowing. For example, the capital cost of leases would be included.

5.12 Operational Boundary

The local authority will also set for the forthcoming financial year and the following two years an operational boundary its total external debt, gross of investments, separately identifying borrowing from other long term liabilities. This prudential indicator shall be referred to as the:

Operational Boundary = operational boundary for borrowing + operational boundary for other long term liabilities for years 1, 2 and 3.

5.12.1 The operational boundary is a measure of the most money the Council would normally borrow at any time during the year. The code recognises that circumstances might arise when the boundary might be exceeded temporarily, but suggest a sustained or regular pattern of borrowing above this level ought to be investigated, as a potential symptom of a more serious financial problem.

5.12.2 The Recommended Operational boundary for External debt is

Year 1 (2011/12) is £310m for External debt for and £4m for other long term liabilities

Year 2 (2012/13) is £300m for External debt for and £4m for other long term liabilities

Year 3(2013/14) is £300m for External debt for and £4m for other long term liabilities

5.13 **Interest Rate Exposure**

5.13.1 ***The local authority will set, for the forthcoming year and the following two years, limits to its exposures to the effects of changes in interest rates. These prudential indicators will relate to both fixed interest rates and variable interest rates and will be referred to respectively as the upper limits on fixed and variable interest rate exposures.***

5.13.2 There is no requirement in the code to set lower limits; however, given the risks associated with having excessively high relatively short fixed, or variable rate borrowing, it is suggested that lower limits are set locally for longer maturing fixed rate borrowing.

5.13.3 **Variable rate exposures**

Borrowing that is at variable rates LESS Investments that are variable rate investments

We have a large proportion our investments that are at variable rates and exceed in total the level of debt we currently have (and historically a high proportion of that has been at fixed rates). The limits proposed are as follows;

	Net Variable Limit
	%
2011/12	30
2012/13	30
2013/14	30

5.13.4 The upper limit replaces the existing (1989 Act) Section 44 limit “the maximum proportion of borrowing which is subject to variable rate interest”. Whilst 30% has been set forward as a limit, in practice it would be unusual for the exposure to exceed 15%. Limits for years 2 & 3 assume no substantial change in market conditions.

5.13.5 Because of our position in having a number of investments it would be helpful to set a local indicator for setting a maximum exposure for variable rates as a percentage of total investment plus total debt. For the purposes of

this local indicator supranational bonds are treated as fixed investments as they are accounted for as such. The limit proposed would be as follows;

	Upper Limit
2011/12	60%
2012/13	60%
2013/14	60%

5.13.6 **Fixed Interest Rate Exposure**

The local authority will set, for the forthcoming year and the following two years, both upper and lower limits for its exposure to fixed interest rate risk calculated as follows and each expressed as total borrowing less total investments:

Fixed interest rate exposures

Borrowing that is at fixed rates LESS Investments that are fixed rate investments

Expressed as a percentage or absolute of total borrowing less investments.

5.13.7 The limits (expressed as an absolute of total fixed borrowing less total fixed investments) proposed are as follows;

	Upper Limit	Lower Limit
2011/12	100%	70%
2012/13	100%	70%
2013/14	100%	70%

In principle, it may be necessary / desirable for all borrowing at a point in time to be at a fixed rate, although in practice this would be unusual. The lower limit is effectively the counterpart to the upper limit for variable rate exposure.

5.14 **Prudential limits for the maturity structure of fixed rate borrowing**

The local authority will set for the forthcoming year both upper and lower limits with respect to the maturity structure of its borrowing, calculated as follows

Amount of projected borrowing that is fixed rate maturing in each period

Expressed as a Percentage of

Total projected borrowing that is fixed rate at the start of the period. where the periods in question are

- ***Under 12 months***
- ***1 year and within 2 years***
- ***2 years and within 5 years***
- ***5 years and within 10 years***
- ***10 years and within 20 years***

- **20 years and within 30 years**
- **30 years and within 40 years**
- **40 years and within 50 years**
- **50 years+**

5.14.1 The proposed prudential limits are as follows;

Period (years)	Lower Limit %	Upper Limit %
Under 12 months	0	20
1-2 years	0	25
2-5 years	0	50
5-10 years	0	75
10-20 years	0	75
20-30 years	0	75
30-40 years	0	100
40-50 years	10	100
over 50 years	15	100

5.14.2 Whilst these are the proposed limits, as a broad longer term strategy, in any financial year borrowing would normally be managed to end the year with the maturity profile broadly as follows;

Maturity	Broad Indicative Range	Actual % for 31/03/10
Under 12 months	0-10% of all borrowing	8%
1-2 years	0-15%	13%
2-5 years	5-15%	13%
5-10 years	5-20%	0%
10-20 years	5-20%	0%
20-30 years	5-20%	0%
30-40 years	5-20%	0%
40-50 years	10-40%	24%
Over 10 years	20-90%	42%

5.14.3 Under the investment guidance issued by CLG the Council needs to set indicators for **principal sums invested for periods longer than 364 days.** It is recommended that we set the following limit

Maximum principal investment that can be invested for more than 364 days

Financial Year	Upper Limit
2011/12	95%
2012/13	95%
2013/14	95%

6. Financial Implications

- 6.1 The prudential indicators provide a framework in 2011/12 in which the Council conducts its treasury activities, consistent with good treasury risk management.
- 6.2 The code indicates that “in all cases, the process of setting prudential indicators for treasury management should be accompanied by a clear and integrated forward treasury management strategy, and a recognition of the pre-existing structure of the authority’s borrowing and investment portfolios.” The indicators proposed here take account of the existing structure of borrowing and all reasonable restructuring activity that might occur.
- 6.3 The code requires the following matters to be taken into account when setting or revising prudential indicators
 - (a) option appraisal for all projects, i.e. value for money
 - (b) asset management planning, i.e. stewardship of asset
 - (c) strategic planning for the authority, i.e. service objectives
 - (d) achievability of the forward plan, i.e. its practicality
 - (e) implications for external borrowing, i.e. prudence
 - (f) implications for Council Tax and housing rents, i.e. affordability.

Items (a)-(c) are largely considered in the current arrangements as part of the asset management planning / corporate capital strategy processes. Items (d) and (f) in financial terms have been taken account of by the Chief Finance Officer in presenting the budget and item (e) is inherent to the prudential indicator setting process.

7. Background Papers

Local Government Act 2003
CIPFA Prudential Code for Capital Finance in Local Authorities
Guidance on Local Authority Investments

TELFORD & WREKIN COUNCIL**COUNCIL – 3 MARCH 2011****COUNCIL TAX – FORMAL RESOLUTIONS FOR 2011/12****REPORT OF THE HEAD OF FINANCE AND CHIEF FINANCIAL OFFICER****PART A) – SUMMARY REPORT**

1.1 The report seeks approval of the appropriate formal resolutions to determine the levels of Council Tax for Telford & Wrekin Council for 2011/12. The levels of tax take account of the requirements of Telford & Wrekin Council, the West Mercia Police Authority, Shropshire and Wrekin Fire Authority, and the various Parish and Town Councils.

1.2 The Council's General and Special Fund budgets for 2011/12 were agreed earlier at this meeting and the Council Tax Base was determined at the Council Meeting held on 27 January 2011.

Based on the above information, it is now necessary to formally set Council Tax levels throughout the area for the spending requirements of Telford & Wrekin Council, The West Mercia Police Authority, Shropshire and Wrekin Fire Authority, and the various Parish and Town Councils.

1.3 Once this report is agreed the Band D Council Tax will be:

Authority		Band D Council Tax £	Increase %
Telford & Wrekin Council	General Fund	1,082.42	0.0
	Special Fund	16.20	0.0
Telford & Wrekin Council	Total	1,098.62	0.0
West Mercia Police Authority		178.72	0.0
Shropshire and Wrekin Fire Authority		83.81	0.0
Parish & Town Councils		57.45	-0.6
Total Council Tax		1,418.60	0.0

The % increases all relate to the change from current year levels.

1.4 The increase for the Council's own council tax as well as the Fire and Police Authorities is 0.0%. The increases in overall council tax will only vary due to changes for Parish Councils, some have levied higher council taxes than last year and some have levied lower. The average increase in overall bills represents a range from -1.20% to +1.50%

depending purely on variations in parish council spending and precepts. Telford & Wrekin Council (TWC) Special Fund is required to ring fence TWC costs relating mainly to footway lighting and cemeteries where some parishes provide and pay for this service themselves.

While the total average Band D bill will be £1,418.60, the majority of properties in the area fall in Bands A and B - an average bill for the area is thus around Band B, an overall average bill of £1,103.36.

The necessary formal resolutions are set out in Part B of this report.

2.0 RECOMMENDATIONS

2.1 Members are asked to approve the formal resolutions to determine the levels of Council Tax for Telford & Wrekin Council for 2011/12 as detailed in the report.

3.0 SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	The level of Council Tax is a product of the Service & Financial Planning Strategy which is integral to ensuring that available resources are used as effectively as possible in delivering all corporate priorities.
	Will the proposals impact on specific groups of people?	
	Yes	An equalities impact assessment is included in the Service & Financial Planning Report.
TARGET COMPLETION/DELIVERY DATE	The Council Tax set is for the financial year 2011/12.	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	The financial impacts for the Council are detailed in the Service & Financial Planning Strategy Report.
LEGAL ISSUES	Yes	There is a duty under the Local Government Finance Act 1992 for the Council, as a billing authority, to set the levels of Council Tax for each financial year. Regulations are in place which need to be followed when making these calculations. Details of those Regulations and how they have been observed are set out in the main

		body of this report at section 5.
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	The Service & Financial Planning Strategy includes consideration of the corporate risk register.
IMPACT ON SPECIFIC WARDS		<i>Borough Wide</i>

4.0 PREVIOUS MINUTES

None

PART B) – ADDITIONAL INFORMATION

5.0 FORMAL RESOLUTIONS

5.1 That it be noted that at its meeting on 27 January 2011 the Council calculated the following amounts for the year 2011/12 in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 made under Section 33(5) of the Local Government Finance Act 1992 (The Act):-

(a) 50,954.7 being the amount calculated by the Council, in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (The Regulations), as its Council Tax base for the year (The Council Tax Base).

(b) **Part of the Council's Area Tax Base**

The Parish of:-

Chetwynd	238.7
Chetwynd Aston & Woodcote	164.3
Church Aston	499.0
Dawley Hamlets	2,099.1
Edgmond	533.8
Ercall Magna	617.8
The Gorge	1,112.0
Great Dawley	3,211.2
Hadley & Leegomery	4,154.6
Hollinswood & Randlay	1,555.7
Ketley	1,166.6
Kynnersley	75.5
Lawley & Overdale	2,115.7
Lilleshall, Donnington & Muxton	4,436.6
Little Wenlock	230.5
Madeley	4,860.5
Newport	3,688.5
Oakengates	2,507.0
Preston	93.7

Rodington	346.3
St. Georges & Priorslee	3,847.9
Stirchley & Brookside	2,716.1
Tibberton & Cherrington	278.0
Waters Upton	394.8
Wellington	6,925.9
Wrockwardine	1,445.0
Wrockwardine Wood & Trench	1,603.1
	50,917.9

being the amounts calculated by the Council in accordance with Regulation 6 of The Regulations, as the amounts of its Council Tax Base for the year for dwellings in those parts of its area to which one or more special items relate.

5.2. That the following amounts be now calculated by the Council for the year 2011/12 in accordance with Sections 32 to 36 of The Act:-

- (a) £411,617,304 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2) (a) to (e) of the Act.
- (b) £280,658,120 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3) (a) to (c) of the Act.
- (c) £130,959,184 being the amount by which the aggregate at 3.2(a) above exceeds the aggregate at 3.2(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.
- (d) £72,052,013 being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non-domestic rates and revenue support grant, increased by the amount of the sums which the Council estimates will be transferred in the year from its collection fund to its general fund in accordance with Section 97(3) of the Local Government Finance Act 1988 (Council Tax Surplus) and increased by the amount of any sum which the Council estimates will be transferred from its collection fund to its general fund pursuant to the Collection Fund (Community Charges) directions made under Section 98(4) of the Local Government Finance Act 1988 made on 7 February 1994 (Community Charge Surplus), the Collection Fund (Adjustment for Previous Years) (England) Directions 2000 and the Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2011.
- (e) £1,156.07 being the amount at 3.2(c) above less the amount at 3.2(d) above, all divided by the Council Tax base, as the basic

amount of its Council Tax for the year.

- (f) £3,752,691 being the aggregate amount of all special items referred to in Section 34(1) of the Act.
- (g) £1,082.42 being the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates (calculated by deducting from the amount at 3.2(e) above, the quotient of the amount at 3.2(f) above divided by the Council Tax Base). The only area that this relates to is the Parish of Eyton.

(h) <u>Part of the Council's Area</u>	£
The Parish of:	
Chetwynd	1,090.79
Chetwynd Aston & Woodcote	1,093.37
Church Aston	1,117.49
Dawley Hamlets	1,121.76
Edgmond	1,106.26
Ercall Magna	1,129.83
The Gorge	1,163.18
Great Dawley	1,186.22
Hadley & Leegomery	1,143.77
Hollinswood & Randlay	1,208.78
Ketley	1,174.99
Kynnersley	1,098.97
Lawley & Overdale	1,139.48
Lilleshall, Donnington & Muxton	1,126.03
Little Wenlock	1,130.14
Madeley	1,180.98
Newport	1,187.77
Oakengates	1,174.69
Preston	1,085.94
Rodington	1,109.25
St. Georges & Priorslee	1,121.51
Stirchley & Brookside	1,212.64
Tibberton & Cherrington	1,093.21
Waters Upton	1,114.33
Wellington	1,156.57
Wrockwardine	1,113.56
Wrockwardine Wood & Trench	1,151.25

being the amounts given by adding to the amount at 3.2(g) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 3.1(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special

items relate.

- (i) The amounts in Appendix 1 being the amounts given by multiplying the amounts at 3.2(g) and 3.2(h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

- 5.3** The West Mercia Police Authority's precept for 2011/12 was set at its meeting on 15 February 2011. The following amounts were stated in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

<u>Valuation Band</u>	<u>Amount £</u>
A	119.15
B	139.00
C	158.86
D	178.72
E	218.44
F	258.15
G	297.87
H	357.44

- 5.4** The Shropshire & Wrekin Fire and Rescue Authority's precept for 2011/12 was set at its meeting on 9 February 2011. The following amounts were stated in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

<u>Valuation Band</u>	<u>Amount £</u>
A	55.87
B	65.19
C	74.50
D	83.81
E	102.43
F	121.06
G	139.68
H	167.62

- 5.5** That, having calculated the aggregate in each case of the amounts at 3.2(i) and 4 and 5 above, the Council, in accordance with Section 30(2)

of the Local Government Finance Act, 1992, hereby sets the amounts in Appendix 2 as the amounts of council tax for the year 2011/12 for each of the categories of dwellings shown.

6.0 Background Papers

Service & Financial Planning Report 2011/12 – 2013/14

Parish Precept Requests

Police Authority Precept Request

Fire Authority Precept Request

2011/12 Revenue Support Grant Settlement

Acts, Directions and Regulations as quoted above

Council Tax Base Setting Report 2011/12

Report Prepared by:

Ken Clarke, Head of Finance – 01952 383100;

Bernie Morris, Finance Manager – 01952 383702



Telford & Wrekin
COUNCIL

LOCAL GOVERNMENT ACT 2000

Constitution

Strong leader amendments

July 2010
Issue C Revision 1

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CONSTITUTION OF THE COUNCIL

Contents

PART 1 - SUMMARY AND EXPLANATION **1:1**

PART 2 - ARTICLES OF THE CONSTITUTION **2:1**

ARTICLE 1 – THE CONSTITUTION	2:1
ARTICLE 2 – MEMBERS OF THE COUNCIL	2:3
ARTICLE 3 – CITIZENS AND THE COUNCIL	2:5
ARTICLE 4 – THE FULL COUNCIL	2:7
ARTICLE 5 – CHAIRING THE COUNCIL	2:11
ARTICLE 6 – OVERVIEW AND SCRUTINY COMMISSIONS	2:13
ARTICLE 7 – THE LEADER & CABINET EXECUTIVE	2:15
ARTICLE 8 – REGULATORY AND OTHER COMMITTEES	~~2:20~~ 2:19
ARTICLE 9 – THE STANDARDS COMMITTEE THE AUDIT COMMITTEE	~~2:22~~ 2:21
ARTICLE 10 – AREA WORKING ARRANGEMENTS	~~2:28~~ 2:27
ARTICLE 11 – JOINT ARRANGEMENTS	~~2:30~~ 2:29
ARTICLE 12 – OFFICERS	~~2:32~~ 2:31
ARTICLE 13 – DECISION MAKING	~~2:37~~ 2:36
ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS	~~2:40~~ 2:39
ARTICLE 15 – REVIEW AND REVISION OF THE CONSTITUTION	~~2:42~~ 2:41
ARTICLE 16 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION	~~2:44~~ 2:43

PART 3 – RESPONSIBILITY FOR FUNCTIONS **3:1**

PART 4 – RULES OF PROCEDURE **4:3**

SECTION 1 – COUNCIL PROCEDURE RULES	4:3
SECTION 2 – ACCESS TO INFORMATION PROCEDURE RULES	4:21
SECTION 3 – POLICY FRAMEWORK AND BUDGET PROCEDURE RULES	4:23
SECTION 4 – CABINET DECISION PROCEDURE RULES	~~4:28~~ 4:27
SECTION 5 – OVERVIEW AND SCRUTINY PROCEDURE RULES	~~4:34~~ 4:33
SECTION 6 – FINANCIAL REGULATIONS	~~4:60~~ 4:59
SECTION 7 – CONTRACT PROCEDURE RULES	~~4:89~~ 4:87
SECTION 8 – OFFICER EMPLOYMENT PROCEDURE RULES	~~4:115~~ 4:113
SECTION 9 – STANDING ORDERS DEALING WITH “CONFLICT RESOLUTION” BETWEEN THE FULL COUNCIL AND THE EXECUTIVE. THESE ARE MANDATORY STANDING ORDERS REQUIRED BY THE LOCAL AUTHORITY (STANDING ORDERS) REGULATIONS 2001	~~4:121~~ 4:119
SECTION 10 – COMMITTEE PROCEDURE RULES	~~4:123~~ 4:121
FUNCTIONS, POWERS AND DUTIES OF LICENSING COMMITTEE	~~4:129~~ 4:127
PLANS BOARD	~~4:135~~ 4:133
APPEALS COMMITTEE	~~4:137~~ 4:135
STANDARDS COMMITTEE	~~4:139~~ 4:137
AUDIT COMMITTEE	~~4:141~~ 4:139
PERSONNEL BOARD	~~4:143~~ 4:141
COUNCIL CONSTITUTION COMMITTEE	~~4:145~~ 4:143

PART 5 – CODE AND PROTOCOLS **5:1**

SECTION 1 – MEMBERS CODE OF CONDUCT	5:1
PART 1 – GENERAL PROVISIONS	5:1
PART 2 – INTERESTS	5:4

PART 3 - REGISTRATION OF MEMBERS' INTERESTS	5:8
SECTION 2 – OFFICER CODE OF CONDUCT	5:9
SECTION 3 – PROTOCOL ON MEMBER/OFFICER RELATIONS	5:13
SECTION 4 – PROTOCOL ON USE OF SUBSTITUTES	5:17
<u>PART 6 – MEMBERS' REMUNERATION SCHEME</u>	6:1
<u>PART 7 – DEFINITIONS</u>	7:1
<u>PART 8 – NOT ALLOCATED</u>	8:1
<u>PART 9 – GENERAL GUIDANCE</u>	9:1
GUIDANCE NOTE 1 – ~~DEFINITIONS OF KEY DECISION~~	9:3
~~GUIDANCE NOTE 2 – REPORT FORMAT~~	9:7
~~GUIDANCE NOTE 3 – DEFINITIONS OF KEY DECISION~~	9:13
GUIDANCE NOTE ~~4~~ 2 – ATTENDANCE AT CABINET MEETINGS (VOLUNTARY PROTOCOL)	9:15
GUIDANCE NOTE ~~5~~ 3 – PUBLICATION OF AGENDAS, MINUTES AND DECISION NOTICES,	9:17
<u>PART 10 – LOCAL FUNCTIONS</u>	10:1
<u>PART 11 – RESPONSIBILITY FOR FUNCTIONS LIST OF POWERS EXERCISABLE BY OFFICERS – COUNCIL AND ITS COMMITTEES FUNCTIONS AND CABINET FUNCTIONS</u>	11:1
ADULT SOCIAL CARE	11:1
ASSET & PROPERTY MANAGEMENT	11:4
BUILDING CONTROL	11:5
BUILDING MANAGEMENT	11:9
CHILDREN & YOUNG PEOPLE	11:9
ENVIROCRIME – ENVIRONMENTAL MAINTENANCE	11:14
ENVIRONMENTAL HEALTH	11:24
POLLUTION CONTROL	11:47
FINANCIAL	11:67
HIGHWAYS	11:72
HOUSING	11:83
HUMAN RESOURCES	11:93
LEGAL SERVICES	11:94
LEISURE & CULTURE	11:97
LICENSING	11:99
MEMBERS AND LOCAL DEMOCRACY	11:105
MISCELLANEOUS FUNCTIONS	11:106
REGENERATION	11:107
PLANNING	11:108
REGISTRATION SERVICES	11:113
STANDARDS IN LOCAL GOVERNMENT	11:113
TRADING STANDARDS	11:113
PETROLEUM LICENSING	11:113

CHAPTER 1

Part 1 — Summary and Explanation

THE COUNCIL'S CONSTITUTION

The Constitution sets out how the Council will operate, how decisions are made, and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. The Constitution is divided into 16 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

WHAT'S IN THE CONSTITUTION?

Article 1 ~~Article 1~~ of the Constitution commits the Council to exercising all its powers and duties in accordance with the law and this Constitution in pursuit of the Council's vision for

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"A successful, prosperous and healthy community which offers a good quality of life for all the people of Telford & Wrekin."

Articles 2 – 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5).
- Overview and scrutiny of decisions (Article 6).
- The **Leader and** Cabinet **Executive** (Article 7).
- Regulatory and other committees (Article 8).
- The Standards Committee and the Audit Committee (Article 9).
- Area working arrangements (Article 10)
- Joint arrangements (Article 11).
- Officers (Article 12).
- Decision making (Article 13).
- Finance, contracts and legal matters (Article 14).
- Review and revision of the Constitution (Article 15).
- Suspension, interpretation and publication of the Constitution (Article 16).

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HOW THE COUNCIL OPERATES

The Council is composed of 54 councillors elected every four years. Councillors are democratically accountable to residents of their Ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the Code of Conduct.

All councillors meet together as the Council. Meetings of the Council take place approximately every 2 months and are open to the public unless items to be discussed are of a confidential nature. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader of the Council **who and decides upon the**

~~number and membership and powers of the up to 9 members of the Leader and Cabinet Executive~~ which is the body which takes decisions about the running of the Council and the implementation of its policies. ~~The Council~~ ~~also~~ appoints the members of the Scrutiny Committees and all other committees/boards of the Council.

The Council holds the Leader & Cabinet Executive and the other Council committees and boards to account by receiving reports from them at its meetings and receiving questions and answers on these reports. Some Council meetings will include “public assembly sessions” where spokespersons of partner organisations will be invited to participate with Councillors in debates about key issues affecting the Borough. In addition, there ~~will~~ may be an annual “State of the Borough” debate, again involving partner organisations, which will be used to inform the policy framework and budget setting.

HOW DECISIONS ARE MADE

The Leader and Cabinet Executive is the part of the Council which is responsible for most operational decisions. The Leader and Cabinet Executive is made up of the Leader and up to 9 other Councillors appointed by the Leader Council. When major decisions (called “Key” Decisions) are to be discussed or made, these are published in the Forward Plan in so far as they can be anticipated. This Plan must include at least those decisions which the Leader and Cabinet Executive anticipates it will have to make over the next 4 months. If a Key Decision needs to be made which is not in the Forward Plan, special provisions exist to enable this to happen.

If these major decisions are to be discussed at a meeting of the Cabinet, this will be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the Council’s overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

OVERVIEW AND SCRUTINY

There are 7 Scrutiny Committees and a Scrutiny Assembly which support the work of the Cabinet and the Council as a whole. This allows members outside the Cabinet and citizens to have a greater say in Council matters by investigating issues of local concern. This can include questioning officers of the Council and inviting people from outside the Council to give opinions and expert advice. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Scrutiny Committees and Scrutiny Assembly also monitor the decisions of the Cabinet. They can ‘call-in’ a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate.

They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

AREA WORKING ARRANGEMENTS

In order to give citizens a greater say in local affairs, the Council ~~may~~ is considering the introduction of area working arrangements. The Council will decide on whether to introduce these arrangements in all or parts of the ~~district~~ Borough.

THE COUNCIL’S EMPLOYEES

The Council employees (called ‘officers’) give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Protocol governs the relationships between officers and councillors

CITIZENS' RIGHTS

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights. This and other useful links can be found on the Council's website www.telford.gov.uk.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- access a copy of the Constitution;
- see agendas and reports and attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of Cabinet;
- find out, from the Cabinet's Forward Plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
- attend meetings of the Cabinet where decisions are being discussed or decided;
- see reports and background papers, and records of decisions made.
- complain to the Council about Council services or how they feel they have been treated by the Council;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process. Telephone: 01952 380000;
<http://www.telford.gov.uk/Council+democracy/Customer+complaints/Complaints+comments+and+compliments.htm>
- complain to the local Standards Committee if they have evidence which they think shows that a councillor has not followed the Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

Where members of the public use specific council services, for example as a parent of a school pupil, they have additional rights. These are not covered in this Constitution.

The Council welcomes participation by its citizens in its work. For further information, or if you would like to join the Telford & Wrekin Community Panel, details can be found on the Council's website at www.telford.gov.uk

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Part 2 - Articles of the Constitution

Article 1– The Constitution

Explanatory Comment

This Article sets out the fundamental provisions of the Constitution. It confirms that the Council will act within the law and the provisions of this Constitution. It defines those documents which comprise the Constitution.

1.01 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of the Council

1.03 Purpose

Vision Statement

The Council's vision of its area, community and district:-

"A successful, prosperous and healthy community which offers a good quality of life for all the people of Telford & Wrekin."

The aims of the Constitution are to:

1. facilitate a wider understanding of democratic values within the community, particularly amongst young people, and a greater knowledge of how the Council operates and its decision making processes;
2. enable citizens to have a wider understanding of the role and duties of elected members and of the concept of active citizenship and public service;
3. create an effective means of holding decision-makers to public account and to promote the interests of the many, not the few;
4. ensure that Council decisions are subject to effective scrutiny and are taken without conflicts of interest damaging to the well being of the community;
5. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
6. provide a means of securing best value for the community in the delivery of services;
7. facilitate effective working with key community, regional, national and international partners in promoting the best interests of the people of the Borough

1.04 Interpretation and Review of the Constitution

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

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Article 2 – Members of the Council

Explanatory Comment

This Article sets out the composition of the Council, eligibility to stand for election as a member of the Council and the form of election to be used.

The Article also contains a section on the roles and functions of members of the Council.

The Article also deals with the rights and duties of members, especially as they affect access to land, buildings, documents and information and any confidentiality requirements surrounding the latter.

2.01 Composition and eligibility

- (a) **Composition.** The Council will comprise 54 members, otherwise called Councillors. Either one, two or three Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State/Electoral Commission.
- (b) **Eligibility.** Only registered voters of the Borough or those living or working there will be eligible to hold the office of Councillor.

2.02 Election and terms of Councillors

The regular election of all Councillors will be held on the first Thursday in May every four years, which began in 2003. The term of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.03 Roles and functions of all Councillors

- (a) **Key roles.** All Councillors will:
 - (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
 - (iii) be involved in decision-making;
 - (iv) ensure the Leader and Cabinet Executive is held to account;
 - (v) maintain the highest standards of public conduct and ethics;
 - (vi) balance different interests identified within the ward or electoral division and represent the ward or electoral division as a whole;
 - (vii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate for their communities;
 - (viii) effectively represent the interests of their ward and of individual constituents;
 - (ix) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
 - (x) respond to constituents' enquiries and representations, fairly and impartially;

(xi) be available to represent the Council on other bodies;

(xii) be involved in area working.

(b) Rights and duties

(i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

(ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.

(iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

(iv) Councillors should be given reasonable advice and support from officers of the Council in the maintenance of their personal security in their work as Councillors.

(v) Councillors should be given reasonable informal advice from officers of the Council should they be defamed or otherwise subject to harassment in connection with their Council duties.

(vi) When the Council considers it is in the interest of the Council to appoint Councillors to represent it on an outside body, the Council will consider indemnifying the Councillor against costs incurred in good faith. Councillors will be given reasonable advice, guidance and support from officers of the Council on the responsibilities they take on in acting in good faith as a result of representing the Council on outside bodies.

(vii) Training will be given to Councillors on the operation of the Members' Code of Conduct. After having regard to the relevant facts, officers of the Council may give support to Councillors where they are accused of breaches of any Code of Conduct or protocol referable to a formal Standards hearing.

(viii) That subject to legal advice and on the individual merits of each case, where the Council identifies that it has a legitimate interest in ensuring that a Councillor's case in a Standards or an Internal Audit investigation is properly presented it will consider making a reasonable contribution towards any cost of legal and other representation.

(ix) The Association of Councillors is an example of an independent body which individual Councillors may wish to use in seeking advice.

2.04 Conduct

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

2.05 Remuneration

Councillors will be entitled to receive remuneration in accordance with the Members' Remuneration Scheme set out in Part 6 of this Constitution.

Article 3 – Citizens and the Council

Explanatory Comment

This sets out what citizens can expect from the Council and what rights they have. However, with rights come responsibilities and it is also the role of the Constitution to show how the Council expects to be treated in return.

3.01 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution: Citizens also have rights under the **Freedom of Information Act 2000** to make requests for information held by the Council.

- (a) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote for their local Councillor(s) and to sign a petition to request a referendum for an elected mayor form of Constitution. For a petition to be valid to require a referendum, the number of signatures to it must equate to no less than 5% of the electorate of the Borough. Citizens will have a right to vote for an elected mayor in the event of a referendum being held.
- (b) **Information.** Citizens have the right to:
 - (i) attend as observers, meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) attend as observers, meetings of the Cabinet when decisions are being considered except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (iii) find out from the Forward Plan what key decisions will be taken by the Leader, Cabinet Executive or by an officer under delegated authority
 - (iv) inspect reports and background papers, and any records of decisions made by the Council and its committees and the Leader and Cabinet Executive; and
 - (v) inspect the Council's accounts and Audit Commission's Annual Audit and Inspection Letter and make their views known to the external auditor.
 - (vi) such other information as may be specified in the Council's Freedom of Information publication scheme
- (c) **Assembly Sessions.** The Council shall facilitate further participation by holding, as and when required, meetings of Assembly Sessions at which partner organisations may through nominated spokespersons attend and debate with elected members matters of public policy. As appropriate these Assembly Sessions may also invite for debate, reports from other public and private agencies and from the Borough's, Westminster, European and other representatives.

Citizens will have the right to express views on all aspects of local government and the Council will take steps to consult effectively, and have the right to have those views considered.

(d) **Complaints.** Citizens have the right to complain to:

- (i) the Council itself under its complaints scheme;
<http://www.telford.gov.uk/Council+democracy/Customer+complaints/Complaints+comments+and+compliments.htm>
- (ii) the Ombudsman after using the Council's own complaints scheme;
<http://www.lgo.org.uk/>
- (iii) the local Standards Committee about a breach of the Councillor's Code of Conduct. www.telford.gov.uk

3.02 Citizens' responsibilities

A healthy democracy depends upon active citizenship. Citizens are encouraged to make conscientious use of their roles as both voters and members of a wider community. In particular, by:

- (i) voting at every opportunity
- (ii) respecting the expression of differing opinions in public debate;
- (iii) promoting tolerance and respect between their fellow citizens, and
- (iv) individually and collectively seeking information about the decision-making role of Councillors and respecting the Council procedures which give effect to a representative democracy.

Article 4 – The Full Council

Explanatory Comment

The **Local Government Act 2000** gives the Council responsibility for approving the policy framework and budget. A list of the statutory and non-statutory plans which fall within this policy framework appear below. The Council as a whole retains responsibility for regulatory functions and has a role in holding the Leader and Cabinet Executive to account.

4.01 Meanings

- (a) The core statutory elements of the Council's policy framework are the Community Strategy and the Council Plan. These plans are supported in more detail by a range of policy/service plans. These service plans are also complemented by a range of statutory documents which will form part of the policy framework. These include:-
- (i) Those required by the **Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and regulations thereunder**.
- Children & Young People's Plan
 - Crime and Disorder Reduction Strategy;(Safer & Stronger Communities Strategy)
 - Plans and strategies which together comprise the Local Development Framework (including Local Development Documents, Local Minerals Plan and Local Waste Plan)
 - Youth Justice Plan.
- (ii) Other plans and strategies which the Council considers should be adopted include:-
- Capital Strategy and Asset Management Plan
 - Governance Framework (Accounts and Audit Regulations 2003 as updated 2006)
 - Governance Statement (Accounts and Audit Regulations 2003 as updated 2006)
 - Adult Community Learning Plan;
 - Local Cultural Strategy
 - Local Transport Plan
 - The plan and strategy which comprise the Housing Investment Programme;
- (iii) other plans and strategies which the Council may decide should be adopted by the Council meeting as a matter of local choice include:-
- (b) **Budget.** The budget includes the allocation of financial resources to services and projects, proposed contingency funds, the Council tax base, setting the Council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits, which shall include setting limits on virements and approving the plans for the Council's capital expenditure and budget.

4.02 Functions of the full Council

Only the Council will exercise the following functions:

- (a) reviewing and changing the Constitution;

- (b) approving or adopting the policy framework and the budget, which shall include setting limits on virements and approving the plans for the authority's revenue and capital expenditure and budgets.
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of ~~a the Leader and Cabinet Executive~~Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (d) appointing and removing the Leader ~~and members of the Cabinet~~;
- (e) agreeing and/or amending the terms of reference for committees, boards, sub-committees and sub-boards (hereinafter referred to as committees) deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is a ~~Cabinet~~ function of the Leader and Cabinet Executive or has been delegated by the Council;
- (g) adopting a Members' Remuneration Scheme under Article 2.05;
- (h) changing the name of the area;
- (i) granting the Freedom of the Borough
- (j) confirming the appointment and dismissal of the Head of Paid Service;
- (k) making, amending, revoking, re-enacting or adopting bye-laws and promoting or opposing the making of local legislation or personal Bills;
- (l) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and
- (m) all other matters which, by law, must be reserved to Council.
- (n) to determine the meaning of "significant" in relation to key decisions (Article 13 paragraph 13.03I refers).

4.03 Council meetings

There are four types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings;
- (d) assembly sessions.

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

4.04 Responsibility for functions

The Council will maintain the information contained in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Leader and Cabinet Executive~~Cabinet~~.

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Article 5 – Chairing the Council

Explanatory Comment

Council meetings will be chaired by ~~the Mayor~~ ~~a member known as the Speaker and the civic/ceremonial role carried out by a member known as the Mayor.~~

5.01 Title of the person chairing Council meetings

The person elected to chair meetings of the Council is referred to as “the ~~Mayor~~Speaker”.

5.02 Role and function of the ~~Speaker~~Mayor

The ~~Mayor~~ Speaker and Deputy ~~Mayor~~ Speaker will be elected by the Council at the Annual Council Meeting.

The ~~Speaker~~ Mayor and in his or her absence, the Deputy ~~Mayor~~ Speaker will have the following roles and functions:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members ~~who are not on the Cabinet~~ are able to hold the ~~Leader and Cabinet Executive~~Cabinet to account;
4. to promote public involvement in the Council’s activities;

5.03 Ceremonial Role

A member will be elected as Mayor at the Annual Council meeting.

The Mayor’s role and responsibilities will ~~also include~~ be to attend such civic and ceremonial functions that the Council and he/she determines appropriate.

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Article 6 – Overview and Scrutiny Committees ssions

OVERVIEW AND SCRUTINY

Explanatory Comment

The overview and scrutiny function is a central element to this constitution. The Scrutiny Committees and Scrutiny Assembly will meet in public to discuss and make recommendations on the development of policies and hold the Cabinet to account for their actions. They will also have a key role in considering other matters of local concern.

~~[Derivation: Section 21: Local Government Act 2000]~~

The guiding principle for the work of scrutiny is that it should be consensual and positive. The emphasis of the work should be on making a proactive and positive contribution to the development of policy and the discharge of the Council's functions. This is best achieved by an inclusive process covering members, partners, service users and employees.

Structure:

- Group Leaders will appoint their own representatives to the 7 Scrutiny Committees in line with political balance requirements. These representatives cannot be Cabinet Members, ~~Cabinet Assistants~~ or the Mayor.
- All Members of the Council will automatically become members of a Scrutiny Assembly, excluding Cabinet Members, ~~Cabinet Assistants~~ or the Mayor.
- All scrutiny standing co-optees will be members of the Scrutiny Assembly.
- The Scrutiny Committees may appoint standing groups to which it can delegate areas of responsibility to scrutinise in detail.

Roles:

- The Scrutiny Committees' role is to scrutinise the work within the remit of the relevant priority area in the Council and relevant partner organisations. The Scrutiny Chairmen will liaise with the Leader and Cabinet Members.
- Each of the Chairmen of the 7 Scrutiny Committees takes responsibility for one of the Council's ~~other~~ Community Priorities.
- The Scrutiny Chairmen will exercise overall responsibility for the finances made available to them.
- The Scrutiny Chairmen must report annually to full Council on the workings of the Scrutiny and make recommendations for future work programmes and amended working methods if appropriate.
- The Scrutiny Committees and Scrutiny Assembly will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.
- The Scrutiny process allows the participation of voting statutory representatives as co-optees for education matters in scrutiny. The Scrutiny Committees may also appoint non-voting representatives as standing co-opted members of scrutiny except co-optees on the Joint Health Scrutiny Committee who will have voting rights as agreed by Full Council.

Article 7 – The Leader and Cabinet

Explanatory Comment

~~The Leader of the Council is responsible for appointing the Cabinet and delegating executive functions to the Cabinet as a whole and to individual Cabinet members. However, whilst the Leader, as Senior Executive Member may discharge any functions which are the responsibility of the Leader and Cabinet Executive~~ The Cabinet is at the heart of the day-to-day decision-making process. It also has a key role in proposing the policy framework and budget to the Council.

7.01 **Role**

The Leader and Cabinet Executive will lead the implementation of Council policy within the Council's budget and policy framework. In doing this the Leader and Cabinet Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.02 **Appointment and Composition**

The Cabinet will consist of the Leader of the Council together with such additional Councillors, at least 2 but not more than 9, as the Council Leader shall determine, ~~who shall be appointed to the Cabinet by the Leader Council.~~

7.03 **Leader**

The Leader will be a Councillor elected to the position of Leader by the Council at its Annual Meeting following an ordinary election of Councillors or at a subsequent meeting of the Council if the Council fails to elect the Leader at the Annual Meeting the next meeting when a vacancy occurs. The Leader will hold office until the day of the post-election annual meeting which follows his election unless:

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a Councillor of this Council under **Part III of the Local Government Act 2000** (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a Councillor of this Council; or
- (d) he/she is removed from office by resolution of the Council following a written notice of no confidence on at least 10 working days notice and signed by at least 25% of all Councillors. If a motion of no confidence is passed, the Leader shall immediately cease to act as Leader.
- (e) he/she is removed from office by resolution of the Council in the event of a change in political control of the Council

In the event that the Leader no longer holds office as described above, the Deputy Leader will carry out the role and duties of Leader until such time as the Council elects a Councillor to the position of Leader.

-If for any reason the Leader is unable to act or the office of Leader is vacant and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the Cabinet must act in the executive leader's place or must arrange for a member of the Cabinet to act in his/her place.

7.04 Deputy Leader

The Leader will appoint one of the members of the Cabinet to act as his/her Deputy. The Deputy Leader must act in the place of the Leader if the Leader is for any reason unable to act or the office of ~~executive~~ Leader is vacant.

The Deputy Leader will hold office until the end of the term of office of the Leader unless:

- (a) he/she resigns as Deputy Leader or ceases to be a member of the authority;
- (b) the Leader removes the Deputy Leader from Office

If a vacancy occurs in the office of Deputy Leader, the ~~Executive~~ Leader must appoint another person in his/her place. The appointment will take effect when the Leader provides written confirmation of the appointment to the Head of Governance.

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7.04 Other Cabinet members

The Leader will appoint ~~Other Cabinet~~ all Cabinet members and will provide notification of those appointments to the Head of Governance in writing on or before the date of the Annual Meeting or at the next meeting after a vacancy arises except that the Leader may make an interim appointment to replace a Cabinet member subject to ratification at the next Council meeting. ~~They~~ They will hold office until:

- (a) they resign from office; or
- (b) they are suspended from being Councillors of this Council under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) they are no longer Councillors of this Council; or
- (d) they are removed from office by the Leader who must give written notice of any removal to the proper officer. The removal will take effect immediately upon receipt of notice by the Head of ~~Governance~~ ~~Audit & Democracy~~, or
- (e) they are removed from office, either individually or collectively, by resolution of the Council following a written notice of no confidence of at least 10 working days notice and signed by at least 25% of all Councillors. If a motion of no confidence is passed the Cabinet member(s) shall immediately cease to act.
- (f) the Council removes them from office, either individually or collectively, but only in the event of a change in political control of the Council.

In the event that a vacancy arises the Leader will appoint another Councillor as a replacement. The replacement will take effect upon the Leader providing notification of the appointment in writing to the Head of Governance.

7.05 Proceedings of the Cabinet

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

7.06 Responsibility for functions

The Leader ~~may~~will ~~recommend and the Council shall~~ determine which Cabinet functions shall be allocated to individual members of the Cabinet ~~except in so far as the Leader may determine~~and those which shall be reserved to the Cabinet. These responsibilities may be amended by the Leader on written notice to the Head ~~of of Governance~~Audit & Democracy, ~~who will report on the amendments to the next meeting of the Council.~~

The Leader ~~will recommend and the Council~~ will determine a list setting out those Cabinet functions which are the responsibility of the Cabinet and which individual members of the Cabinet, officers or joint arrangements are responsible for the exercise of particular ~~Executive~~Cabinet functions.

~~7.07 Cabinet Assistants~~

~~The Leader shall appoint such members to provide advice and support to particular Cabinet Members. The Leader will advise the Head of GovernanceAudit & Democracy in writing of the names of designated Cabinet Assistants. These members will be known as 'Cabinet Assistants'. Persons occupying such positions will not themselves be members of the Cabinet and do not have any Executive or decision making authority. They will not be entitled to vote at Cabinet meetings. Neither will they be entitled to act as members of any Scrutiny Committee. They will hold office until:~~

- ~~(a) they resign from office; or~~
- ~~(b) they are suspended from being Councillors of this Council under **Part III of the Local Government Act 2000** (although they may resume office at the end of the period of suspension); or~~
- ~~(c) they are no longer Councillors of this Council; or~~
- ~~(d) they are removed from office by the Leader who must give written notice of any removal to the proper officer. The removal will take effect immediately upon receipt of notice by the Head of GovernanceAudit & Democracy.~~

~~7.08 The role of Cabinet Assistant includes:-~~

- ~~• Undertaking a work programme as agreed with the portfolio Cabinet member~~
- ~~• Having a good working knowledge of the portfolio~~
- ~~• When representing the Cabinet member, acting as the political figurehead and ambassador for the portfolio~~
- ~~• Keeping abreast of related developments, policy and good practice in relation to the work of the portfolio~~
- ~~• Having knowledge of national policy and legislation in relation to local government~~
- ~~• Understanding the broader corporate agenda and supporting the Cabinet member and officers to maximise the portfolio's contribution to the Council's priorities~~
- ~~• Maintaining good relationships with officers and other elected members~~
- ~~• Assisting the Cabinet member and the portfolio's Corporate Director and management team in their role in the Council's budgeting process~~
- ~~• Attending local, regional and national meetings and events as agreed with or requested by the Cabinet member~~
- ~~• Developing effective partnerships, relationships and networks at all levels~~
- ~~• Working with the Cabinet member to help build Telford & Wrekin's regional and national profile~~
- ~~• Providing robust and constructive challenge~~
- ~~• Demonstrating commitment to the Council's values~~
- ~~• Carrying out the role in accordance with the Code of Conduct and the Council's constitution~~
- ~~• Attending all training sessions and development activities deemed essential for Cabinet Assistants, including those specific to the portfolio~~

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Article 8 – Regulatory and Other Committees

Explanatory Comment

Committees will need to be created to undertake non-~~Leader and Cabinet Executive~~Cabinet functions under powers delegated from full Council. By way of example planning and licensing are not functions ~~for the Leader and of the~~Cabinet ~~Executive~~.

8.01 Regulatory and other committees

The following committees will be appointed by full Council. Delegated powers will be given to these committees to discharge their relevant functions.

Committees

Plans Board

Licensing Committee

Standards Committee

Audit Committee

Council Constitution Committee

Functions

- Town and Country Planning and Development Control
- Miscellaneous powers in relation to footpaths, bridleways, use and enjoyment of highways and duty to keep definitive map and statement under review.
- Tree Preservation Orders (where objections have been received)
- Protection of important hedgerows
- Licensing and Registration functions excluding those relating to social care.
- Elections.
- Health & Safety at Work.
- Health Act 2006 Part 1 Chapter 1
- The naming and status of areas and individuals.
- Power to make, amend, revoke or re-enact bye-laws.
- Power to promote or oppose local or personal Bills.
- To make payments etc in cases of maladministration.
- Licensing Act 2003
- Gambling Act 2005
- Matters relating to ethics, standards and governance.
- Matters relating to governance and overseeing the audit, risk management and financial statements processes.
- To review and recommend changes to the Constitution of the Council

Committees

Adult Care and Support Scrutiny Committee
Efficient and Community Focused Council Scrutiny Committee
Community Protection and Cohesion Scrutiny Committee
Housing, Regeneration and Prosperity Scrutiny Committee
Active Lifestyles – Leisure & Culture Scrutiny Committee
Environment & Rural Areas Scrutiny Committee
Children & Young People Scrutiny Committee

Appeals Committee

Personnel Board

Functions

- To scrutinise the work of the Council, its Committees and the Cabinet in relation to the Corporate Priority.
 - To scrutinise the work of other organisations relating to this priority in accordance with national legislation and good practice
-
- To hear and determine all appeals except those which by statute require to be determined by a separate body, e.g. social services appeals
-
- Appointment of Corporate Directors and Statutory Officers
 - Local Government Pension Scheme
 - To agree at a strategic level all matters relating to the Council's employees

Footnote

- (i) General functions relating to all committees are listed above which also include Standards Committee, Audit Committee and the Scrutiny Committees.
- (ii) The following functions listed for Licensing Committee will be reserved to full Council for determination: -
 - power to make, amend, revoke or re-enact bye-laws
 - power to promote or oppose personal bills

Article 9 – The Standards Committee and The Audit Committee

Explanatory Comment

The Standards Committee has an important role in ensuring and promoting good ethical conduct of Councillors and officers. The Audit Committee has an important role in overseeing financial processes, audit and risk management. They both support good governance in the public sector, with particular reference to local government.

(Section 53-55 and Sections 81(5), Local Government Act 2000)
(CIPFA Position Statement –“Audit Committee Principles in Local Government”)

9.01 Standards Committee

The full Council will establish a Standards Committee.

9.02 Composition

Political Balance

The Standards Committee will be politically balanced as per the political balance rules in **section 15 of the Local Government & Housing Act 1989.**

- (a) **Membership:** The Standards Committee will be composed of:-
- eight Councillors, excluding the Leader and only one of whom may be a member of the Cabinet;
 - four persons who are not Councillors or Officers of the Council or any other body having a Standards Committee (independent members);
 - at least three parish council representatives (who are not members of the Council)
- (b) **Independent Members** – Independent members will be appointed in accordance with guidance issued. Independent members will be entitled to vote at meetings;
- (c) **Chairing the Committee** – The Chairman must be an Independent Member of the Committee and should either have previous knowledge or have received training on standards, regulation and ethical issues.
- (d) **Quorum** – The quorum for a meeting of the Standards Committee shall be three which must include one of the independent members.
- (e) **Training** – In addition to the Chairman’s training outlined above, all members of the Committee should be properly trained to fulfil their role, including awareness of standards, ethics and governance.
- (f) **Sub-committees** –

(i) Terms of Reference of the Referrals Sub-Committee

As approved by the Standards Committee

1. Terms of Reference

- a. The Referrals Sub-Committee is established to receive allegations that a member of the Authority has failed, or may have failed, to comply with the Authority’s Code of Conduct.
- b. Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:

2:22

- i. refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or directing that he/she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations;
- ii. refer the allegation to the Standards Board for England;
- iii. decide that no action should be taken in respect of the allegation; or
- iv. where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;

and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

- c. Upon completion of an investigation by the Monitoring Officer, the Sub-Committee shall be responsible for determining whether:
 - i. it accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;
 - ii. the matter should be referred for consideration at a hearing before the Hearings Sub-Committee of the Standards Committee; or
 - iii. the matter should be referred to the Adjudication Panel for determination.
- d. Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b) or 2(c) above, the Sub-Committee shall state its reasons for that decision.
- e. The Sub-Committee shall consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act.
- f. The Sub-Committee shall, upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Authority under Section 2(2) of the 1989 Act, and may direct the Authority to include a post in that list.

2. Composition of the Referrals Sub-Committee

The Referrals Sub-Committee shall comprise 4 members, of whom at least 1 shall be an independent member of the Standards Committee (and one of whom shall chair the Sub-Committee), and at least 2 elected members of the Authority. When the Referrals Sub-Committee considers a matter relating to the conduct of a person in his/her capacity as a Parish or Town Councillor, the Sub-Committee shall also include a Parish or Town Council representative.

3. Quorum

The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent member as Chairman, and at least one elected member of the Council and at least one Parish or Town Council representative when considering a matter relating to the conduct of a member as Parish or Town Councillor.

(ii) Terms of Reference of the Review Sub-Committee

As approved by the Standards Committee

1. Terms of Reference

- a. The Review Sub-Committee is established to review, upon the request of a person who has made an allegation that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct, a decision of the Referrals Sub-Committee that no action be taken in respect of that allegation.
- b. Upon receipt of each such request and any accompanying report by the Monitoring Officer, the Sub-Committee shall review the decision of the Referrals Sub-Committee and shall then do one of the following:
 - i. refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or specifying that he/she take an alternative action as permitted by Regulations;
 - ii. refer the allegation to the Standards Board for England;
 - iii. decide that no action should be taken in respect of the allegation; or
 - iv. where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;

and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

- c. Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b) above, the Sub-Committee shall state its reasons for that decision.

2. Composition of the Review Sub-Committee

The Review Sub-Committee shall comprise 4 members, of whom at least 1 shall be an independent member of the Standards Committee (and one of whom shall chair the sub-committee), and at least two 2 shall be elected members of the Authority. When the Referrals Sub-Committee considers a matter relating to the conduct of a person in his/her capacity as a Parish or Town Councillor, the Sub-Committee shall also include a Parish or Town Council representative.

3. Quorum

The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent member as Chairman, and at least one elected member of the Council and at least one Parish or Town Council representative when considering a matter relating to the conduct of a member as Parish or Town Councillor.

4. Frequency of Meetings

The Review Sub-Committee shall meet as and when required to enable it to undertake the review of any decision of the Referrals Sub-Committee within 3 months of the receipt of the request for such a review from the person who made the allegation.

(iii) **Terms of Reference of the Dispensations Sub-Committee**

As approved by the Standards Committee

1. Terms of Reference

The Dispensations Sub-Committee is established to determine applications from members of the authority and members of other relevant authorities for a dispensation in accordance with the provisions of the Local Government Act 2000 (as amended) and the Standards Committee (Further Provisions) (England) Regulations 2009.

2. Composition of the Dispensations Sub-Committee

The Dispensations Sub-Committee shall comprise 4 members, of whom at least 1 shall be an independent member of the Standards Committee and at least two 2 shall be elected members of the Authority. When the Dispensations Sub-Committee considers an application from a Parish or Town Councillor, the Sub-Committee shall also include a Parish or Town Council representative. The Chairman of the Dispensations Sub-Committee must be an independent member of the Standards Committee.

3. Quorum

The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent member as Chairman, and at least one elected member of the Council and at least one Parish or Town Council representative when considering an application from a Parish or Town Councillor.

9.03 Role and Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors, parish councillors and co-opted members, (including church and parent governor representatives;
- (b) assisting the Councillors, parish councillors and co-opted members (including church and parent governor representatives) to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;

- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging training in relation to the Code of Conduct;
- (f) granting dispensations to Councillors, co-opted members (including church and parent governor representatives) from requirements relating to interests set out in the Members' Code of Conduct;
- (g) receiving allegations that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct
- (h) establish sub-committees of the standards committee to make initial assessments of complaints received by the Standards Committee alleging a breach of the Members' Code of Conduct;
- (i) establish sub-committees to consider requests received by the Standards Committee to review decisions to take no action in relation to a complaint made to its sub-committee set out at paragraph (g) above
- (i) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by a sub-committee of the Standards Committee or an ethical standards officer to the Monitoring Officer and setting up hearings sub-committees to deal with those reports as and when required
- (k) in conjunction with the operation of the Standards Board for England, the Standards Committee will work within the existing policy and procedures for handling of issues relating to probity and matters of an ethical nature.
- (l) consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act
- (m) advising the Council on the appointment of independent members taking account of guidance issued by the Standards Board for England
- (n) selecting and recruiting Parish Council representatives to serve on the Standards Committee taking account of guidance issued by the Standards Board for England

9.04 Audit Committee

The full Council will establish an Audit Committee.

9.05 Composition

Political Balance

The Audit Committee will be politically balanced, as per the Political Balance Rules in **section 15 of the Local Government & Housing Act 1989**.

- (a) **Membership:** The Audit Committee will be composed of:
 - six councillors, excluding the Leader and any member of the Cabinet;
 - ~~the members of the Audit Committee will be appointed for the full term of the Council (4 years) or other such time remaining to the end of the current Council, when they are appointed;~~

- the Leader and/ or any Cabinet Member: ~~Resources~~ can be invited to attend by the Chairman and he/she may contribute to the debate, through the Chair, but will not be able to vote;
- (b) **Co-opted Members:** one or more persons can be co-opted to the Committee who are not councillors or officers of the Council. Co-opted members will not be entitled to vote.
- (c) **Chairing the Committee:** the Chairman will be appointed from the Council members of the Committee. They should either have previous knowledge or have received training on financial and risk management, internal control assurance, the Council's core activities, accounting issues and regulation/compliance. The Chairman will have such access to members, officers and the external auditor as is required to discharge their duties.
- (e) **Quorum:** The quorum for a meeting of the Audit Committee shall be three.
- (f) **Training:** In addition to the Chairman's training outlined above, all members of the Committee should be properly trained to fulfil their role, including awareness of governance, risk management, internal control assurance, the Council's core activities, accounting issues and regulation compliance.
- (g) Due to the training and experience required by the members of this Committee there will be no system of substitute members.

9.06 Role and Function

The Audit Committee will have the following roles and functions:

- (a) Overseeing the Council's:
 - internal audit processes
 - external audit processes
- (b) Seeking assurances that the Council's risk management processes are operating properly;
- (c) Overseeing the Council's governance processes and reviewing and approving the Annual Governance Statement; and
- (d) Contributing to the approval of the Council's accounts.

Article 10 – Area Working Arrangements

Explanatory Comment

The Council has discretion in deciding whether it wishes to introduce Area Working arrangements. It recognises however that a key part of the modernisation process is to strengthen the engagement of the community with the Council. One of the means to achieving this is by way of Area Working arrangements.

10.01 Area Working Arrangements

No final decisions have yet been taken by the Council in respect of Area Working arrangements. The Council has however recognised the need to engage the community in Area Working which in its early stages may involve: listening and communicating better at the local level; identifying, reporting and representing the needs of the locality; community planning at the local level; and monitoring the local delivery of services.

Area Working arrangements will also need to engage the parishes and other existing local arrangements.

The approach to Area Working arrangements will be evolutionary whilst building upon partnerships and structures already established.

10.02 Timetable for Area Working Arrangements

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

10.03 Composition and function

Decisions will be made at a future date

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Article 11 – Joint Arrangements

Explanatory Comment

The Local Government Act 2000 and regulations enable local authorities to make use of joint arrangements with other authorities and delegate to other local authorities.

11.01 Arrangements to promote well being

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

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

11.02 Joint arrangements

- (a) In accordance with Section 101 of the Local Government Act 1972, the Council may establish joint arrangements with one or more local authorities ~~and/or their Cabinets~~ to exercise functions which are not Cabinet functions in any of the participating authorities.
- (b) The Leader and Cabinet Executive ~~Cabinet~~ may establish joint arrangements with one or more local authorities to exercise his functions ~~which are Cabinet functions~~. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) The ~~Cabinet~~Leader and Cabinet Executive may only appoint Cabinet members to a joint committee exercising his ~~Cabinet~~ functions (e.g. West Mercia Supplies). Joint Committees which exercise functions which are functions reserved to the Council will need to be politically balanced.
- (d) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

11.03 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply to functions of the Leader and Cabinet Executive ~~Cabinet~~ and to functions of a joint committee provided all the Members of the joint committee are members of the Cabinet within each participating authority.
- (b) If the joint committee contains members who are ~~neither the Leader nor~~ ~~not~~ on the Cabinet of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.04 Delegation to and from other local authorities

- (a) The Council may delegate non-Cabinet functions to another local authority or, in certain circumstances, to the Leader ad Cabinet Executive ~~Cabinet~~ of another local authority.

- (b) The Leader and Cabinet Executive Cabinet may delegate Cabinet functions to another local authority or the Leader or Cabinet Executive of another local authority in certain circumstances.

11.05 Contracting out

The Council for functions which are not Cabinet functions and the Leader and Cabinet Executive Cabinet for Cabinet functions may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making power.

Article 12 – Officers

Explanatory Comment

12.00 This Article describes the structure of the Council and the roles of the Statutory Officers - Head of Paid Service (Chief Executive), Monitoring Officer (MO), Chief Financial Officer (CFO), Director for Children's Services (DCS), Director of Adult Social Services (DASS) and Scrutiny Officer.

12.01 Management structure

- (a) **Structure:** The Head of Paid Service will determine and publicise a description of the senior officer structure of the Council.
- (b) The Corporate Management Team is made up of the Chief Executive, Corporate Directors, Assistant Chief Executive and any other officer as determined by the Chief Executive. The duties of the Corporate Management Team include the delivery of effective governance and corporate and strategic management of the Council through collaborative working with elected members and partners, including the pursuit of the Council's vision, priorities and core values. Each Corporate Director has responsibility for at least one Council priority, corporate themes, projects and strategies, and where applicable statutory responsibilities.
- (c) The Council is required to designate statutory officers (as per paragraph 12.00) who will act in accordance with their professional standards and best practice guidance.

12.02 Functions of the Head of Paid Service

The Head of Paid Service shall undertake all duties designated under Section 4 of the Local Government and Housing Act 1989. These are personal functions and must be undertaken by the Head of Paid Service personally. Where the Head of Paid Service is also the Chief Executive he/she may delegate other functions which are not included in Section 4.

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Financial Officer if a qualified accountant.

12.03 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by members, employees and the public.
<http://www.telford.gov.uk/Council+democracy/Democracy+elections/Council+Constitution.htm>
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the full Council [or to the Leader and Cabinet Executive in relation to a Cabinet function] if he or she considers that any proposal, decision or omission would give rise to unlawfulness or following receipt of an ombudsman's report indicating if a decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- (c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (e) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.
- (f) **Proper Officer for access to information.** The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **Advising whether Cabinet decisions are within the policy framework and budget.** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the policy framework and budget.
- (h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and policy framework and budget issues to all Councillors. The Monitoring Officer shall also provide advice to officers and members in relation to personal and prejudicial interests.
- (i) **Appointment of a Deputy.** The Monitoring Officer shall appoint a deputy to act in his/her absence and when the Monitoring Officer is unable to act as defined in **Section 5 of the Local Government and Housing Act 1989.**
- (j) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.

12.04 **Functions of the Chief Financial Officer**

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will report to the full Council [or to the Leader and Cabinet Executive in relation to a Cabinet function] and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Financial Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Financial Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, policy framework and budget issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- (e) **Give financial information.** The Chief Financial Officer will provide financial information to the media, members of the public and the community.

- (f) **Supporting the Audit Committee:** The Chief financial Officer will contribute to the promotion and maintenance of high standards of governance, audit, probity and propriety, risk management and the approval of the statement of accounts through provision of support to the Audit Committee.

12.05 Functions of the Director of Children's Services (DCS)

The Children Act 2004 Section 18 (1) requires the Council to appoint a Director of Children's Services. The Director of Children's services is tasked with improving the well-being of all children and young people in the local area across all five *Every Child Matters* outcomes, and ensuring that outcomes gaps between the most disadvantaged children and their peers are reduced.

- (a) The functions of the Director of Children's Services are specified in Section 18(2):

- functions conferred on or exercisable by the LA in its capacity as a local education authority¹ ;
- social services functions as they relate to children within the meaning of the Local Authority Social Services Act 1970;
- functions relating to persons leaving care² ;
- functions in respect to the co-operation to improve well-being with partner agencies ;multi agency arrangements to safeguard and promote welfare; information databases ;children and young people's plans³;
- functions under section 75 of the National Health Service Act 2006 on behalf of an NHS body, so far as those functions relate to children
- functions in respect to the improvement of young children's well-being; provision of child care; information ,advice and assistance, and training to child care providers⁴ and
- such other functions conferred on or exercisable by the authority as may be prescribed by the Secretary of State by regulations

- (b) Key roles:

- leadership –
 - to promote the importance of improving outcomes for all children and young people,
 - to encourage all services to contribute to improving outcomes for all children within the Children's Trust and other partnerships; and
 - working with local head teachers collectively to drive up standards in schools and improve children's wellbeing.
- championing children and young people and their families within the local area;
- management of the local authority's children's services, with professional responsibility and accountability for their effectiveness, availability and value for money;
- safeguarding and promoting the welfare of children
- supporting looked after children
- ensuring there are effective arrangements for school improvement in the area;
- ensuring effective delivery of the authority's responsibilities for 14-19 commissioning and provision, and all aspects of 16-19 provision;

¹ Subject to exceptions set out in Section 18(3)

² Sections 23C to 24 D Children Act 2004

³ Sections 10 to 12 and 17 Children Act 2004

⁴ Part 1 of the Childcare Act 2006

- promoting early intervention and prevention in delivering services for children, young people and families; and
- emphasising and ensuring all plans and strategies reflect the importance of reducing child poverty in the area.

12.06 **Functions of the Director of Adult Social Services (DASS)**

The Children's Act 2004 makes an amendment to Section 6 of the Local Authority Social Services Act 1970 and requires local authorities with social services responsibility in England to appoint an officer as the Director of Adult Social Services (once the duty to appoint a DCS has commenced).

- (a) The DASS is accountable for the delivery of local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970 (as amended), other than those for which the DCS is responsible, in respect of adults.
- (b) The responsibilities of the DASS must properly relate to the local authority's functions in respect to adult social services including:
 - accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services;
 - professional leadership, including workforce planning;
 - leading the implementation of standards;
 - safeguarding vulnerable adults;
 - managing cultural change;
 - promoting local access and ownership and driving partnership working;
 - delivering an integrated whole systems approach to supporting communities; and
 - promoting social inclusion and wellbeing.

12.07 **Functions of the Scrutiny Officer (SO)**

The Scrutiny Officer shall undertake the following functions, including:

- a) **Promoting Scrutiny** - the SO will promote the role of the authority's scrutiny committee(s) and sub committee(s)
- b) **Provide Support** - the SO will provide support to the scrutiny committee(s), sub committee(s) and members of those committees or sub committee(s).
- c) **Provide Support and Guidance** - the SO will provide support and guidance to the members of the authority, members of the executive of the authority and officers of the authority in relation to the functions of the authority's scrutiny committee(s) and sub committees.

The Scrutiny Officer post cannot be held by the Head of Paid Service, Chief Financial Officer or Monitoring Officer.

12.08 **Duty to provide sufficient resources to the Head of Paid Service, Monitoring Officer and Chief Financial Officer**

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

12.09 **Conduct**

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

12.10 Employment

- (a) The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.
- (b) All officers shall be appointed on merit in accordance with Section 7 of the Local Government and Housing Act 1989.

Article 13 – Decision Making

Explanatory Comment

The Council is required to keep up to date a record of what part of the Council or which individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is referred to in Part 3 of this Constitution.

13.01 Responsibility for decision making

~~A~~One purpose of the Leader and Cabinet Executive structure is to expedite decision making. Accordingly the intention of the Council is that decision taking should be delegated in the interests of speed where that is consistent with the democratic process in terms of accountability and openness.

The various levels of decision making are:-

- (i) Council – Committees – Boards – delegations to officers.
- (ii) Leader - Cabinet (either collectively or an individual Cabinet member)– ~~individual members of the Cabinet (although at the present time these powers have not been delegated to individual Cabinet Members and are only exercisable by the Cabinet as a whole)~~–delegations to officers

Whilst specific functions are reserved to full Council by statute ~~and the Council~~ and the Leader may determine that certain Cabinet decisions be taken in full meetings of the Cabinet, a purpose of this Constitution is to encourage delegation of decision making to individual members and to officers. Where such decisions have been delegated it remains open to the person making the delegation to call back for their own decision, issues of significance or sensitivity and for the decision maker to refer matters upwards for determination.

~~As a matter of principle all key decisions shall be taken at full meetings of the Cabinet?.~~

The separation of powers between the Council and the Leader and Cabinet Executive is fundamental to the operation of modernised local government.

The Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) set out what decisions the Council must make itself and these are detailed in Article 4. The following functions under Schedule 2 of the Regulations are also functions in relation to which the Council itself will make decisions:

- (a) approval of the Council Plan;
- (b) determination of any appeal against a decision made by, or on behalf of the full Council as opposed to appeals against decisions of the Leader and Cabinet Executive and/or Cabinet;

The determination of any appeal against a decision made by, or on behalf of the full Council as referred to in (b) in the paragraph above shall not in any way affect or remove the statutory rights of the individual.

Decisions which the Council is delegating to Committees and Boards are identified in Article 8. The ~~Leader~~Council will may allocate functions within the Cabinet, or to an individual Cabinet Member, or an officer.

~~If the Council chooses not to exercise its power to allocate responsibilities within the Cabinet, the Leader will exercise all powers including the power of delegation to individual Members of the Cabinet and/or officers. Decisions are made by the Cabinet collectively.~~
Decisions in relation to the policy framework and budget are exclusively reserved to the Council.

13.02 Principles of decision making

All decisions of the Council, its Committees/Boards, the Leader and Cabinet Executive and those under delegated powers shall have regard to the following principles of governance and good practice:

- consideration of all options available;
- having regard to due consultation;
- consideration of professional advice from officers;
- clarity of aims and desired outcomes;
- the action proposed must be proportionate to the desired outcome;
- having respect and regard for human rights;
- presumption for openness, transparency and accountability;
- only relevant matters taken into account;
- due weight to all material considerations (including opportunities and risks);
- proper procedures will be followed.

13.03 Types of decision

- (a) Decisions reserved to full Council – Decisions relating to the functions listed in Article 4 will be made by the full Council and not delegated.
- (b) Decisions made by Committees/Boards appointed by the Council – Power to make such decisions is delegated by the Council in accordance with Part 4 of this Constitution. (Section 101, Local Government Act 1972)
- (c) Decisions of the Leader and Cabinet Executive will comprise Key Decisions and Non-Key Decisions. "Key Decisions" relate to a Leader and Cabinet Executive decision, which is likely:
 - (1) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates;or
 - (2) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Council's area.

A key decision will relate to a decision on a matter identified in the Forward Plan, except in cases of urgency when the provisions [contained within the Policy Framework Budget Procedure Rules] will apply.

In accordance with **Section 38 of the Local Government Act 2000**, in determining the meaning of "significant" the Council shall determine thresholds above which items are significant (see Guidance Note 3) and will ensure these limits are published. Any decisions involving expenditure or saving above the published threshold for the service or function concerned will be a Key Decision. A Key Decision may not necessarily involve significant expenditure or

savings but may however be significant in terms of its effect on communities in two or more wards within the Council's area.

A decision taker may only make a Key Decision in accordance with the requirements of the Cabinet Decision Procedure Rules set out in Part 4 of this Constitution.

13.04 Decision making by the full Council

Subject to Article 13.08, when considering any matter, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution

13.05 Decision making by the Cabinet

Subject to Article 13.08, when considering any matter, the Leader, Cabinet, individual member of the Cabinet or officer exercising delegated powers will follow the Cabinet Decision Procedures Rules set out in Part 4 of this Constitution.

13.06 Decision making by the Scrutiny Committees

When considering any matter the Scrutiny Committees will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

13.07 Decision making by other Committees and Boards established by the Council

Subject to Article 13.08, other Council Committees, Boards will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

13.08 Decision making by Council bodies acting as tribunals

The Council, a Councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in **Article 6 of the European Convention on Human Rights**.

Article 14 – Finance, Contracts and Legal Matters

Explanatory Comment

This article refers to the Council's Legal Matters, and Financial and Contract Rules, which are contained in Part 4 of this Constitution.

14.01 Financial Management

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

14.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution. ~~Individual members of the Council will not be able to enter into contracts beyond the value of £10,000 except that at the current time individual members have not been empowered to make individual decisions.~~

14.03 General Emergency Powers

- (a) The Chief Executive shall, having as far as possible conferred with the Leader in the event of civic disasters or other issues of extreme emergency, have power to make decisions for the protection of the district and its inhabitants, and which cannot be dealt with in accordance with the normal decision making process of the Council.
- (b) ~~Subject to the provisions of Article 7 (The Chief Executive has delegated authority to deal with those urgent items of business falling within the remit of the Leader Cabinet where a Leader is not and Cabinet are not in office. In addition, the Chief Executive has delegated authority to undertake the role of consultee for those functions within the Council's Scheme of Delegation to Officers (Section 100g(2) List) requiring prior consultation with the Leader or appropriate Cabinet Member where they are not in office.~~

14.04 Legal Proceedings

The Head of ~~Legal Services Governance~~ is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of ~~Legal Services Governance~~ considers that such action is necessary to protect the Council's interests.

14.05 Authentication of Documents

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

14.06 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Head of ~~Legal Services Governance~~. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of ~~Governance Legal Services~~ should be sealed. The affixing of the Common Seal will be attested by the Head of ~~Governance Legal Services~~ or some other person authorised by him/her.

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Article 15 – Review and Revision of the Constitution

Explanatory Comment

This Article places a duty to monitor and review the Constitution on a particular body/person.

15.01 **Duty to monitor and review the Constitution**

The Council is required to keep the Constitution under review, and this task is to be undertaken by the Council Constitution Committee reporting to full Council. The Council is also required to keep the Constitution up to date, to reflect changes which may be made from time to time, for example by Council or the Leader and Cabinet Executive.

The results of any review will be reported to full Council, which can approve and adopt any necessary changes to the Constitution.

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect, and will report at least on an annual basis to the Council Constitution Committee.

15.02 **Protocol for monitoring and review of Constitution by Monitoring Officer**

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations to the Council Constitution Committee for ways in which it could be amended to better achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

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

15.03 **Changes to the Constitution**

~~Changes to the Cabinet arrangements must be approved by Council and, -Where the~~ proposed change to the Constitution involves a change from a Leader and Cabinet Executive model to mayoral form, the Council must take steps to consult with local electors and other interested persons and take the results of that consultation into account before taking a final decision on such a change. A change to a mayoral form could not be implemented unless endorsed by a local referendum.

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Article 16 – Suspension, Interpretation and Publication of the Constitution

Explanatory Comment

This Article ensures that the articles of the Constitution may not be suspended. This provides certainty and stability to the fundamental aspects of the Council's governance. However, it does provide for rules of procedure to be suspended in certain circumstances.

16.01 **Suspension of the Constitution**

- (a) Limit to suspension. The Articles of this Constitution may not be suspended. The Rules of Procedure relating to meetings of the Council, the Cabinet, Committees and Sub-Committees may be suspended by the Council or the Cabinet to the extent permitted within the Council Procedure Rules and the Cabinet Procedure Rules contained in Part 4 and the law.
- (b) Procedure to suspend. A motion to the full Council to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the aims of the Constitution set out in Article 1.

16.02 **Interpretation**

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

16.03 **Keeping the Constitution Up To Date**

The Council has delegated power under **Section 37 of the Local Government Act 2000** to prepare and keep up to date the Constitution to the Chief Executive who shall make appropriate arrangements to ensure the Constitution is kept up to date and is made available in accordance with paragraph 16.04 below.

16.04 **Publication**

<http://www.telford.gov.uk/Council+democracy/Democracy+elections/Council+Constitution.htm>

- (a) The Chief Executive will provide an electronic link to this Constitution on the Council's website or, on request, a printed copy, to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.
- (b) The Chief Executive will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased on payment of a reasonable fee.
- (c) The Chief Executive will ensure that the summary Part 1 Chapter 1 of the Constitution is made widely available within the area and is updated as necessary.

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Part 3 - Responsibility for Functions

Section 13 of the Local Government Act 2000 as amended provides that all the functions of the authority shall be functions of the Leader and Cabinet Executive –except in so far as they are reserved to the Council by the **Local Government Act 2000, by subsequent legislation or by regulations made under the Local Government Act 2000. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)** sets out those functions:

- a) which must not be discharged by the Cabinet, Leader and Cabinet Executive (e.g. determination of planning applications; licensing and registration functions);
- b) which may be the responsibility of the Leader and Cabinet Executive ~~Cabinet~~ (e.g. service of an abatement notice for a statutory nuisance; functions relating to contaminated land);
- c) which may not be the sole responsibility of the Leader and Cabinet Executive ~~Cabinet~~ (e.g. the Council Plan; and
- d) circumstances in which functions which would otherwise be functions of the Leader and Cabinet Executive fall to be discharged other than by the Leader and Cabinet Executive (e.g. where the Leader and Cabinet Executive is taking a decision concerning the budget and wish to make a decision contrary to the approved budget, then this is a matter for the Council).

Accordingly, the Council only has discretion as to the allocation of functions between the Council (“Council functions”) and the Leader and Cabinet Functions (“Leader and Cabinet functions”) in respect of those functions which fall within categories b. and c. above.

“Council functions” shall therefore comprise:

- a) those functions which are reserved as Council functions by the **Local Government Act 2000** and by subsequent legislation;
- b) those functions which are reserved as Council functions by the **Local Authorities (Functions and Responsibilities) (England) Regulations 2000** and subsequent regulations under the **Local Government Act 2000**;
- c) of those functions set out in **Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000**:
 - i) under paragraph 2 of that Schedule, any appeal in respect of a decision which is a Council function shall be a Council function;and
 - ii) under paragraph 19 of that Schedule, the appointment of any individual to any office or body, or to any committee or sub-committee of any body, and the revocation of such appointment shall be a Council function except to the extent that the opportunity for such appointment arises at such date that it is not convenient to defer any such appointment until the next Annual General Meeting of the authority.

and the plans and strategies the adoption or approval of which shall be a Council function (the “Strategic Framework”) shall be those plans and strategies set out in **Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000**

together with such other plans and strategies as the Council shall identify from time to time for this purpose.

The Council may make arrangements under Section 101 of the **Local Government Act 1972** for the discharge of any of its functions by:

- a) a Committee;
- b) a Sub-Committee;
- c) a Joint Committee;
- d) another local authority, or
- e) an officer.

Such arrangements are set out in Part 2 of this Constitution and in the Scheme of Delegation of Council Functions to Officers.

| Under Section ~~14~~⁵(2) of the **Local Government Act 2000**, the ~~Leader Council~~ may make provision that specific Cabinet functions shall be allocated to, and discharged by,

- a) the Cabinet (as a body);
- b) an individual member of the Cabinet;
- c) a Committee of the Cabinet; or
- d) an officer.

N.B. A summary of all delegations will be prepared and made available to the public on request

CHAPTER 2

Part 4 - Rules of Procedure

Section 1– Council Procedure Rules

Rule

1. Annual meeting of the Council
2. Ordinary meetings
3. Extraordinary meetings
4. Assembly Session
5. Appointment of Substitute Members of Committees
6. Time and place of meetings
7. Notice of and summons to meetings
8. Chairman of meeting
9. Quorum
10. Questions by members
11. Notice of Motion
12. Motions without notice
13. Rules of debate
14. Previous decisions and motions
15. Voting
16. Minutes
17. Minutes of Boards and Committees, Boards & Commission
Reports of Cabinet and Chairmen at Council Meeting
18. Record of attendance
19. Exclusion of public
20. Members' conduct
21. Disturbance by public
22. Declaration of interest of members in contracts and other matters
23. Suspension and amendment of Council Procedure Rules
24. Alteration of Date/Time of Meeting
25. Application of Rules to Committees, Boards and Commissions
26. Interests of Officers in Contracts
27. Advice to Council by Officers

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in March, April or May (Local Government Act 1972, Schedule 12 paragraph 1).

The annual meeting will:

- (i) elect a person to preside if the Mayor Speaker is not present;
- ~~(ii) elect the Speaker;~~
- ~~(iii) appoint the Deputy Speaker of the Council;~~
- (iv) appoint the Leader if the Annual Meeting follows an ordinary election of Councillors;
- ~~(v) appoint a Deputy Leader~~
- (vi) appoint a Mayor
- (vii) appoint a Deputy Mayor
- (viii) receive any declarations of interest from members
- (ix) approve the minutes of the last meeting;
- (x) receive any announcements from the Speaker, Leader, the mayor and/or Head of Paid Service;
- ~~(xi) agree the number of councillors to be appointed to the Cabinet and appoint those members of the Cabinet;~~
- (xii) appoint such committees and boards as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions (as set out in Part 3, of this Constitution), agree the size and terms of reference of these bodies and to appoint Chairmen, Vice Chairmen, Members and substitute Members for such committees and boards in accordance with political balance rules;
- (xiii) agree the scheme of delegation in accordance with the requirements of the Local Authority (Functions & Responsibilities) (England) Regulations 2000 or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (xiv) receive a programme of ordinary meetings of the Council for the year; and
- (xv) consider the Leader's annual statement of policy priorities and the responses of the Leaders of the two largest opposition parties
- (xvi) consider any business set out in the notice convening the meeting

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2. ORDINARY MEETINGS

2.1 Ordinary meetings of the Council will take place in accordance with the calendar of meetings. Ordinary meetings will:

- | (i) elect a person to preside if the ~~Mayor Speaker~~ and Deputy ~~Mayor Speaker~~ are not present;
 - | (ii) have prayers led by the ~~Speaker Mayor~~ or a nominee
 - (iii) receive apologies for absence (if any)
 - (iv) deal with any business required by statute to be done before any other business
 - (v) approve the minutes of the previous meeting and any outstanding from previous meetings;
 - (vi) receive any declarations of interest from members;
 - | (vii) receive any announcements from ~~the Speaker~~, the Leader and Cabinet Members, the Mayor, ~~members of the Cabinet~~ or the Head of Paid Service;
 - (viii) deal with any business from the previous Council meeting;
 - | (ix) receive reports from the Leader and Cabinet Members, and receive questions and answers on any of these reports;
 - (x) receive reports from the Council's committees and receive questions and answers on any of these reports. All recommendations to Council for approval contained within such reports to be clearly identified on the agenda for the meeting;
 - (xi) receive reports about and receive questions and answers on the business of external organisations;
 - (xii) receive statutory reports:
 - (xiii) to answer questions received from members under Rule 10 in the order in which they were received
 - (xiv) consider motions from members under Rule 11 in the order in which they were received; and
 - | (xv) consider any other business specified in the Summons to the meeting, including consideration of proposals from the Leader and Cabinet Executive in relation to the Council's budget and policy framework and reports of the Scrutiny Committees and Scrutiny Assembly for debate.
- 2.2 The order of items (i), (ii), (iii) or (iv) of paragraph 2.1 shall not be varied. The order of other business may be varied:-
- | (i) at the discretion of the ~~Speaker Mayor~~, prior to the meeting following consultation with the Leader or at the meeting
 - (ii) by a resolution passed at the meeting on a motion (which need not be in writing) duly moved and seconded, and put without discussion.

3. EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings

Those listed below may request the Head of ~~Governance Audit & Democracy~~ to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the ~~Mayor~~ Speaker;
- (iii) the Monitoring Officer; and
- (iv) any five members of the Council if they have signed a requisition presented to the ~~Speaker~~ Mayor and he/she has refused to call a meeting or has failed to call a meeting within five working days of the receipt of the requisition **Local Government Act 1972, Schedule 12, paragraph 3(2)**.

3.2 Business

Business conducted at an extraordinary meeting shall be restricted to a single item with no consideration of previous minutes or reports from committees.

4. ASSEMBLY SESSION

4.1 Calling of Debate

The Leader, after consultation with the ~~Mayor~~ Speaker, may request the Head of ~~Governance Audit & Democracy~~ to call an Assembly Session as and when required.

- 4.2 The Head of ~~Governance Audit & Democracy~~ will, by letter, invite partner organisations through nominated spokespersons, to attend and debate with members of the Council, matters of public policy. The letter of invitation will set out the rules of debate applicable to Assembly Sessions.

4.3 Form of Debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include workshops and other events prior to or during the Assembly Sessions.

4.4 Chairing of debate

The debate will be chaired by the ~~Mayor~~ Speaker.

4.5 Results of Debate

The results of the debate will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) considered by the Leader in proposing budget and policy framework to the Council for the coming year.

5. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

5.1 Allocation

As well as allocating seats on committees, the Council may allocate seats in the same manner for substitute members, and these will be appointed at the Annual Council meeting. Subject to the requirements of Rule 5.2, substitute members may also be appointed by the relevant political group except that there should be no substitute arrangements in relation to the following:-Standards Committee, ~~Audit Committee~~, Personnel Board, and Scrutiny Committees, except in the case of Call-In Meetings. The appropriate Group Leader will be required to notify the Head of ~~Governance~~~~Audit & Democracy~~ of the appointment.

5.2 Number

For each committee where substitutes are permitted, the Council or relevant political group will appoint no more than the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee.

5.3 Powers and duties

Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

5.4 Substitution

Substitute members may attend meetings in that capacity only:

- (i) to take the place of the ordinary member for whom they are the designated substitute;
- (ii) where the ordinary member will be absent for the whole of the meeting; and
- (iii) after that member notifying the Head of ~~Governance~~ ~~Audit & Democracy~~ one hour before the start of the meeting of the intended substitution.

6. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Head of ~~Audit & Democracy~~ ~~Governance~~ and notified in the summons.

7. NOTICE OF AND SUMMONS TO MEETINGS

The Head of ~~Audit & Democracy~~ ~~Governance~~ will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Head of ~~Audit & Democracy~~ ~~Governance~~ will send a Summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The Summons will state the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by reports

8. CHAIRMAN OF MEETING

The person presiding at the meeting may exercise any power or duty of the ~~Speaker~~ ~~Mayor~~. Where these rules apply to Committee, Board and Scrutiny Committee meetings, references to the ~~Speaker~~ ~~Mayor~~ also include the Chairman of Committees and Boards.

9. **QUORUM**

The quorum of a meeting shall be 14 members. During any meeting if the ~~Mayor~~Speaker counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the ~~Mayor~~Speaker. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

10. **QUESTIONS BY MEMBERS**

10.1 **On reports of the Cabinet or Committees**

A member of the Council may ask the Leader or the Chairman of a Committee any question without notice upon an item of the report of the Cabinet or a Committee when that item is being received or under consideration by the Council.

10.2 **Questions on notice at full Council**

Subject to Rule 10.3, a member of the Council may ask:

- ~~The Mayor~~Speaker;
- any member of the Cabinet; or
- the Chairman of any Committee or Board.

At any ordinary meeting of the Council a question on any matter in relation to which the Council has powers or duties or which affects the Borough.

10.3 **Question and Answer Process**

- (a) There will be a maximum of 30 minutes allowed for questions and answers.
- (b) Questions will be dealt with strictly in accordance with the order in which they are received by the Head of ~~Audit & Democracy~~Governance.
- (c) A member asking a question will refer to that question as printed and circulated rather than to read out the question.
- (d) Any question not answered within the 30 minute time limit will receive a written reply within 7 working days.
- (e) A member asking a question under Rule 10.2 may respond once without notice to the reply from the member to whom the first question was asked. The questioner's response must arise directly out of the original question or the reply. The member to whom the question was addressed shall then have the right to conclude the debate.

10.4 **Notice of questions**

A member may only ask a question under Rule 10.2 if either:

- (a) the question has been submitted in writing at least two working days prior to the Council meeting to the Head of ~~Audit & Democracy~~Governance; or

(N.B. Notices of Questions should be by 5.00pm on the last day of receipt. These may be delivered by e-mail and facsimile)

- | (b) the question relates to urgent matters, they have the consent of the ~~Mayor~~Speaker to whom the question is to be put and the content of the question is given to the Head of ~~Audit & Democracy Governance~~ if at all possible no later than 24 hours before the time fixed for the meeting.

10.5 Questions out of Order

| The ~~Mayor~~Speaker may, in consultation with the Chief Executive or Head of ~~Legal Services Governance~~, rule out of order questions which in his/her opinion would risk:-

- (a) defamation of any individual;
- (b) not conforming to the provisions of paragraph 10.2.

No invalid questions will be circulated.

10.6 Response

An answer may be given by the member to whom the question was asked or such other member as they may nominate.

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner and to all other Members via the Council's Intranet or e-mail within 7 working days.

10.7 Time allowed for questions

The time allowed in Council meetings for dealing with questions received under this Council's Procedure Rules shall not exceed 30 minutes. If questions remain unanswered, then written answers will be circulated within 5 working days after the meeting to the questioner and to all other Members via the Council's Intranet or e-mail.

11. NOTICE OF MOTION

11.1 Notice

| Except for motions which can be moved without notice under Rule 12, written notice of every motion must be delivered to Head of ~~Audit & Democracy Governance~~ not later than 7 clear working days before the date of the meeting.

These will be available for inspection the day after the closing date for receipt.

(NB. Notices of motion should be delivered by 5.00 pm on the last day of receipt. These may be delivered by e-mail and facsimile)

11.2 Motion set out in agenda

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

11.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect Telford & Wrekin.

11.4 Withdrawing a motion

If a motion set out in the summons is not moved either by the member who gave notice or by some other member on that member's behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice

11.5 Motions Out of Order

The ~~Speaker—Mayor~~ may in consultation with the Chief Executive or Head of ~~Governance~~Legal Services, rule out of order motions which, in his/her opinion, would risk:-

- (a) defamation of any individual;
- (b) not conforming to the provisions of paragraph 11.3 or which breach Council Procedure Rules.

Such motions shall not appear on the Council agenda or be otherwise circulated.

11.6 Referring a motion

If the subject matter of any motion of which notice has been duly given comes within the province of the Leader and Cabinet Executive or any committee, board or commission, it shall, upon being moved and seconded, stand referred without discussion to the Leader and Cabinet Executive or such committee or to such other committee as the Council may determine, for discussion and report, provided that the ~~Mayor~~Speaker may consider it convenient and conducive to the despatch of business to allow the motion to be dealt with at the meeting at which it is brought forward.

12. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda; (in accordance with Rule 2.2 (ii))
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to extend the time limit for speeches
- (i) to amend a motion;

- (j) to proceed to the next business;
- (k) that the question be now put;
- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.
- (r) to requisition voting by roll-call in accordance with Rule 15

13. RULES OF DEBATE

13.1 No speeches until motion seconded

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

13.2 Right to require motion in writing

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

13.3 Seconders' speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

13.4 Content and length of speeches

- (a) Speeches must be directed to the question under discussion or to a personal explanation or point of order. Except as set out below no speech may exceed three minutes without the consent of the ~~Speaker~~Mayor or upon a passing of a motion under Rule 12(h)
- (b) the following persons may be allowed to speak for up to 5 minutes:
 - (i) The Leader or a Cabinet Member and a member of the Cabinet or Chairman of a Committee who is presenting a report to the Council or moving the adoption of minutes of that Committee
 - (ii) The mover of a motion.
 - (iii) A Member exercising his/her right of reply to a motion
- (c) (i) At the Annual Council Meeting and at the Council meeting which determines the budget and on the occasion of the State of the Borough Debate the Leader shall be allowed 20 minutes to deliver his/her priorities speech.

- (ii) The Leaders of the two largest opposition groups shall each be allowed 10 minutes to reply to (c) (i) above

- (iii) The Leader or a Cabinet Member ~~other person as they may nominate~~ shall be allowed a further 10 minutes in total to respond to the speeches in (ii) above

13.5 When a member may speak again

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

- (a) if the member has formally seconded a motion or amendment and reserved the right to speak later
- (b) to speak once on an amendment moved by another member;
- (c) to move a further amendment if the motion has been amended since he/she last spoke;
- (d) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (e) in exercise of a right of reply;
- (f) on a point of order; and
- (g) by way of personal explanation.

13.6 Amendments to Motions and Recommendations

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

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

- (b) Any proposed amendment to a motion or recommendation at Council shall be submitted to the Head of Audit & Democracy Governance by no later than 2.30 p.m. on the day of the meeting. The Head of Audit & Democracy Governance will ensure that Group Leaders are notified by telephone or email of any amendments received as soon as possible prior to the commencement of the Council meeting. If the meeting commences any earlier than 6.30 p.m. then the deadline shall be 4 hours before the start time shown on the summons.
- (c) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- | (f) After an amendment has been carried, the ~~Mayor~~Speaker will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

13.7 Alteration of motion

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

13.8 Withdrawal of motion

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

13.9 Right of reply

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

13.10 Motions which may be moved during debate

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

- (a) to withdraw a motion; (See Rule 13.8)
- (b) to amend a motion; (See Rule 13.6)
- (c) to proceed to the next business; (See Rule 13.11)
- (d) that the question be now put; (See Rule 13.11)
- (e) to adjourn a debate; (See Rule 13.11)

- (f) to adjourn a meeting; (See Rule 13.11)
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

13.11 Closure motions

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

13.12 Point of order

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

13.13 Personal explanation

- A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Speaker-Mayor on the admissibility of a personal explanation will be final.

14. PREVIOUS DECISIONS AND MOTIONS

14.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 10 members.

14.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 10 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

14.3 Decision of Committee to rescind a previous decision

If a Committee decides that a decision of the Council or a Committee, made within the previous 6 months ought to be rescinded or substantially varied then that Committee, may recommend but may not resolve to the Council that the decision in question be rescinded or varied.

15. VOTING

15.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members present and voting in the room at the time the question was put. (**Local Government Act 1972, Schedule 12, paragraph 39(1)**).

15.2 ~~Speaker's~~ Mayor's casting vote

If there are equal numbers of votes for and against, the ~~Mayor~~Speaker will have a second or casting vote. There will be no restriction on how the ~~Speaker~~ Mayor chooses to exercise a casting vote. (Local Government Act 1972, Schedule 12, paragraph 39(2)).

15.3 Voting

The ~~Mayor~~ Speaker will take the vote by means of an electronic voting system that will automatically record the vote and this information will be entered into the minutes. In the event of an electronic vote recording system not being used the ~~Speaker~~ Mayor will take the vote by show of hands or if there is no dissent by affirmation at the meeting.

15.4 Recorded vote

In the event of an electronic voting system not being used the following paragraph will apply: If 7 members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

15.5 Right to require individual vote to be recorded

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

15.6 Voting on appointments

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

16. **MINUTES**

16.1 **Signing the minutes**

The ~~Speaker~~Mayor will sign the minutes of the proceedings at the next suitable meeting. The ~~Speaker~~Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy, which shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the ~~Speaker~~Mayor shall sign the minutes.

16.2 **No requirement to sign minutes of previous meeting at extraordinary meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting which is not an extraordinary meeting will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

16.3 **Form of minutes**

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

17. **MINUTES OF BOARDS AND COMMITTEES AND REPORTS OF CABINET AND CHAIRMEN AT COUNCIL MEETING**

17.1 The Minutes of the Scrutiny Committees and other Committees shall be submitted for adoption and information to the Council and shall distinguish between decisions made using delegated powers and those made by the appropriate body using referred powers. Decisions in the former case shall be preceded by the word 'RESOLVED' and in the latter case by the word 'RECOMMENDED'.

17.2 The person presenting the minutes shall submit the minutes of the Scrutiny Committees or Committee/Board as appropriate for approval by the Council, and shall formally move their adoption.

17.3 Reports from the ~~Leader and~~ Cabinet ~~Executive~~ containing recommendations shall be submitted for adoption by the Council, and shall formally be moved by the Leader or ~~Cabinet Member a member of the Cabinet~~.

17.4 Following the seconding of the motion, the number of each minute/report which contains a recommendation or recommendations, will be called out in turn by the ~~Speaker~~Mayor. When a minute/report containing a recommendation or recommendations is called, a member may indicate that he/she wishes to speak.

17.5 A member may move an amendment, comment, question or make an observation relating to the minute/report. A member wishing to move an amendment must do so at the commencement of his/her speech.

17.6 No comment, observation or question by members on any resolved minutes shall be allowed, except by the discretion of the ~~Speaker~~Mayor,

17.7 There shall be no amendment to resolved minutes.

17.8 At the conclusion of all questions on and debate on amendments of the Minutes of a Board, Committee or Commission or amendments to reports of the Cabinet, the

~~Speaker-Mayor~~ shall put it to the Council Meeting that the Minutes (or the Minutes as amended as the case may be) or reports shall be adopted.

17.9 Members of the Cabinet, the Chairmen of the Scrutiny Committees and other Boards or Committees having given nine working days notice to the Head of ~~Audit & Democracy Governance~~ shall bring to the attention of the Council such matters in respect of which notice has been given after which a debate may follow on matters within that report only. At the conclusion of the debate the ~~Leader, a Cabinet Member~~ ~~Cabinet Member~~ or Chairman of the appropriate Committee shall have the right of final response.

17.10 Notwithstanding Rule 14 the Cabinet has the power to request the Council to reverse a decision within five days of that decision being made.

18. RECORD OF ATTENDANCE

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting. (Local Government Act 1972, Schedule 12, paragraph (40)).

19. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 21 (Disturbance by Public).

20. MEMBERS' CONDUCT

20.1 Standing to speak

When a member speaks at full Council they must stand and address the meeting through the ~~Mayor Speaker~~, except where the member or members may be physically impaired from so doing. If more than one member stands, the ~~Speaker-Mayor~~ will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

20.2 ~~Speaker-Mayor~~ standing

When the ~~Speaker-Mayor~~ indicates by standing or some other means during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

20.3 Member not to be heard further

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

20.4 Member to leave the meeting

If the member continues to behave improperly after such a Motion is carried, the ~~Speaker Mayor~~ may move that either the member leaves the meeting or that the meeting is adjourned for a specified period and to a specified place. If seconded, the motion will be voted on without discussion.

20.5 General disturbance by individual member or groups of members

If there is a general disturbance making orderly business impossible, the ~~Speaker-Mayor~~ may adjourn the meeting for as long and to such place as he/she thinks necessary.

21. DISTURBANCE BY PUBLIC

21.1 Removal of member of the public

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

21.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the ~~Speaker-Mayor~~ may call for that part to be cleared.

22. DECLARATIONS OF INTEREST OF MEMBERS

If a member of the Council has a personal interest as referred to in Part 2 of the Council's Code of Conduct for Members in any matter under consideration, then the member shall declare his or her interest and if it is considered prejudicial withdraw from the meeting until discussion of the relevant matter is concluded unless that member has obtained a dispensation from the Council's Standards Committee.

23. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

23.1 Suspension

All of these Council Rules of Procedure except Rules 15.5,16.2 and 18-24 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

23.2 Amendment

Unless it is on the recommendation of the Council Constitution Committee and five working days prior notice in writing is given to each Member of the Council of any addition, variation or revocation of those Rules of Procedure, any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

24. ALTERATION OF DATE/TIME OF MEETING

The ~~Mayor Speaker~~ or Deputy ~~Speaker-Mayor~~ may in any case when he/she considers it necessary following consultation with the Leader, and provided due notice can be given, alter the date or time of the meeting of the Council.

25. APPLICATION OF RULES TO COMMITTEES AND BOARDS

All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Cabinet. Only Rules 5–9, 10–13, 14–16, 19–25 (but not Rule 20.1) apply to meetings of Committees and Boards.

26. INTEREST OF OFFICERS IN CONTRACTS

The Head of ~~Audit & Democracy Governance~~ shall record in a book to be kept for the purpose particulars of any notice given by an officer of the Council under **Section 117 of the Local Government Act 1972**.

27. ADVICE TO COUNCIL BY OFFICERS

| The ~~Speaker-Mayor~~ may permit Officers to give advice to the Council as and when appropriate.

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Part 4 – Rules of Procedure

Section 2 – Access to Information Procedure Rules

The requirements for access to information in respect of decision-taking by the Council are very largely set out in statute and regulations. This section provides a summary of those statutory provisions together with a more detailed statement where the Council has decided to grant rights of access over and above the statutory provision.

1. Council Functions

All decisions in respect of Council functions are regulated by **Sections 100A to 100K of the Local Government Act 1972**.

The Council has made no supplemental provisions for access to information in respect of Council functions.

2. Cabinet Functions

All decisions in respect of Cabinet functions are regulated by the **Local Authorities (~~Executive Cabinet~~ Arrangements) (Access to Information)(England) Regulations 2000, as amended** as follows:

a) Advance notice of forthcoming decisions

- i) The requirement for advance notice of forthcoming Leader and Cabinet ~~Executive Cabinet~~ decisions apply to “Key Decisions”, which are defined by Regulation 8 to comprise any executive Cabinet decision which is likely to:
 - result in significant expenditure or significant savings, or
 - be significant in terms of its effects on two or more wards or electoral divisions within the authority’s area.
- ii) The Leader is required, at least 10 working days before the start of each calendar month, to prepare a Forward Plan which sets out details (as set out in Regulation 14) of any matters which he/she considers are likely to be the subject of a Key Decision within the next 4 calendar months.
- iii) The Leader shall instruct that the authority shall advertise annually the existence and availability of the Forward Plan
- iv) Where a Key Decision is required to be taken which has not been publicised in the Forward Plan, the decision-taker must give at least 5 working days notice of the proposed decision and a copy of any report to the Chairman of the appropriate Scrutiny Committee. Where the urgency of the decision is such that even that notice cannot be given, the decision-taker must obtain the agreement of the Chairman of the Scrutiny Committee (or in their absence the ~~Mayor~~Speaker or Deputy ~~Mayor~~Speaker of the Council) that the decision does need to be taken as a matter of such urgency.

b) The decision-making process

- i) Where a decision is to be made by the Cabinet (as a body):

- the agenda for the meeting and every public, and non-exempt report shall be available for inspection as soon as they are made available to members of the decision-making body, unless it discloses confidential or exempt information. At least 5 working days notice shall be given unless the meeting is convened at shorter notice or where an item is added to the agenda at shorter notice in cases of urgency in accordance with the provisions of the **Local Government Act 1972**.
 - the meeting must be a public meeting, although the press and public may be excluded during consideration of any matter which would involve the disclosure of confidential or exempt information.
- ii) Where an individual member of the Cabinet or an officer proposes to take a Key Decision, a Decision Notice shall first be published within four working days and sent to all Members of the Council via email.
- c) **Recording the Decision**
- (i) Within four working days after a Cabinet decision has been made by the Cabinet as a whole or by an individual member, or a Key Decision made by an officer, the proper officer shall make a written record of that decision. All Decision Notices with the exception of those referred to in (d) below shall be published by being made available in the Main Reception of Civic Offices and sent via email to all Members of the Council.
- (ii) Records of Cabinet decisions shall be available for public inspection within four working days after the decision has been taken, together with a copy of any report considered and any background papers.
- d) **Exceptions for Exempt and Confidential Information**
- In respect of (b)(i) and (ii) above the rules do not apply where the publication of a report, a Decision Notice thereon or background paper or attendance at a meeting would be likely to disclose exempt or confidential information, as defined in the **Local Government Act 1972, Schedule 12A (as amended)**. Such reports, Decision Notices or background papers shall only be sent to Members of the Council.

Part 4 – Rules of Procedure

Section 3 – Policy Framework and Budget Procedure Rules

1. The Framework for Cabinet Decisions

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

2. Process for Developing the Framework

The Council is responsible for the adoption of the budget and policy framework. The process by which the budget and policy framework shall be developed is:

- (a) Before the end of December each year the Leader and Cabinet Executive ~~Cabinet~~ will publicise its policy and budget proposals, together with a timetable for taking final proposals to the Council and arrangements for consultation. There will be a minimum 4 week consultation period.
- (b) During the consultation period:
 - (i) the Leader and Cabinet Executive ~~Cabinet~~'s proposals shall be referred to the Scrutiny Committee for an Efficient Community Focused Council for further consideration.
 - (ii) a range of consultation activities will take place with the community and stakeholders so that they can feed their views into the process
 - (iii) the Leader and Cabinet Executive ~~Cabinet~~'s proposals shall be available to Opposition Groups for consideration. It is the responsibility of Opposition Groups to plan their own work programme so that they are able to respond to the proposals within the consultation period.
- (c) Any budget proposals proposed by Opposition Groups must be presented to the Scrutiny Committee for an Efficient Community Focused Council prior to Cabinet presenting their proposals to Full Council. This may be during the consultation period.
- (d) Having considered the results of consultation and any reports of the Scrutiny Committee for an Efficient and Community Focused Council and Opposition Groups, the Cabinet, if it considers it appropriate, may amend its proposals
- (e) The Cabinet will submit its final proposals to Council before the 11th March each year for adoption. It will also report to Council on how it has taken into account consultation feedback.
- (f) The Council will consider the proposals of the Leader and Cabinet Executive ~~Cabinet apply~~ in accordance with its normal rules of procedure.
- (g) The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Article 4, and shall be implemented immediately
- (h) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the

policy framework which may be undertaken by the Leader and Cabinet ExecutiveCabinet. Any other changes to the budget and policy framework are reserved to the Council.

3. Decisions outside the policy framework or budget

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

4. Urgent decisions outside policy framework or budget

- (a) The Leader, Cabinet, other individual members of the Cabinet, and any officers, committees of the Council, area committees or joint arrangements discharging Cabinet functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - i) if it is not practical to convene a quorate meeting of the full Council; and
 - ii) if the Chairman of the appropriate Scrutiny Committee agrees that the decision needs to be taken as a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the Scrutiny Committee, the consent of the SpeakerMayor, and in the absence of both, the Deputy MayorSpeaker will be sufficient.

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

5. Virement

Virement between budget heads is an integral and important feature of budgetary control. It allows service providers to adapt to service changes within Council policy. The details of virement can be found in Financial Procedures Rules in Part 4 of the Constitution.

6. Call-in of decisions outside the policy framework or budget

- (a) Where a- Scrutiny Committee is of the opinion that a Leader and Cabinet Executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Financial Officer.
- (b) In respect of functions which are the responsibility of the Leader and Cabinet Executive Cabinet, the Monitoring Officer's report and/or Chief Financial Officer's report shall be submitted to the decision-taker Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the decision-taker Cabinet must meet to decide what action to take in respect of the Monitoring Officer's and/or the Chief Financial Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Financial Officer conclude that the decision was a departure, and to the Scrutiny Committee if the Monitoring Officer or the Chief Financial Officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Financial Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 working days of the request by the Scrutiny Committee-. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Financial Officer. The Council may either:
- i) endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way;
- Or**
- ii) amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet functiondecision taker and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way;
- Or**
- iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet decision-taker to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Financial Officer.

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Part 4 – Rules of Procedure

Section 4 – Cabinet Decision Procedure Rules

1. HOW THE CABINET OPERATES

1.1 Who may make Cabinet decisions – Schedule 1, Part 4, Local Government Act 2000

The arrangements for the discharge of Cabinet functions are set out in the Cabinet Arrangements (Article 13 and Part 3). They provide for Cabinet functions to be discharged by:

- i) the Cabinet as a whole;
- ii) an individual member of the Cabinet including the Leader ~~(although no such delegation currently exists);~~
- iii) an officer;
- iv) joint arrangements; or
- v) another local authority.

1.2 Delegation by the Leader

At the Annual Council Meeting, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's Scheme of Delegation. The document presented by the Leader will contain the following information about Cabinet functions in relation to the coming year:

- i) the extent of any authority delegated to Cabinet members both collectively and individually, including details of the limitation on their authority;
- ii) the nature and extent of any delegation of Cabinet functions to any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint committee for the coming year; and

1.3 Sub-delegation of Cabinet functions

- (a) Where the Cabinet acting as a whole or an individual member of the Cabinet is responsible for a Cabinet function, they may delegate further to a committee exercising joint arrangements or an officer.
- ~~(b) Unless the Council directs otherwise, if the Leader delegates functions to the Cabinet, then the Cabinet may delegate to an officer.~~
- (c) Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated it.

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1.4 The Council's Scheme of Delegation and Cabinet functions

- (a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 of this Constitution.
- (b) ~~If~~ the Leader is able to decide whether to delegate Leader and Cabinet Executive Cabinet functions ~~and; he/she~~ may amend the scheme of delegation relating to Leader and Cabinet Executive Cabinet functions at any time during the year. To do so, the Leader must give written notice to the ~~proper officer~~ Head of Governance and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Cabinet as a whole. ~~The Proper Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.~~
- (c) Where the Leader seeks to withdraw delegation from a joint committee, notice will be deemed to be served on that joint committee when he/she has served it on its Chairman.

1.5 Conflicts of Interest

- (a) Where the Leader has a conflict of interest this will be dealt with as set out in the Code of Conduct for Members in Part 5 of this Constitution.
- (b) If every member of the Cabinet has a conflict of interest this will be dealt with as set out in the Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of a ~~n~~ Leader and Cabinet Executive Executive Cabinet function has been delegated to an individual member of the Cabinet or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Code of Conduct for Members in Part 5 of this Constitution.

1.6 Cabinet meetings – when and where?

The Cabinet will meet at least once per month (except in July and August) at times to be agreed by the Leader or the Chief Executive. The Cabinet shall normally meet at Civic Offices, Telford or another location to be agreed by the Leader.

A meeting of the Cabinet shall be summoned by the Head of ~~Governance Audit & Democracy~~ who will give a minimum of five working days notice and comply with the processes contained within the Access to Information Rules.

1.7 Public or private meetings of the Cabinet?

Meetings of the Cabinet will be held in public except in so far as the matters for decision relate to issues which can be dealt with in private in accordance with the Access to Information Rules as set out in Part 4 of this Constitution.

1.8 Quorum

The quorum for a meeting of the Cabinet shall be four members of the Cabinet.

1.9 How are decisions to be taken by the Cabinet?

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

2. HOW ARE CABINET MEETINGS CONDUCTED?

2.1 Who presides?

The Leader will preside at any meeting of the Cabinet at which he/she is present, and in his/her absence the Deputy Leader will preside. In the absence of both the Leader and Deputy Leader the members present may appoint another member of the Cabinet to preside.

2.2 Who may attend?

Members of the public (which may include non-Cabinet members of the Council and officers at the discretion of the Cabinet) may attend all meetings of the Cabinet except when exempt or confidential information is being considered where the press and public (including non-Cabinet members of the Council), may be excluded by resolution of the Cabinet in accordance with the Access to Information Rules contained in Part 4 of this constitution.

2.3 What business?

Meetings of the Cabinet will include the following business:

- i) consideration of the minutes of the last meeting;
- ii) apologies for absence
- iii) declarations of interest, if any;
- iv) matters referred to the Cabinet (whether by a Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Policy Framework and Budget Procedure Rules set out in Part 4 of this Constitution;
- v) consideration of reports from individual members of the Cabinet;
- vi) consideration of reports from a Scrutiny Committee
- vii) Forward Plan;
- viii) reports of Statutory Officers; and
- ix) matters set out in the agenda for the meeting, and which shall indicate which are Key Decisions.

Items (iv) – (ix) shall require written reports except in cases of urgency where it is impractical to do so.

2.4 Consultation

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

2.5 Who can put items on the Cabinet agenda?

- (a) Any member of the Cabinet may require the Proper Officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. The proper officer will comply, subject to the agreement of the Leader.
- (b) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by the Scrutiny Committees and Scrutiny Assembly. However the number of items per Cabinet meeting, will have regard to the amount of business on the agenda.
- (c) Any resolution of the Council which is required to be considered by the Cabinet will be so considered within fifteen working days of the date of the Council resolution, or at the next scheduled meeting of the Cabinet.
- (d) The Chief Executive, Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where the Head of Paid Service or Chief Financial Officer or Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

2.6 Timescales

| In considering matters in relation to budgetary issues the **Leader and Cabinet Executive** will have due regard to any appropriate timescale within which the budget has to be approved by the Council. By way of example the timespan required to deal with this will include consultation with partners and other external agencies plus reference to the Scrutiny Committee for an Efficient and Community Focused Council

2.7 Key Decisions

Key Decisions shall only be taken provided that the matter in question is contained within the Forward Plan, or if not in the Forward Plan, after giving five working days notice, together with a report to the Chairman of the appropriate Scrutiny Committee and with the consent of the Chairman of the relevant Scrutiny Committee

2.8 Recording of Decisions

All decisions including Key Decisions are to be made by a simple majority of these Members of the Cabinet present and voting, except for voting on appointments where two or more persons are nominated for any position in which case if there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

Following a meeting of the Cabinet at which a report (whether oral or in writing) has been received and at which a Cabinet decision has been made or a decision of a individual Cabinet member after consideration of a report, the proper officer shall ensure that a written record will be published

2.9 Officer Attendance

No decision will be made by the full Cabinet unless there is present at the meeting the senior officer responsible for the service or their representative and/or the Proper Officer for recording the meeting.

A written statement of the decision taken will be produced by the proper officer four working days following the Cabinet meeting or after the individual Cabinet member instructs the officer to do so.

2.10 Urgent Decisions and Call-in

Where an urgent decision has been taken by the Cabinet this should be recorded and this decision will not be subject to call-in (see Overview and Scrutiny Procedure Rules).

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Part 4 – Rules of Procedure

Section 5 – Overview and Scrutiny Procedure Rules

1.0 Arrangements for Scrutiny

1.1 Group Leaders will determine their own representation on the 7 Scrutiny Committees in accordance with the political balance of the Council. The Scrutiny Assembly will automatically have all members of the Council appointed to it, except the Leader, other Cabinet Members, ~~Cabinet Assistants~~ and the Mayor. The Scrutiny Chairmen's Forum will co-ordinate the work of the 7 Scrutiny Committees and the Scrutiny work programme.

1.2 The Lead Scrutiny Member will be the Chairman of the Scrutiny Assembly and will be appointed by Full Council.

2.0 TERMS OF REFERENCE FOR THE SCRUTINY COMMITTEES

2.1 Membership

The number of Members on each committee will be:

• Adult Care and Support	6
• Efficient and Community Focused Council	6
• Community Protection and Cohesion	6
• Housing Regeneration and Prosperity	6
• Active Lifestyles, Leisure and Culture	6
• Environment and Rural Areas	6
• Children and Young People	6

2.2 Each Scrutiny Committee will be politically balanced.

2.3 Where smaller opposition groups share a place on a Scrutiny Committee, the Leaders of the groups concerned will agree the allocation of the Scrutiny Committee places amongst themselves.

2.4 Term of Membership

Members of the Scrutiny Committees will be appointed for a 2 year period. However, during this period Group Leaders may allocate their place to an alternative member but must confirm this in writing to the Head of Governance.

2.4.1 Each Scrutiny Committee will be responsible for scrutiny of one of the Council's priorities.

2.5 Chairman

The Chairman of each Scrutiny Committee will be the Lead Scrutiny Member for that Council priority.

2.6 Each Scrutiny Committee will have an overview and scrutinise the work of the Council within these priority areas as set out by the **Local Government Act (2000)**. Within the remit of each priority area each Committee will:

- Review the strategies and policies of the Leader and Cabinet Executive and the Council and scrutinise any matter affecting local people.

- Review the discharge by the Leader and Cabinet Executive~~Cabinet~~ of any of its functions, including comparison of performance against any appropriate targets, plans or standards.
- Review any decisions or proposed decisions of the Council and of the Leader and Cabinet Executive~~Cabinet~~.
- Consider any matters which affect the Council or its administrative area or the inhabitants of that area and to make recommendations to the Council or the Leader and Cabinet Executive~~Cabinet~~ arising from that consideration.
- Consider any matter referred to it by the Scrutiny Chairmen's Forum from the Leader and Cabinet Executive~~Cabinet~~ or the Council and recommend to the Leader and Cabinet Executive~~Cabinet~~ or the Council accordingly.

2.7 The table below sets out the statutory and cross cutting responsibilities of the 7 Scrutiny Committees.

Scrutiny Committee	Statutory Powers and Responsibilities
Adult Care and Support	Consideration of Health and Social Care referrals for the Local Involvement Network (LiNK) (as set out in section 226 of the Local Government and Public Involvement Act (2007))
Efficient Community Focused Council	Budget Scrutiny and Statutory Scrutiny of Local Area Agreements (as set out in section 21E of the Local Government Act 2000)
Community Protection and Cohesion	Scrutiny of the Crime and Disorder Reduction Partnership (as set out in section 19 of the Police & Justice Act (2006.))
Housing, Regeneration and Prosperity Active Lifestyles – Leisure and Culture	Statutory Health Scrutiny Function including appointing Members and Co-optees to any Joint Health Scrutiny arrangements (as set out in Section 7 of the Health & Social Care Act (2001) and amended by the National Health Service Act (2006))
Environment and Rural Areas	Scrutiny of Flood and Water Management (as set out in the Flood and Water Management Act 2010)
Children and Young People	To appoint at least 2 and no more than 5 statutory co-optees (as set out in the Parent and Governor Regulations (England) Regulations 2001 (S/I 2001 /478) (PGR 2001)

2.8 The Scrutiny Work Programme will be determined by the Scrutiny Assembly and co-ordinated by the Chairmen's Forum.

2.9 Each Scrutiny Committee has:

- The powers of an Overview and Scrutiny Committee in relation to Leader and Cabinet Executive~~Cabinet~~ decisions related to that priority made but not implemented

as set out in **section 21(3) of the Local Government Act 2000** i.e. Call-in of decisions taken but not yet implemented.

- The power to appoint co-optees in line with the Co-optee Protocol
- The powers of an Overview and Scrutiny Committee in relation to the consideration of Councillor Calls for Action in relation to the relevant Council priority as set out in **section 21A of the Local Government Act 2000 and section 19(3) of the Police & Justice Act 2006**.
- The powers of an Overview and Scrutiny Committee in relation to petitions as set out in the **Local Democracy, Economic Development and Economic Construction Act (2009)**

3.0 Meetings of Scrutiny Committees

3.1 Each Scrutiny Committee will meet formally a minimum of 2 times a year. In addition to these meetings the Committees may undertake In-depth Reviews, Special Interest Meeting and Spot Light Reviews as determined by the process to agree the Scrutiny work programme.

3.2 Requisition of Meetings

3.2.1 The Chairman of each Scrutiny Committee can requisition additional meetings of the Committee.

3.2.2 Any Member of the Scrutiny Assembly may request that Chairman of the Committee to requisition a meeting of the Committee. The meeting may be called at the Chairman's discretion.

3.2.3 For urgent business a meeting of a Scrutiny Committee will be called as soon as practicable if 7 Members of the Scrutiny Assembly sign a request to call a meeting specifying the reasons.

4.0 Co-optees

4.1 The Scrutiny Committees shall be entitled to appoint a number of people as co-optees to the Scrutiny Committee in addition to those required below.

- Other than the 4 statutory co-optees required below and the Co-optees on the Joint Health Scrutiny Committee as agreed by Full Council, co-optees are non-voting members of the Scrutiny Assembly.
- Co-optees will be appointed for either a fixed term or as a standing member, and in any case, terminable with one month's notice on either side.

4.2 The full protocol for co-opted members is set out in the Scrutiny hand book.

5.0 Education representatives

5.1 The relevant Scrutiny Committee shall include in its membership the following voting representatives for education matters:

- (a) Church of England diocese representatives (one);
- (b) Roman Catholic diocese representative (one);

(c) parent governor representatives (two).

5.2 The meaning of “education matters” in this paragraph relates wholly or in part to any education functions which are the responsibility of the Authority’s Cabinet. If the Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, though they may play a full part in the work of the Committee and the Scrutiny Assembly.

6.0 Quorum

6.1 The quorum for the Scrutiny Committees shall be as set out for committees in the Council Procedure Rules in Part 4 Section 10 of this Constitution.

7.0 CO-ORDINATION BY THE CHAIRMEN ACTING COLLECTIVELY

7.1 The co-ordination of the work of the Scrutiny Committees will rest with the Chairmen’s Forum. The Chairmen will meet as the Scrutiny Chairmen’s Forum:

7.2 To approve the annual Overview and Scrutiny work programme to ensure it is an efficient use of the Committees’ time and that the potential for duplication is minimised.

7.3 Where matters fall within the remit of more than one Scrutiny Committee, to determine which of them will assume responsibility for any particular issue and to resolve any issues of dispute between the Scrutiny Committees.

7.4 To receive requests from the ~~Leader and Cabinet Executive~~Cabinet or individual Members and/or the Full Council for reports from the Scrutiny Committee and to allocate them if appropriate to one or more Scrutiny Committees.

7.5 To put in place and maintain a system to ensure that referrals and recommendations from Scrutiny to the ~~Leader and Cabinet Executive~~Executive, either by way of report or for reconsideration are managed efficiently and do not exceed the limits set out in the Constitution.

7.6 To prioritise the use of the annual consultant’s budget in consultation with the Head of Governance.

8.0 TERMS OF REFERENCE FOR THE SCRUTINY ASSEMBLY

8.1 All Councillors except ~~the Leader, other~~ Members of the Cabinet, ~~Cabinet Assistants~~ and the Mayor will be members of the Scrutiny Assembly, although the Mayor may still attend and participate in meetings if he or she wishes

8.2 Membership

All co-opted Members on Scrutiny Committees will be Members of the Scrutiny Assembly

8.3 The Chairman of the Scrutiny Assembly will be appointed at Annual Council and will be the Lead Scrutiny Member.

8.4 The Scrutiny Assembly will hold an annual work programme workshop to generate ideas and prioritise these to form the basis of a scrutiny work programme .

8.5 The Scrutiny Assembly will also hold an annual Question and Answer workshop.

9.0 SCRUTINY WORK PROGRAMME

9.1 Process to agree work programme

Scrutiny Committees will have the power to determine their own work programme. Cross cutting reviews will be identified by the Scrutiny Chairmen. The Scrutiny work programme will be agreed through the following process:

- Scrutiny Assembly meeting, resulting in a list per Scrutiny Committee of items for scrutiny – these will be scored in priority order.
- The Scrutiny Team work with relevant officers to complete the scoring matrix for the priorities for each Scrutiny Committee.
- Scrutiny Chairmen's Forum agrees the cross cutting reviews to be carried out during the year and the number of meetings allocated to these. The Chairmen will report this decision to each Scrutiny Committee.
- Each Committee meets to plan their work programme, dividing the remaining scrutiny meetings between the Committees. The Committee will consider the topics identified at the Scrutiny Assembly and issues referred from the previous Scrutiny arrangements. The Committees can use the meetings allocated in different formats.

9.2 Review groups, special interest meetings and standing groups are not formally constituted Council committees and therefore do not have to meet in public or meet political balance requirements.

9.3 Additions and Changes to the Scrutiny Work Programme in Year

Any member of the Scrutiny Assembly or member of the public may complete a Scrutiny suggestion form to raise a potential issue for scrutiny as an agenda item, review or special interest meeting. Leader and Cabinet ExecutiveCabinet and Council may also refer an issue to Scrutiny. Any referral from Council will be included in the work programme for the relevant Committee. Other suggested additions to the Scrutiny work programme will be raised using a Scrutiny Suggestion Form. Once received the Scrutiny suggestion will be scored against the criteria used to agree the Scrutiny work programme.

The suggestion form and the results of the scoring process will be circulated to the Members and co-optees of the relevant Scrutiny Committee. If a simple majority of the membership of the Committee confirm that this issue should come to Scrutiny this will go to the Scrutiny Chairmen's Forum to be included in the work programme and they will determine the method of scrutiny. It may be necessary to remove or delay other items on the Scrutiny work programme if an additional item is agreed.

9.4 The person or body who raised the issue with Scrutiny will be notified of the decision of the Chairmen's Forum.

10.0 Policy Review and Development

10.1 The role of ~~the~~ Scrutiny in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules. Proposals must be mindful of the Council's budgetary position and take account of the resources available.

10.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Scrutiny Committees, Scrutiny Assembly as a whole or any one of its flexible working mechanisms may make proposals to the Leader and Cabinet ExecutiveCabinet in so far as they relate to matters within their terms of reference.

10.3 The Scrutiny Committees and Scrutiny Assembly, through flexible working mechanisms, may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors, co-optees and witnesses a reasonable fee and expenses for doing so.

11.0 Conduct of Scrutiny Reviews

11.1 At the outset of reviews the terms of reference will be scoped with advice from relevant officers and a list of interviewees agreed.

11.2 Chairmen of Scrutiny Reviews

Review groups will be chaired by the relevant Scrutiny Committee Chairman.

11.3 The Chairman of the Review will ensure the review remains within the scope agreed.

11.4 If during a review circumstances arise which makes it necessary to change the scope of the review, the full review group must agree any changes to the terms of reference of the review or the list of interviewees. If the revised scope requires additional work it may be necessary to remove or delay other elements of the work programme.

12.0 PROTOCOL FOR SCRUTINY REPORTS

12.1 Following scrutiny reviews, the Scrutiny Committee, Scrutiny Assembly or the scrutiny groups will produce thorough reports detailing the work undertaken including consultation processes used and the key findings. The reports will include clear recommendations for consideration by the Leader and Cabinet Executive~~Cabinet~~ and, if proposing changes to the policy and budget framework, by full Council (and where appropriate for consideration by external agencies). The full protocol is set out in the Scrutiny Handbook

12.2 Process to Sign Off Scrutiny Reports

Once a scrutiny group has formed recommendations on proposals for policy development, it will prepare a formal report that will be agreed by all members involved in the work and endorsed by Members of the relevant Scrutiny Committee for onward submission to the Proper Officer for consideration by the Leader and Cabinet Executive~~Cabinet~~ (e.g. if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework). The expectation is that a minority report is the exception and that the Scrutiny group will seek to reach agreement. The protocol for Scrutiny reports is set out in the Scrutiny Handbook.

13.0 MEMBERS AND OFFICER GIVING ACCOUNT

13.1 Scrutiny groups may scrutinise and review decisions made or actions taken in connection with the discharge of any Cabinet and Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, they may require any member of the Cabinet, the Head of Paid Service and/or any senior officer (Service Delivery Manager, Head of Service or Corporate Director) to attend before it to explain in relation to matters within their remit:

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

- iii) the performance of the service

13.2 and it is the duty of those persons to attend if so required within 1 month of being requested.

13.3 Scrutiny Members must confine their questions to the particular issue on the agenda.

13.4 Information obtained as a Scrutiny member through private meetings of Scrutiny Review Groups or Scrutiny Sub-Groups may be sensitive and should be treated as confidential and not used for purposes other than for scrutiny.

13.5 In addition to those people referred to above the Scrutiny Assembly members may invite groups, organisations and individuals to address them, discuss issues of local concern and/or answer questions.

13.6 The Scrutiny Handbook sets out the protocol for Members and Officers giving account

14.0 PROTOCOL FOR THE CALL-IN OF DECISIONS (EXCEPT DECISIONS OUTSIDE THE POLICY FRAMEWORK AND BUDGET) WHICH ARE SET OUT IN THE POLICY FRAMEWORK AND BUDGET RULES

14.1 The call-in procedure allows for any member of the Council, subject to the call-in procedure rules and this protocol, to refer decisions which have been made by Leader and Cabinet ExecutiveCabinet or delegated key decisions taken by officers, but not yet implemented, back to the appropriate decision making body for reconsideration. This is intended to be a check on the decision-making responsibilities of the Leader and Cabinet ExecutiveCabinet and the delegated key decisions taken by officers. This also includes the statutory co-optees for decisions upon which they can vote. This protocol clarifies the call-in process and the documentation required for the process.

14.2 If call-in is triggered, the decision is effectively suspended pending reconsideration. If call-in were used too frequently it would delay the decision making process and work against the principle of speeding up decision making. The call-in procedure and protocol has therefore been carefully designed to ensure that there is an appropriate balance between effectively holding the Cabinet to account, being able to question decisions before they are implemented, and allowing effective and efficient decision making by the Leader and Cabinet ExecutiveCabinet.

14.3 There is also reference to call-in under Budget and Policy Framework Procedure Rules.

14.4 This protocol will be subject to review and change by the Council Constitution Committee.

14.5 All decisions of the Leader and Cabinet ExecutiveCabinet (whether taken collectively or individually) must be recorded. The record must show the reasons for the decision, details of alternative options considered, record of any conflict of interest declared, and any dispensation granted by Standards Committee, where appropriate. When a decision is made by the Leader and Cabinet ExecutiveCabinet, or a key decision is made by an officer with delegated authority from the Leader and Cabinet ExecutiveCabinet, or an area committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council within 4 working days of being made. Members will be sent copies of the records of all such decisions within the same timescale, by the Head of Governance.

14.6 That notice will bear the date on which it is published and will specify when the decision will come into force, and may then be implemented, on the expiry of 3 working days after the publication of the decision, unless the decision is subject to call-in.

14.7 The call-in procedure does not apply to:

- a) Decisions taken by the ~~Leader and Cabinet Executive~~Cabinet that are urgent;
- b) Decisions of full Council;
- c) Any decisions taken by officers that are not key decisions;
- d) Recommendations from the ~~Leader and Cabinet Executive~~Cabinet to the Council;
- e) Specific or individual Employee Relations, Disciplinary or Grievance matters;
- f) Matters which are subject to formal or statutory appeal processes or are sub-judice;
- g) Individual appeal cases for example, Planning, Licensing, Housing, Education;
- h) Decisions of the Standards and Audit Committee or Regulatory Committees;

14.8 Any request for call-in must be made in writing to the Head of Governance on a "Call-in Request form" within 3 working days of the decision being published. The form must be signed by a minimum of 5 members. A faxed form or emailed form will be accepted.

14.9 When the Call-in has been received, the Head of Governance will record the time and date of receipt on the request form and will inform the decision taker. The call-in of decisions will be effected by the Chairman of the appropriate Scrutiny Committee Chairman or, in his/her absence, by the Vice Chairman of the Scrutiny Committee upon a request in writing from a minimum of 5 members, stipulating a draft proposal to be debated at the Scrutiny Committee. The final wording of the proposal will be accepted from the lead call-in member up to 48 hours after receipt of the call-in form in writing via email, fax or handwritten to the Head of Governance. So far as education matters only are concerned this minimum number of 5 may include the statutory voting co-optees referred to in the procedure rules.

14.10 All call-ins will be considered by the relevant Scrutiny Committee. In exceptional circumstances where it is not possible to achieve a quorate meeting of the Scrutiny Committee within the prescribed timescales, substitute members may be appointed by group leaders from the Scrutiny Assembly.

14.11 The Chairman of the Scrutiny Committee will determine within 3 working days whether the call-in request is valid. The Chairman of the Scrutiny Committee, or in his or her absence the Vice-Chairman of the Scrutiny Committee, will sign the call-in request form to verify that it is valid. The members who signed the call-in request form shall be notified that the call-in has been received and will be given notice of the meeting at which the matter will be considered.

14.12 A decision should only be called in once. If the ~~Leader and Cabinet Executive~~Cabinet significantly alter the decision after call-in by scrutiny, the new decision will be capable of being called-in.

14.13 The decision is suspended from the time of receipt of the request for call-in, pending the decision of the Scrutiny Committee.

14.14 An informal meeting will be held between members supporting the call-in, the decision taker and the Head of Governance or his/her representative.

14.15 The objectives of this meeting are to clarify the points at issue and ensure that there is no confusion regarding the decision and to identify whether the concerns expressed on the call-in request form can be addressed by the decision taker in the original decision. After this meeting members supporting the call-in will be able to withdraw their support if they wish to do so in the light of further information or assurances gained at this meeting. If less than 5 signatories remain, the call-in will no longer be valid. If 5 or more signatories remain, the call-in request remains valid and the Scrutiny Committee will meet to consider the call-in request.

14.16 To prevent unnecessary delay to the implementation of the decision, while the informal meeting is being arranged, the necessary arrangements to hear a call-in will also continue, as set out below.

14.17 A member may withdraw their support for a call-in request no later than 24 hours before the start of the call-in meeting by letter, fax or e-mail to the Head of Governance. If after one or more members have withdrawn their support there are less than five members still in support of the call-in request the call-in will no longer be valid.

14.18 The papers despatched for the meeting will be the original report on which the decision was based together with a copy of the call-in request. In addition, both sides of the call-in are requested to produce basic information to enable the Scrutiny Committee to come to an informed decision. This should include:

- One side of an A4 sheet of paper setting out the main points of their argument which will be distributed to each member of the Scrutiny Committee to use during the meeting. This will be the maximum amount of paperwork that each party will be allowed to table at the call-in meeting.
- Any background information that supports these arguments, which could include budgetary information, statistical information, maps, consultation results or as summary of changes in legislation. This must be circulated to scrutiny members and other parties involved in the meeting at least 48 hours prior to the meeting.

14.19 The Head of Governance will liaise with the Chairman of the Scrutiny Committee to determine whether a site visit should be organised prior to the call-in meeting taking place.

14.20 It is acceptable for the Scrutiny Committee (or substitute) members to ask questions of anyone sitting at the table in the call-in meeting, including any external witnesses.

14.21 Any Scrutiny Committee members arriving at the meeting after the lead call-in member has started their presentation will be allowed to remain in the meeting as an observer but will not be allowed to take part in the debate or the voting process. This should be made clear on the agenda for the meeting.

14.22 Proceedings at the meeting will follow the format set out below. Time limits will be strictly adhered to by the Chairman of the meeting, except in exceptional circumstances by determination of the Chairman:-

- a) If having considered the proposal, the appropriate Scrutiny Committee supports the original decision it may be implemented with immediate effect.
- b) If, having considered the proposal, the Scrutiny Committee is still concerned about the original decision, then it may refer it back to the decision making ~~ring person or~~

~~body~~ for reconsideration, or refer the matter to full Council only if the decision is deemed to be outside the policy and budget framework. If referred to full Council, the decision is further suspended pending a meeting of full Council, which must take place within 10 working days of the decision to refer to full Council.

If referred to the ~~Leader and Cabinet Executive~~~~Cabinet~~ the ~~decision taker~~~~y~~ shall then reconsider ~~at the next scheduled Cabinet meeting~~ amending the decision or not before adopting a final decision. If the decision has been made by an officer with delegated authority, that person shall then reconsider within 3 working days of the call-in meeting, amending the decision or not.

- c) If a call-in meeting of the Scrutiny Committee has not been held within 10 working days of a valid call-in request being received, the decision being called-in will take effect from that date.
- d) Call-in of decisions outside the policy framework or budget are covered in Part 4 Rules of Procedure, Section 3 – Policy Framework and Budget Procedure Rules in this Constitution.

Action	By Whom	Time limit
Apologies	Chairman	
Declarations of interest and party whip	Chairman	
Welcome : including explanation of procedure to be followed	Chairman / Officer	
Explanation of reasons for the call-in and justification for proposal set out on the call-in form A4 sheet summarising argument will be distributed	Lead call-in member and any other persons that they wish to involve	30 minutes
Explanation of decision taken and views on alternative proposal. A4 sheet summarising argument will be distributed	~~Relevant~~ ~~Cabinet member~~ ~~Decision-taker~~ and officer (if a cabinet decision) or relevant officer (if decision was delegated to an officer) and any other persons that they wish to involve.	30 minutes
Questioning of call-in representatives and decision taker and consideration of any photographs, plans etc that illustrate the issue under discussion.	Scrutiny Committee Members	Unlimited
Summing-up	Lead call-in member	5 Minutes

Summing-up	Decision taker	5 Minutes
Discussion and voting on the proposal on the call-in form	Scrutiny Committee Members	Unlimited
Sum up and clarify any points which members wish to pass to the Cabinet. These will be reported to the Cabinet by the Scrutiny Committee Chairman.	Chairman of the Scrutiny Committee.	Unlimited

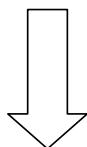
14.23 The Scrutiny Committee having reviewed the decision can:

- 1) reject the call-in proposal and note the original decision. The decision will take effect on the date of the call-in meeting;
- 2) accept the proposal set out on the call-in form and refer back to the decision ~~making person or body taker~~. The ~~Cabinet decision-taker~~ shall then reconsider ~~at the next scheduled Cabinet meeting~~, amending the decision or not before adopting the final decision. If the decision has been made by an officer with delegated authority, that person shall then reconsider within a further 3 working days amending the decision or not, before adopting a final decision;
- 3) accept the proposal set out on the call-in form and refer the matter to full Council if the decision is deemed to be outside the policy and budget framework.

14.24 Whether a call-in proposal is supported or not, members may come to agreement on any comments they wish to pass to the ~~Cabinet or~~ decision taker. The Chairman will sum up and clarify any points which member wish to pass to Cabinet. These will be reported to the Cabinet by the Scrutiny Committee Chairman.

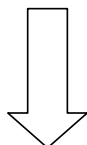
14.25 If after a call-in is received the Scrutiny Committee does not meet in the period set out above, the decision shall take effect on the expiry of 10 working days after the call-in form has been received.

SUMMARY OF TIMETABLE FOR CALL-IN DECISION MADE



4 working days

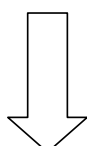
DECISION PUBLISHED



3 working days

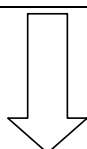
CALL-IN REQUEST DEADLINE (with at least 5 eligible signatures)

Final proposal will be accepted up to 2 working days after receipt of the call-in form. A final decision on validity of call-in within a further working day.



3 working days

CHAIRMAN OF SCRUTINY COMMITTEE DECIDES VALID OR
INVALID



7 working days

MEETING OF SCRUTINY COMMITTEE

To decide:

Accept proposal and refer back to ~~Cabinet or~~ decision taker (forwarding comments if members wish to)

OR Reject proposal and note ~~Cabinet Leader and Cabinet Executive~~ decision, decision is implemented (forwarding comments if members wish to)

If the Scrutiny Committee does not meet in the period set out above, the decision shall take effect on the expiry of 10 working days after the call-in form is received.

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TELFORD & WREKIN COUNCIL

CALL-IN REQUEST FORM

Decision reference/minute no.	
Date of publication of decision:	
Decision taken by:	
This form must be returned to the Head of Governance within 3 working days of the decision being published with at least 5 signatures.	
Decision Called in:	
Suggested proposal you would like to be voted on at the call-in meeting:	

Members requesting call-in of the decision:

	Name	Signature (e mails from your Council computer will be accepted in lieu of a signature but paper or faxed forms must be signed)	Date
1 LEAD CALL-IN MEMBER			
2			
3			
4			
5			
6			
7			
8			
9			
10			

THIS PART OF THE FORM IS TO BE COMPLETED BY THE HEAD GOVERNANCE OR THEIR REPRESENTATIVE

Date and time form received:	
Form processed by (name):	
Date of publication of decision:	
Was the Call-in request received within 3 working days of publication?	YES/NO If no reject and inform relevant parties.
Are there at least 5 appropriate member's signatures on the call-in notice?	YES/NO If no reject and inform relevant parties

Signature of Chairman of Scrutiny Committee		Date:

Appropriate decision making body, Members requesting call-in, the Head of Governance and the Corporate Communications Manager need to be informed of receipt of call-in form.

15.0 NON-APPLICATION OF CALL-IN AND URGENCY

15.1 The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public interest. The record of the decision and notice

4:47

by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the relevant Scrutiny Committee, or in his or her absence, the Speaker and in the absence of both, the Deputy Speaker, must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

15.2 The operation of the provisions relating to call-in and urgency shall be monitored at least annually by the Scrutiny Chairmen's Forum, and a report submitted to the Council Constitution Committee with proposals for review if necessary by the Scrutiny Chairmen's Forum and the Head of Governance.

16.0 THE PARTY WHIP

16.1 Scrutiny is intended to operate outside the party whip system. However, when considering any matter in respect of which a member of scrutiny is subject to a party whip the member must declare the existence of the whip and the nature of it before the commencement of the scrutiny deliberations on the matter. The Declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

16.2 The expression "party whip" can be taken to mean: "Any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner."

17.0 PROTOCOL FOR SCRUTINY MEMBER AND OFFICER RELATIONS

17.1 All officers of the Council have an equal responsibility to serve both Cabinet and Scrutiny Members. The Council has good well-established officer/member working relationships based on respect, dignity, trust and integrity. The Member/Officer Protocol contained within the Constitution supports this position and applies to all officer/member relations, whether Cabinet, Scrutiny or other. The Scrutiny protocol for Scrutiny and Officer relations set out in the Scrutiny Handbook supplements this protocol and provides clarity for officers when serving both the Cabinet and Scrutiny functions.

18.0 PROTOCOL FOR PUBLIC RELATIONS AND SCRUTINY

18.1 The protocol set out in the Scrutiny Handbook has been written as a basis for all communications between scrutiny members and the media. It will ensure that the corporate communications team is able to maximise opportunities for scrutiny to publicise its work and promote the transparency of the Council's decision-making process.

19.0 CHANGES TO THE CONSTITUTION REGARDING SCRUTINY

19.1 The Chairmen's Forum will recommend changes to the Council Constitution Committee regarding Scrutiny arrangements including Call-In. Scrutiny Assembly Members will be informed of any proposed changes.

20.0 PROTOCOL FOR THE OPERATION OF COUNCILLOR CALL FOR ACTION

20.1 Under the Council's Constitution, the relevant Scrutiny Committee may be requested to review ward issues by a Ward Member as a Councillor Call for Action. This protocol seeks to set out the process for Councillor Calls for Action, guidance for Ward Members and the proforma to fill out to request a Councillor Call for Action.

20.2 Councillor Call for Action (CCfA) has been introduced to support elected members in achieving improvements for their local areas. It is envisaged that it would help those Ward Councillors who have been unable to resolve problems in their particular wards by talking to the local authority and its partners, by allowing the Ward Councillor to refer the matter to the Scrutiny Committee for consideration.

20.3 Key Principles:

20.4 The successful operation of CCfA will rely on several principles:

- CCfA will be a means of “last resort”; with issues being raised with the Scrutiny Committee after all other avenues have been exhausted.
- CCfA can only be used in matters affecting a particular Ward area.
- It is a technique for helping to resolve issues, but it is not a panacea. Simply bringing issues to scrutiny through the CCfA process will not automatically produce a solution.

20.5 Operation

20.5.1 The Ward Councillor will come across a problem in their area; this may be through their own experience or via the experience of residents in their area who may approach them for help. The ward councillor will examine the issue and signpost on for:

- Requests for service;
- An individual complaint for an issue specific to an individual’s experience of a specific service;
- Advise of bringing a petition.

20.5.2 If the issue cannot be solved using the methods above, the Ward Councillor will then, dependent on the issue, try to resolve the issue through a number of different avenues:

- Checking that the relevant complaints procedures have been complied with. If the resident’s issue appears to be that a standard service has not been provided, or not to a sufficient standard, then the Councillor should check that the relevant complaints procedure has been used, and that the service provider has responded to the complaint.
- Approaching the local service manager. The issue may at its core be that residents feel that the standard service is not the right one for local conditions and, therefore, the matter may be a question of making some slight adjustments. The Ward Councillor would discuss the matter with the local service manager in an attempt to secure the change.
- Approaching relevant partnership bodies or local groups. If a matter requires attention from a number of different agencies acting in partnership, the Ward Councillor should contact the partner agencies to allow them an opportunity to resolve the issue.
- Approaching the relevant Cabinet Member or Members. The Ward Councillor may come to the conclusion that a resolution can only be found following a policy change, which would require a discussion with the relevant Cabinet Member or, if the issue is complex, Cabinet Members to allow them a chance to consider if a policy decision should be made.

20.5.3 Following the Ward Councillor’s pursuit of one or all of these avenues, they may still be no nearer a resolution to the issue. They will need to consider whether the issue

warrants consideration as a CCfA by the relevant Scrutiny Committee. Before initiating a CCfA the Ward Councillor will be expected to “filter” issues by either deciding that it does require further action through CCfA or that it does not as there is no compulsion for Ward Councillors to initiate a CCfA.

20.5.4 A Ward Councillor should consider the following when deciding if an issue warrants referral as a CCfA:

- (a) Are the concerns individual complaints? If yes, this should be signposted to the complaints process.
- (b) Do the concerns relate to an individual “quasi judicial” decision: Planning, Licensing, Education appeals, Housing appeals or Standards. Scrutiny is not appropriate for dealing with these kinds of concerns as they are subject to their own statutory appeals processes. However, patterns of issues may be appropriate to consider as a concern under CCfA – e.g. community concerns about the proliferation of licensed premises in a local neighbourhood.
- (c) Are the concerns to do with the quality of public service provision across a number of different organisations or agencies? CCfA is not only for Scrutiny to look at issues of concern relating to council services but to issues relating to all public services e.g. community safety, health issues or issues relating to local schools.
- (d) Has this concern already been taken through the CCfA process and someone is trying through another Ward Councillor? In which case you should automatically reject it as a CCfA, unless the issue has substantially changed in its nature to warrant reconsideration.
- (e) Is the focus of concern on a neighbourhood or locality issue? CCfA focuses on neighbourhood or locality issues where you as the Ward Councillor can help resolve issues of concern in your ward. If the concern is of a more general nature e.g. about policy across Telford & Wrekin, it would not be appropriate for CCfA but you could still make a request to Scrutiny in the usual way for it to be considered as part of the Scrutiny work programme.
- (f) Is the issue a genuine local concern? You will want to make sure that the concerns in your Ward are genuine and not just individual “hobby horses”. Finding out the views of other residents in the Ward will help to clarify this.
- (g) Have all other mechanisms for resolution of the concern been used to the full extent:
 - discussing the issue with officers of the Council or other agency;
 - discussing the issue with the relevant Cabinet Member/s;
 - facilitating an informal discussion at an appropriate local forum;
 - raising the issue with locality based arrangements – like PACT meetings;
 - formally raising the concern with partnerships or partner agencies.
- (h) Is the issue persistent and unresolved by Ward Members? Do you feel you have done everything within your power to remedy a community concern and have exhausted all mechanisms? Have you tried to resolve problem(s) with the aid of other agencies and partnerships but have been unsuccessful in finding an

adequate solution? Then you are able to refer the issue(s) to Scrutiny as a CCfA but this should be the last resort.

20.6 Referral

20.6.1 In order to ensure that CCfA referrals are accurately recorded, the Ward Councillor will need to fill out a CCfA proforma. They should give a summary of the issue, why they think it constitutes a CCfA and what resolution they would like to see. It is very important that as much information is included as possible in order that the Chairman of the relevant Scrutiny Committee can make an informed decision on whether this is a CCfA or not. Advice on filling in the proforma can be sought from the Head of Governance and the Scrutiny Manager.

20.6.2 Once the proforma has been filled in by the Ward Councillor this should be forwarded to the Customer Quality Team who will record receipt of the CCfA on the feedback system and acknowledge receipt to the Ward Councillor. The Customer Quality Team will then forward the CCfA proforma to the Scrutiny Manager, the relevant Director and CEO of any relevant partner organisation.

20.7 Validity

20.7.1 The Chairman of the appropriate Scrutiny Committee (or in their absence the Vice Chairman) with advice from the Scrutiny Manager, will decide on validity of CCfA and inform the Ward Councillor calling the CCfA, Scrutiny Committee, Director and any other organisations to which matter relates.

20.7.2 In judging whether a CCfA is valid or not the Chairman will consider the following questions:

- (i) Does the issue relate to an individual Ward?
- (ii) Am I satisfied that reasonable attempts at resolution have been made by the Ward Councillor?
- (iii) Have scrutiny or Cabinet Members considered a similar issue recently? If they have, has the issue substantially changed to warrant re-examination?
- (iv) Are there projects, reviews, audits or inspections already underway that are already considering the concern?
- (v) In the case of a crime & disorder issue, that the matter has been referred to the Safer and Stronger Communities Partnership for resolution?
- (vi) Have the relevant area committee structures been exhausted?
- (vii) Have relevant partners or Council service areas been informed and not responded?
- (viii) Is there a more complex/strategic issue at the heart of it that could not be resolved at a lower level?
- (ix) Is the CCfA vexatious (refer to the guidance on vexatious under the Freedom of Information Act), discriminatory or unreasonable?
- (x) Could the issue raised in the CCfA be dealt with through an existing right of review or appeal e.g. planning appeals and licensing appeals? (If so then this would render the CCfA invalid except where the CCfA relates to a systematic failure of a Council function within these areas.)

20.7.3 Once the Chairman of the Scrutiny Committee comes to a decision a letter will be sent from the Scrutiny Manager to the Ward Councillor confirming whether the CCfA is valid or not. If valid, the letter will also confirm the date of the Scrutiny Committee meeting to consider the issue.

20.7.4 The Scrutiny Manager will contact the relevant Director of the Service or Chief Executive of the partner agency to collect any further information available on the issue to be sent with the agenda for the Scrutiny Committee meeting.

20.8 Scrutiny Committee meeting

20.8.1 The Scrutiny Committee will invite the Ward Councillor and relevant officers from the Council or its partner agencies to discuss the matter in more detail at a public meeting. The Scrutiny Committee will either:

- (i) Reject the CCfA in its entirety;
- (ii) Make recommendations to the Cabinet or Council for actions to be taken;
- (iii) Make recommendations to the Chief Executive Officer of a partner agency for actions to be taken;
- (iv) Agree to undertake a Scrutiny Special Interest Meeting/spotlight review or in-depth review on the issue. Where necessary other items on the work programme may be removed or delayed.
- (v) Agree to hold a further meeting to discuss, where further evidence is required;
- (vi) Or, where appropriate, a combination of the actions stated above.

20.9 Scrutiny Committee decision/recommendation

20.9.1 The outcome of the meeting will be communicated to the Ward Councillor, Director and Chief Executive Officer of the partner agency, the Cabinet Member/s and the Customer Quality Team who will record the decision/recommendations and track their implementation/rejection. Updates will be provided to the Scrutiny Committee as agreed.

20.9.2 Once all recommendations have either been implemented or rejected by the Cabinet/Council or partner agency the CCfA record will be closed.

COUNCILLOR CALL FOR ACTION (CCfA) PROCESS MAP

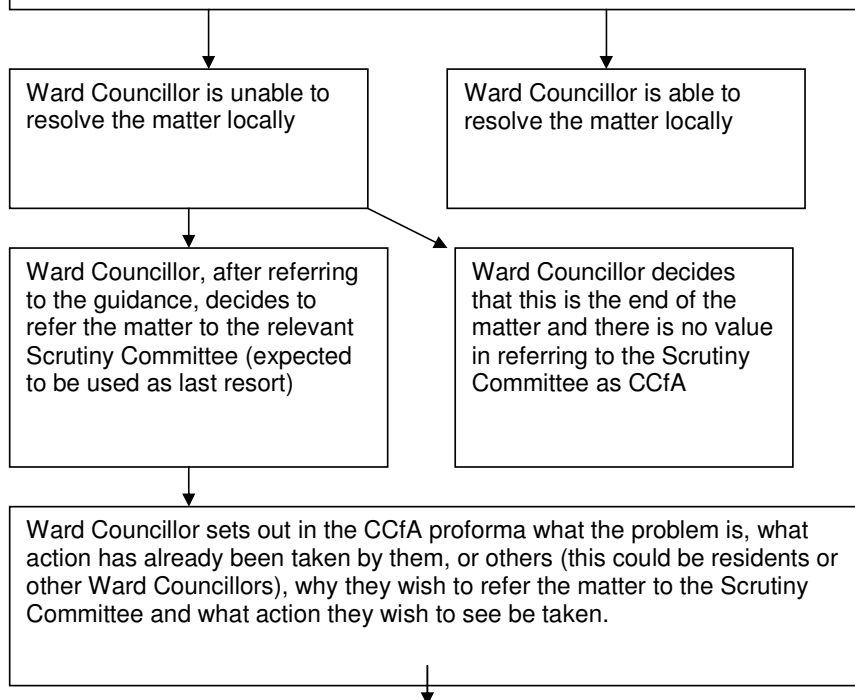
Ward Councillor becomes aware of a local problem or is approached by an individual resident or group of residents to help solve a local problem in their ward.

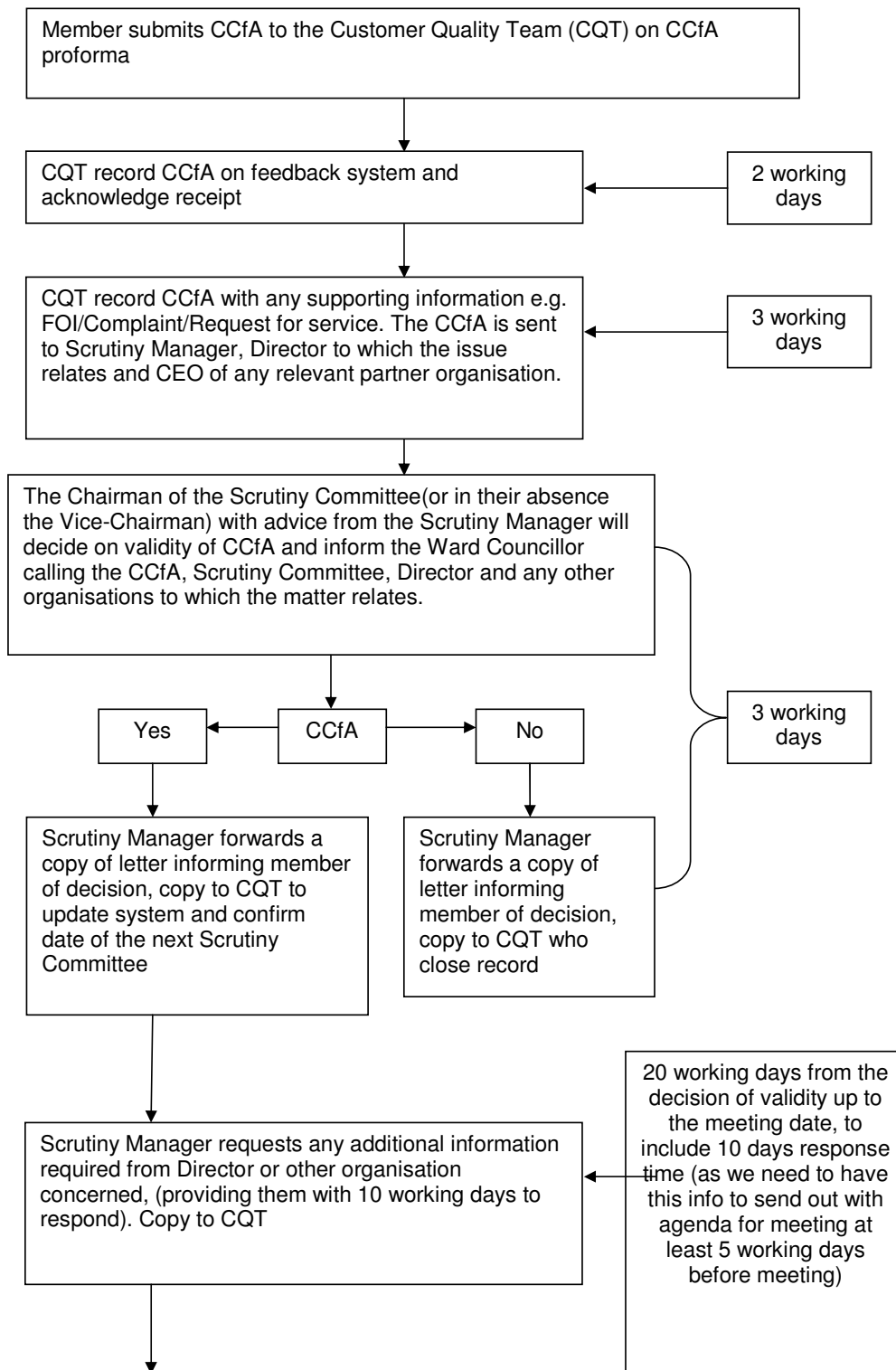
Ward Councillor assesses problem and sign posts local resident/s to the correct service area or partner organisation as either:

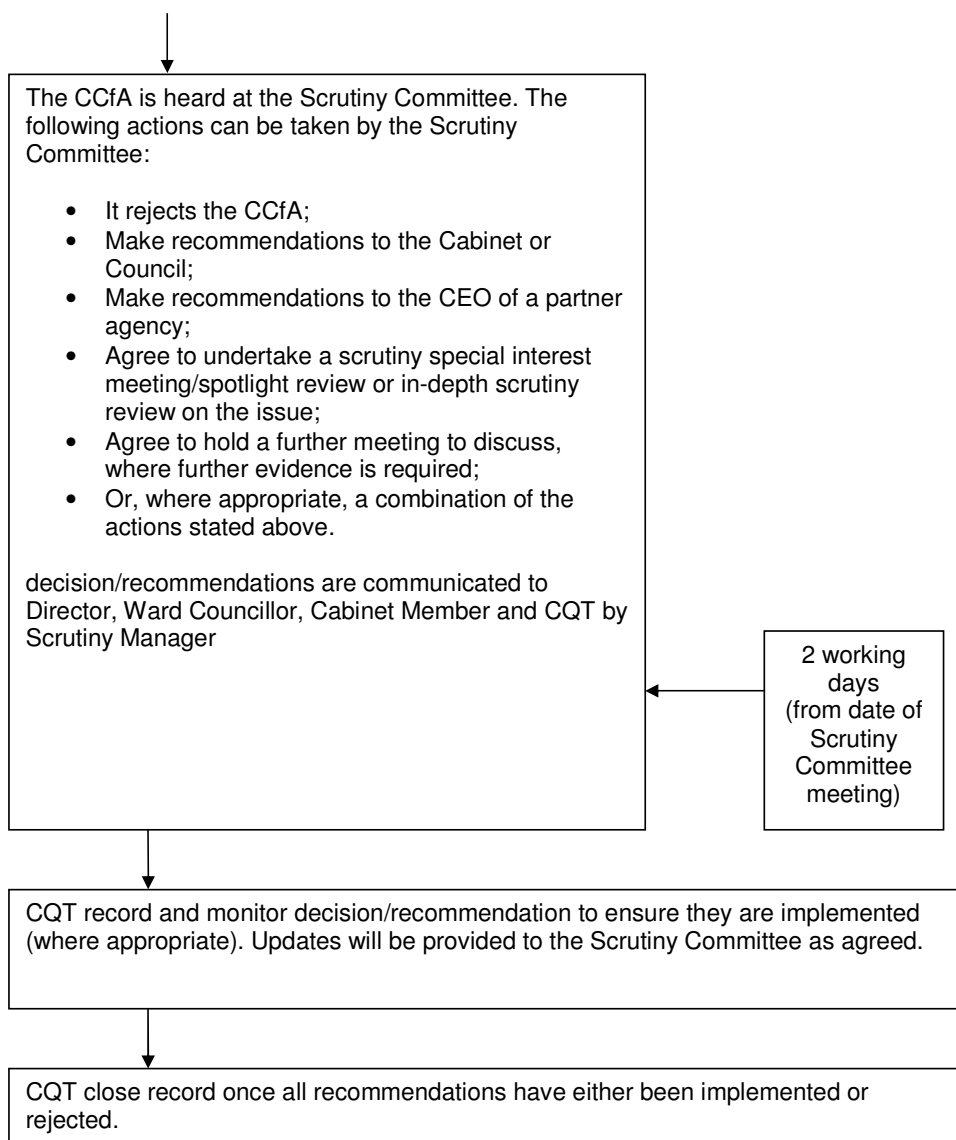
- a "request for service";
- as an individual complaint through the complaints process;
- or through the petition process.

Where the above processes do not apply, the Ward Councillor will decide to seek improvement for the problem by approaching:

- Local service managers (both Borough Council or its partners)
- Community Organisations
- Senior Management (in the Borough Council or its partners)
- Cabinet Member







**COUNCILLOR CALL FOR ACTION
PROFORMA**

Please forward this form to the Customer Quality Team, Telford & Wrekin Council, Civic offices, PO Box 215, Telford, TF3 4LF or via email on customer.quality@telford.gov.uk

Name of Member	Ward	Members Signature	Date

Summary of CCfA issue:

Summary of why this constitutes a CCfA:

Details of the resolution being sought

Please indicate if this issue has been responded to previously via any of the following processes.

Process	Yes/No	Outcome
Complaints Procedure		
Freedom of Information Enquiry		
PACT meeting		
Member Enquiry		
MP Enquiry		
Petition		
Parish enquiry		

Details of other actions taken:

This part of the form to be completed by the Chairman of the Scrutiny Committee, or in his or her absence the Vice-Chairman:

Date CCfA received	
Does this constitute a CCfA? (reasons to be given if not)	

If so, date of the Scrutiny Committee meeting to which it will be presented.	
What, if any information is required from the relevant Director or other organisation concerned?	
Date of request to the relevant Director or other organisation concerned for this information.	

Signature of Chairman/Vice-Chairman of the Scrutiny Committee	
Date	

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jonathan.eatough@telford.gov.uk

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fiona.bottrill@telford.gov.uk

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Part 4 – Rules of Procedure

Section 6 – Financial Regulations

<u>Index Point</u>	<u>Description</u>
1	Status of Financial Regulations
2	Responsibilities
3	Financial Planning
4	Accounting Systems, Financial Records and Returns
5	Financial Management and Control – Revenue
6	Financial Management – Capital
7	Taxation and Leasing
8	Controlled Stationery and Authorised Signatories
9	Internal Audit
10	Public Accountability – Responsibilities
11	Purchasing Arrangements
12	Schemes Financed Partly or Wholly by External Funding
13	Orders for Work, Goods and Services
14	Corporate Credit Cards and the Government Procurement Card (GPC)
15	Payment of Accounts
16	Cash Income and Debtors
17	Banking Arrangements
18	Payments to Employees
19	Travel and Subsistence
20	Imprests
21	Risk Management
22	Insurance
23	Security and Control of Assets
24	Treasury Management
25	Unofficial and Voluntary Funds

1. Status of Financial Regulations

- 1.1 Financial Regulations are part of the Council's control environment providing a framework for managing the authority's financial affairs and contributing to good corporate governance, internal control and the management of risks. In addition they assist sound administration, reduce the risk of irregularities and support delivery of effective, efficient and economical services.
- 1.2 The Financial Regulations apply to all officers and members of the Council and anyone acting on behalf of the Council. They also apply to any partnerships that the Council is a member of and for which the Council is the accountable body. (Where the Council is not the accountable body then the lead Council officer is responsible for ensuring propriety and proper processes are followed so that the Council's reputation is not at risk).
- 1.3 It is the responsibility of Heads of Service to ensure that all staff in their delivery units are aware of their responsibilities according to the Financial Regulations and other internal regulatory documents (e.g. the Anti-Fraud and Corruption Policy) and comply with them.
- 1.4 Specific positions and/or officers are named in the regulations and it is their responsibility to ensure compliance. However, if the named officer wishes for reasons of practicality to delegate their authority to another appropriate officer in their area this is permissible as long as it has been documented.

- 1.5 Where the Leader and Cabinet ExecutiveCabinet has been named in Regulations it will be their responsibility to ensure compliance. The Leader and Cabinet ExecutiveCabinet can delegate such responsibility to one of its Cabinet members as set out in the Constitution procedures.
- 1.6 All members and officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised and provides value for money.
- 1.7 To help assist members and officers, the Financial Regulations are set out in self-contained sections, each covering a specific area of control. Each section provides a contact point for further information or clarification. Where appropriate the Regulations are supported by detailed procedure notes which are included on the Intranet. . These procedures, though printed under separate cover, must be treated as an integral part of the Regulations.
- 1.8 Any financial values are summarised in **Appendix A** to allow ease of update.
- 1.9 These Financial Regulations cover all areas of Council activity with the exception of schools which have their own set of regulations as part of the Local Management of schools (LMS) Scheme.
- 1.10 Failure to comply with Financial Regulations, or procedures issued under them, may lead to disciplinary action for employees and an investigation by the section 151/Monitoring Officer for Members and if necessary referral to the Standards Committee.

2 Responsibilities

- 2.1 Any major organisation requires a set of clearly understood rules and regulations for the management of its financial affairs. Section 151 of the Local Government Act (LGA) 1972 places a duty on the Council to make arrangements for the proper administration of its financial affairs, including the appointment of a Chief Finance Officer⁵.
- 2.2 Section 114 of the Local Government Finance Act (LGFA) 1988 requires the Chief Finance Officer to report to the Council if the authority, one of its committees, the Leader and Cabinet ExecutiveCabinet or one of its officers:

- Has made – or is about to make – a decision which has or would result in unlawful expenditure;
- Has taken, or is about to take, an unlawful action which has or would result in a loss or deficiency to the authority; or
- Is about to make an unlawful entry in the Council's accounts.

Section 114 of the LGFA 1988 also requires the Chief Finance Officer to nominate a properly qualified member of staff to deputise, should the Chief Finance Officer be unable to perform the duties under Section 114 personally.

* **The Council** – means the full Council who provide the political and strategic direction of the authority. They approve the policies of the authority, including those for strategy and the budget.

⁵ Chief Finance Officers means the same as Chief Financial Officer or Responsible Officer, where appropriate

- * **The Leader and Cabinet ExecutiveCabinet** – means the Leader of the Council and the Cabinet members, who propose to Council policy and budget strategies.

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- * **Chief Finance Officer Responsibilities (s151/s114) – these have been allocated to an appropriately qualified Corporate Director and include:**

- provision of financial advice for service delivery, strategic planning and policy making across the authority;
- provision of advice on the optimum use of available resources on the management of capital and revenue budgets;
- provision of financial management information;
- preparation of statutory and other accounts, associated grant claims and supporting records;
- provision of an effective internal audit function and assistance to management in providing safe and efficient financial arrangements;
- provision of effective financial management systems and procedures
- provision of effective income collection and payments systems;
- advising on treasury, investment and cash-flow management; and
- advising on the safe custody of assets and insurance.

- * **The Head of Governance** has delegated responsibility under the Accounts and Audit Regulations 2003⁶ to maintain an adequate and effective Internal Audit service and has direct responsibility for the operation and support of the Council's Scrutiny function. The Head of Governance has the ability to report directly, without fear or favour, to any level within the organisation or to the External Auditor.

- * **Corporate Management Team (Chief Executive, Directors and Assistant Chief Executive)** are responsible for ensuring that Heads of Service provide services that meet the Council's overall policy objectives. This includes ensuring compliance with the Council's governance arrangements including Financial Regulations and Contract Procedure Rules.

- * **The Chief Executive** is responsible for leading on corporate governance issues throughout the Council.

- * **The Head of Finance** will act as deputy Section 151 Officer

- * **Heads of Service** are responsible for ensuring the delivery of services by their respective Delivery Units. This includes ensuring compliance by Delivery Managers with Financial Regulations and Contract Procedure Rules within their service areas.

- * **Delivery Managers** are responsible for the day to day provision of services and the management of the associated budget. This includes ensuring that staff comply with Financial Regulations and Contract Procedure Rules in performance of their duties.

Note: 'Delivery Managers' also includes managers and/or team leaders with budget and staff responsibilities.

2.3 Financial Training

The Chief Financial Officer should assess the financial skills required by members of the Leader and Cabinet ExecutiveCabinet, and Corporate Management Team should commit to develop the specific skills to enable their roles to be carried out effectively.

⁶ As updated by the Accounts and Audit (Amendment)(England) Regulations 2006 (SI2006/564)

The Head of Finance should through senior finance staff identify financial competencies for managers and members and provide adequate financial training to enable them to undertake their roles effectively and understand the financial requirements of the Constitution and associated financial policies and procedures.

3. Financial Planning

3.1 Introduction

The Council is responsible for approving the budget, various plans and policies, which will be proposed by the CabinetLeader and Cabinet Executive. This will include the policy framework, the budget (including the capital programme) and the Council Plan. See Budget and Policy Framework Procedure Rules within the Constitution.

3.2 Financial Forecasting

The Chief Finance Officer shall, within the general direction of the CabinetLeader and Cabinet Executive, produce forecasts of financial resources and advise upon the financial and economic implications of medium and long-term service development plans and programmes and budget strategies. In exercising this duty he/she shall be mindful of the Accounts and Audit Regulations 2003 (as amended 2006), the Code of Practice on a Prudential Approach to Local Government Commitments and current accepted local government accounting codes and will review levels of reserves and balances and ensure that a robust budget process has been undertaken. The Chief Finance Officer is responsible for the Council's arrangements for under and overspendings to be carried forward to the following year.

3.3 The forecasts will indicate the likely changes to the Council's budget for the specified period both in terms of commitments arising out of statutory variations and Council policy and also the likely variations to funding from central or local sources.

3.4 The CabinetLeader and Cabinet Executive, having considered the forecasts and options for the specified period shall, propose the overall budget strategy to the Council for approval after the consultation process as outlined in the Budget and Policy Framework Procedures Rules within the Constitution.

3.5 All matters relating to the financial administration of the authority shall be kept under review by the member of the CabinetLeader and Cabinet Executive responsible for Resources.

3.6 The full Council is also responsible for approving procedures and for agreeing variations to approved budgets, plans and strategies forming the policy framework.

CONTACT: Head of Finance

4. Accounting Systems, Financial Records and Returns

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

- 4.2 The Chief Finance Officer should ensure that there is a proper retention policy for financial documents. The periods for which documents are to be retained is specified separately in the retention of records procedure note .
- 4.3 The Head of Finance is responsible for determining the accounting systems and procedures adopted by the Council. No variations shall be made to accounting records and procedures without the written agreement of the Head of Finance. In particular Heads of Service should confer with the Head of Finance before introducing or amending any books, forms, records, administrative procedures or computerised systems used in conjunction with accounting for cash, income, expenditure, stores and financial transactions generally.
- 4.4 Heads of Service must maintain through their officers full and accurate records as agreed with the Head of Finance to ensure the availability of all financial, costing and statistical and other information as may be required to fully and accurately maintain the accounts of the Council, and report on its finances .This includes the correct coding of expenditure in line with the CIPFA standard classifications. All accounting records will be maintained in accordance with current CIPFA Codes of Practice,
- 4.5 Heads of Service are responsible for ensuring the completion and submission of Grant applications and financial returns. The Chief Finance Officer is entitled to such explanations or information as may be required prior to forwarding to the relevant government department or agency under his signature. No bid for external funding shall be submitted without approval from the relevant Priority Lead Director and relevant Finance Manager.
- 4.6 Heads of Service are responsible for ensuring adequate records, financial and otherwise, have been maintained for all externally funded schemes subject to audit by the European Commission or grant awarding bodies

CONTACT: Corporate Finance Manager

5. Financial Management and Control – Revenue

5.1 Background

- 5.1.1 The Council is responsible for adopting the authority's Constitution and Code of Conduct and for determining the budget and policy framework within which the Cabinet Leader and Cabinet Executive operates. It is also responsible for setting and monitoring compliance with the authority's overall framework of accountability and control via the scrutiny process. The framework is set out in the constitution.
- 5.1.2 This section of the regulations deals with the preparation and approval of budgets, budgetary control and variations from budget provision. It applies to all areas of the Council's activities except schools.
- 5.1.3 No expenditure is to be incurred or reduction in income authorised unless covered by these regulations.

5.2 Preparation and Approval of Budget

- 5.2.1 The Council will approve the overall spending plans of the Council.
- 5.2.2 The form of revenue estimates shall be determined by the Head of Finance in consultation with Heads of Service within the general guidelines of the Cabinet Leader and Cabinet Executive and relevant professional requirements. Estimates shall be

prepared annually before the start of the financial year and revised during the course of the year.

5.2.3 Prior to the commencement of each financial year each Service Delivery Unit Manager should prepare a Service Delivery Plan setting out the Service Delivery Unit's aims and objectives and expenditure and income projections within corporately agreed allocations of resources. These should be agreed with the Corporate Management Team.

5.2.4 Once the council's budget for the year has been approved the Heads of Service and Delivery Managers can authorise expenditure within the limits agreed subject to the separate rules on virement.

5.2.5 The Delivery Managers in conjunction with the relevant Finance Manager must ensure that a satisfactory monitoring system is in existence during the financial year with regular reports to the Head of Finance.

5.3 Budgetary Control (see also para 4.4 above)

5.3.1 The corporate finance information system determined by the Head of Finance is the Council's prime accounting record. It provides the mechanism for Heads of Service and Delivery Managers to monitor and control budgets.

5.3.2 Heads of Service and Delivery Managers are required to monitor their budgets regularly during the year and take immediate action as necessary. If it is considered that a particular budget head requires increasing, virement must be sought before any overspending occurs (see Virement section). Under no circumstances should expenditure be incurred without appropriate provision being put in place first.

5.3.3 Regular financial updates will be taken to ~~Cabinet~~[Leader and Cabinet Executive](#).

5.3.4 Generally all Council budgets are prepared on a cash limited (outturn) price base. This means that no supplementary estimates will be provided for inflation increases once budgets have been approved, except in exceptional circumstances.

5.3.5 Unavoidable cost increase, e.g. public utilities, increments etc, for which insufficient allowance has been made at budget time will need to be met by equivalent reductions elsewhere.

5.3.6 All reports to Corporate Management Team or Members must be cleared by finance staff for financial implications and should be made available to those staff in reasonable time before due for submission.

5.4 Supplementary Estimates

5.4.1 The Council sets budgets for gross expenditure and income in the context of a cash limit. Therefore it is important that any additional commitments not covered in Business Unit budgets, (including where the net budget requirement of the Council is not increased), are funded by savings elsewhere or additional grant funding and do not increase the net budget requirement of the Council (see Virement section). In exceptional circumstances this may not be possible and if this is the case, approval should be sought from the Council for additional funding.

5.5 Grants

5.5.1 All grant bids must be approved by the relevant Priority Lead Director and a Finance Manager prior to submission.

5.5.2 Acceptance of grant terms must also be approved by the relevant Head of Service and a Finance Manager.

5.5.3 All grant claims must be certified by a relevant Finance Manager. (Subject to the conditions of the grant awarding body)

5.6 Virement

5.6.1 Virement between budget heads is an integral and important feature of budgetary control. It provides Senior Managers with the flexibility to adapt expenditure patterns which they consider appropriate in meeting changing locally determined service needs and objectives consistent with Council policy. The ability to exercise virement applies to all controllable budgets.

5.6.2 Virement may be necessary for several reasons. For example:

- * unforeseen cost increases,
- * demand for a particular service, in line with existing policies, exceeding estimates,
- * a local requirement to provide a different service from that anticipated at budget time for a particular client or to meet a particular situation, or
- * utilising efficiency or other savings.

5.6.3 Except where allowed under the scheme of virement only the Council can approve changes to the budget it has previously agreed.

5.6.4 Heads of Service, in consultation with the relevant Finance Manager, shall have the authority to make virements within each approved service delivery unit budget provided:

- It is within the overall policy framework;
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.

5.6.5 The Head of Finance, in consultation with the relevant Finance Manager and relevant Head of Service, shall have the authority to make virements **between** service delivery units provided:

- The amount does not exceed £50,000 (**LIMIT G**)
- It is within the overall policy framework
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.

For amounts over £50,000 Heads of Service and the Chief Finance Officer shall have the authority to make virements between services delivery units with **Cabinet Leader and Cabinet Executive** approval provided that

- It is within the policy framework
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.
- The amount does not exceed £250,000

For amounts above £250,000 approval by full Council is required

5.6.6 All virement decisions must be notified to the relevant Finance Manager (and the financial information system updated) before expenditure is incurred.

5.7 Year End Arrangements

- 5.7.1 Year end arrangements (carry forwards of over or underspending), have been designed to be as flexible as possible, consistent with the Council's overall financial situation and with regard to the controls exercised by the Government.

Overspending and Underspending

- 5.7.2 No Head of Service or Delivery Manager should plan to overspend his/her budget. All expenditure plans should be consistent with Service Delivery Plans. Potential overspends on particular budget heads will have been addressed during the year and, in some cases, virement will have been exercised.
- 5.7.3 All underspends and deficits on controllable budgets will be carried forward to the next financial year as a first call on the budget for the year.

CONTACT: Corporate Finance Manager

5.8 Reserves & Balances and the Robustness of Estimates

- 5.8.1 The budget report will contain a comment by the CFO (Chief Finance Officer) on the robustness of the estimates and the adequacy of reserves, in accordance with the requirements of the Local Government Act 2003 and CIPFA guidance. The CFO must also be satisfied that the decisions taken on balances and reserves represent proper stewardship of public funds.
- 5.8.2 Specifically, the budget report will include a statement on the adequacy of general reserves and provisions for the forthcoming year, linked to the medium term financial strategy.
- 5.8.3 An annual review of earmarked reserves will be undertaken as part of the budget preparation process and a statement will be presented to Council alongside the budget report.
- 5.8.4 The level and purpose of reserves and balances held must be clearly defined and justified by Heads of Service. Further regular reviews should be undertaken to ensure continuing relevance and adequacy.
- 5.8.5 There is no statutory minimum level of reserves required. This will be a matter of local judgement determined by the CFO but following current Audit Commission guidance.

CONTACT: Corporate Finance Manager

6. Financial Management – Capital

- 6.1 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings and major items of plant and equipment or vehicles. Capital assets shape the way services are delivered for the long-term and create financial commitments for the future in the form of financing costs and revenue running costs.
- 6.2 The Council will comply with the requirements of CIPFA's Prudential Code for Capital Finance in Local Authorities and will set and monitor a range of Prudential Indicators accordingly to ensure that borrowing is affordable, prudent and sustainable.

- 6.3 The Council will determine the capital programme for the Authority in line with overall Corporate Priorities, the Council's Asset Management Plan, Capital Strategy and availability of funding.
- 6.4 The capital programme shall focus on the medium term service & financial planning period but reflect the total cost and phasing of each approved scheme along with the proposed source(s) of funding.
- 6.5 The capital programme will demonstrate:
- the original and revised total estimated cost of each scheme
 - actual expenditure to the end of the previous financial year
 - forecast phased expenditure for the current and subsequent years
 - the revenue budget implications of the proposed programme
- 6.6 The Head of Finance shall determine the method of funding for each capital scheme, having consulted with the relevant Head of Service and working within the context of the various capital resources available. All proposed investments should be subject to an appropriate level of analysis/appraisal by the relevant service area before commitment.
- 6.7 The Head of Finance shall ensure that an effective monitoring system is in place during the year to control capital expenditure. Heads of Service will be responsible for notifying the Head of Finance if it seems likely that there will be a significant variation in spending on a scheme. Variations may be permitted only if they can be accommodated by virement within the total capital resources available.
- 6.8 Variations, subject to the following limits, can be approved by those designated below if there is no significant impact on the delivery of individual elements of the capital programme and/or on the overall capital strategy.
- (a) Up to £50,000 (**LIMIT G**) – Head of Finance in consultation with the relevant Head of Service
- (b) Over £50,000 up to £250,000 (**LIMIT K**) – ~~Cabinet~~ Leader and Cabinet Executive approval required
- (c) Over £250,000 (**LIMIT R**) – the Council.
- 6.9 Any capital expenditure over £50,000 even if entirely covered by additional external funding but outside the approved capital programme, must be approved by Council.

CONTACT: Corporate Finance Manager

7. Taxation and Leasing

Taxation

- 7.1 Like all organisations, the Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers and members to be aware of their roles and responsibilities.
- 7.2 It is the responsibility of Heads of Services to ensure compliance with all tax regulations relating to their Delivery Units. This will include Income Tax, National Insurance, V.A.T. and tax accounted for under C.I.S. If in doubt, Heads of Services should consult with the Head of Finance. Delivery Units will be liable for any costs, including any penalties and interest charged for incorrect tax treatment.

- 7.3 Detailed guidance on taxation issues is incorporated within specific procedure notes which are included on the Intranet.

Leasing

- 7.4 Leasing is a method of financing the acquisition of certain types of capital assets and allows the cost to be spread over several financial years through annual rentals. It is a specialised area of finance with complex legal and financial agreements. Leasing arrangements may only therefore, be entered into by the Head of Finance or his designated officer.
- 7.5 The normal contract procedures should be followed in relation to leasing arrangements [See Part 4, Section 7, Contracts Procedure Rules]
- 7.6 Detailed guidance on leasing issues are incorporated within specific procedure notes on the Intranet.

CONTACT: Corporate Finance Manager

8. Controlled Stationery and Authorised Signatories

- 8.1 All cheques and other controlled stationery, including order books, receipt books, invoices, and Electronic Fund Transfer (E.F.T.) forms may only be ordered by the Head of Finance or an authorised representative who shall make proper arrangements for their safekeeping.
- 8.2 Heads of Service are responsible for maintaining a listing of authorised signatories in the form prescribed by the Head of Finance. All officers on the signatories listing must be authorised by a Head of Service (or Corporate Director if a Head of Service).
- 8.3 Only authorised signatories may commit the Council to expenditure, including electronically, in line with relevant procedure notes by:
- Authorising Orders
 - Certifying invoices
 - Certifying expenses claims
 - Authorising petty cash purchase
 - Certifying timesheets and overtime claims
 - Signing and awarding contracts (see also Section 7, appendices 1 to 4)

More than one officer should be involved in the authorising process e.g. it should not be the same officer who authorises the order and invoice that certifies receipt of the goods or service.

- 8.4 A financial limit shall be prescribed for all officers. The Head of Finance in consultation with the Head of Governance shall be responsible for establishing a consistent framework for financial limits across the Council based on the roles responsibilities of officers.
- 8.5 Heads of Service are responsible for ensuring that the authorised signatories list is kept up to date at all times, by informing the Head of Finance of any changes to authorised signatories and the responsibilities of the officer.

- 8.6 Guidance on authorised signatories is available from Audit Services.

CONTACT:

For authorised signatories: Employment Services or Procurement

For controlled stationery: Property & Design Administration

9. Internal Audit

- 9.1 The Chief Financial Officer under section 114 of the LGFA 1988 and the Accounts and Audit Regulations 2003 (as amended 2006) has a statutory responsibility for the overall financial administration of the Council's affairs. Section 6 of the Accounts and Audit Regulations 2003 (as amended 2006), says that the authority "shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with proper practices in relation to internal control,...". The Chief Financial Officer shall, therefore, in accordance with relevant legislation arrange for a continuous and current internal audit of all areas of Council activities.

- 9.2 "Proper internal control practices" are defined in the guidance on the Accounts and Audit Regulations 2003 (as amended 2006)⁷ as the CIPFA publication – "Code of Practice for Internal Audit in Local Government in the United Kingdom". Internal Audit will operate to this Code and any other relevant guidance. The definition of Internal Audit within the Code is:

Internal Audit is an assurance function that provides an independent and objective opinion to the organisation on the control environment⁸ by evaluating its effectiveness in achieving the organisation's objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.

- 9.3 As the definition outlines Internal Audit has a key role to play in independently reviewing the Council's⁹ arrangements for corporate governance, risk management and internal control. It contributes an objective opinion to the Council's Annual Governance Statement (including the Statement on Internal Control).

- 9.4 The existence of a continuous internal audit service does not in any way diminish the responsibility of Corporate Directors for the delivery of priorities and Heads of Service for the management of the Delivery Units under their control and their responsibilities in respect to risk management and the systems of internal control.

- 9.5 The Audit & Risk Manager should ensure that Internal Audit remains independent in its planning and operation. The Audit & Risk Manager should be responsible for maintaining periodic audit plans which have due regard for the key strategic risks of the authority, the risks involved for each service area in delivering their services and the requirements of the external auditor. The plan will deliver work to provide reasonable assurance to the Council based on the resources available. The Audit & Risk Manager must report to the s151 officer or the Audit Committee if there are insufficient resources or limitations in the scope of their work to provide reasonable assurance or a service consistent with the definition of Internal Audit in paragraph 9.2.

- 9.6 It is the responsibility of Internal Audit to review, evaluate and report upon

⁷ Department for Communities and Local Government Circular 03/2006 dated 18/08/06

⁸ The control environment comprises the systems of governance, risk management and internal control.

⁹ Internal Audit's remit extends to the entire control environment of the Council

- the soundness and adequacy of accounting records and the system of internal controls to provide their assurance for the Annual Governance Statement;
- the extent to which the Council's assets and interests are accounted for and safeguarded from losses of all kinds arising from:
 - fraud and other offences
 - waste extravagance and inefficient administration, poor value for money or other cause
 - the suitability and reliability of financial and other management data developed within the organisation.
- The soundness and adequacy of the data quality systems operating to collect and report on performance information
- The corporate governance arrangements of the Council
- The risk management processes of the Council both at Strategic and Service Delivery Level

9.7 The Chief Finance Officer's authorised Internal Audit representatives shall be empowered to:

- enter at all reasonable times any Council premises or land
- have access to all Council and partner records¹⁰, documentation and correspondence relating to any financial and/or other transactions or other business of the Council, its employees or members, as considered necessary by the Head of Governance or Audit & Risk Manager.
- have access to records belonging to third parties such as contractors or partners when required¹¹
- require and receive such explanations as are regarded necessary concerning any matter under examination from any employee, member, partner or third party.
- require any employee or member of the Council or any partner/third party to account for cash, stores or any other Council property which is under his/her control or possession on behalf of the Council.

9.8 All work carried out shall have due regard for the requirements of the access to information legislation (e.g. Data Protection Act 1998, Freedom of Information Act 2000, etc.) and the Human Rights Act 1998, together with any other relevant legislation current at the time of the audit.

9.9 Corporate Directors, Heads of Service and Delivery Managers are responsible for responding to Internal Audit reports and the implementation of agreed recommendations within an appropriate timescale. Delivery Managers should indicate the actions they propose within one month of agreeing the draft report.

9.10 Failure to implement statutory, policy or financial regulation recommendations within the agreed timetables may be referred to the Chief Finance Officer and the appropriate members, following consultation with the appropriate Head of Service.

¹⁰ Records include business e-mail and internet records

¹¹ As defined in the articles of association/memorandum, SLA, grant conditions or contract

- 9.11 Internal Audit has specific fraud related responsibilities which are set out in the corporate Anti-Fraud & Corruption Policy. Within the scope of their work Internal Audit also provide advice and consultancy in respect to issues around controls and governance, based on their professional knowledge and expertise.
- 9.12 It is the duty of any Officer or Member to follow the corporate Anti-Fraud and Corruption Policy. Any officer or member who suspects that an irregularity involving cash, materials or any other property of the Council may have occurred must inform the Head of Service or report the matter directly to the Audit & Risk Manager or Section 151 Officer. Confidentiality, wherever possible, will be respected in any dealings on such matters.
- 9.13 The Section 151 Officer shall report to the Chief Executive, the relevant Head of Service, Corporate Director, and ~~CabinetLeader and Cabinet Executive~~, if appropriate, any matter of a significant nature.
- 9.14 Where Audit Services inform the Section 151 Officer of any such matter outlined in paragraph 9.12, the Section 151 Officer will inform the appropriate Head of Service, Corporate Director and the Chief Executive/~~CabinetLeader and Cabinet Executive~~, if appropriate.
- 9.15 Any decision to refer a matter as outlined in paragraph 9.12 to the Police is to be taken by the Audit & Risk Manager after informing the Council's Section 151 Officer or their representative. Where a Member is involved the Chief Executive, Monitoring Officer and where appropriate, the External Auditor, will be consulted. Where Police advice is sought but it is not intended that any criminal prosecution shall take place, the Audit & Risk Manager shall ensure that the anonymity of the individual(s) concerned shall be maintained at all times.
- 9.16 Internal Audit should report to a body of members the following information:
- a) the Internal Audit plan and strategy;
 - b) quarterly reports summarising the internal audit work undertaken and any key findings; and
 - c) an Annual Report which provides Internal Audit assurance for the Annual Governance Statement.
- 9.17 The Audit & Risk Manager and Head of Governance have the authority to report, as appropriate, on any matter, without fear or favour, to all levels of the Council. This can include reporting directly to the Chief Executive, ~~the Leader, CabinetLeader and Cabinet Executive~~ Member: Efficient Community Focused Council, Chairman of the Audit Committee, s151 Officer, Corporate Management Team, the Monitoring Officer or the Council's External Auditors.

CONTACT: Audit & Risk Manager

10. Public Accountability – Responsibilities

10.1 General

- 10.1.1 Members should ensure that they follow the Members Local Code of Conduct and have read the Members Handbook, taking any guidance into account including the declaration of any interest.
- 10.1.2 Employees should ensure that they follow the Employee Code of Conduct.

- 10.1.3 The corporate Anti-Fraud and Corruption Policy applies to all Members and Officers of the Council and they should be aware of its contents whilst representing and working for the Council including the registration of Members and Officers interests.
- 10.1.4 An officer of the Council must not, under cover of his/her position or office of employment, accept any fee or reward, other than his/her proper remuneration without the express permission of the Assistant Chief Executive /Human Resources Manager.
- 10.1.5 A member or officer must not accept any bribe or personal inducement in connection with the Council's business.
- 10.1.6 A member or officer must not use Council property, assets, materials or information for other than the purposes of the Council.
- 10.1.7 A member or officer must not subordinate his/her duty to the Council to his/her private interest or put himself/herself in a position where his/her duty and private interests conflict.
- 10.1.8 Employees must ensure that they declare any private interest they may have in any of the Council's activities. Such a declaration should be made where the employee could benefit in the form of a financial or other pecuniary gain. The interest should be recorded in the Register of Interests held in Democratic Services.

10.2 The Cashing of Cheques

- 10.2.1 The cashing of cheques (whether Council or otherwise) by a member or officer is prohibited except in line with the Council's Code of Practice on cheque encashment.

10.3 Gifts

- 10.3.1 Officers and Members should follow the advice given in the guidance note on gifts and hospitality (see the Guidance Note on the Intranet). The receipt of personal gifts should be discouraged. If an officer, during the course of, or as a result of, official duties, receives or is offered any personal gift, other than one of only token value, the matter must be reported to the Head of Service. The Head of Service will decide if the item is to be returned, or forwarded to some charitable cause. The Head of Service should inform the donor of what has happened to the gift, and explain the reason why gifts should not be sent in the future. A record should be made of all gifts refused and / or returned.
- 10.3.2 The Corporate Management Team support team and Heads of Service support team must maintain a record for employees of all gifts offered, received, refused and any actions taken as outlined in the guidance.
- 10.3.3 Members should take equal care in receiving gifts whilst in office. Members Services will hold records for members of all gifts offered, received, refused and any actions taken.

10.4 Hospitality and Services

- 10.4.1 Members and officers should follow the advice given in the guidance note on Gifts and Hospitality available on the Intranet. Hospitality must only be given or accepted when it is on a scale appropriate to the circumstances, reasonably incidental to the occasion, not extravagant and justifiable as in the public interest. It must be apparent that no cause could reasonably arise for adverse criticism or suggestions of improper influence by the acceptance of the hospitality. The circumstances and the type of

hospitality should be agreed by the appropriate Head of Service who shall ensure that a record is kept of all hospitality offered, accepted or refused

- 10.4.2 Members and Officers should not accept services. Any approach should be politely but firmly refused and if required an explanation made. The offer and rejection should also be recorded.

10.5 Private Work / Relations with Clients and Contractors

- 10.5.1 Officers who are, in accordance with the conditions of service and the procedure note on Business Activities and Private Work, permitted to carry out private or other paid work must not do so during Council time. Officers must declare to their Head of Service in writing the nature and duration of such private work.
- 10.5.2 Members or Officers must not use any Council premises, resources or facilities for the execution of private work. No stationery or publicity material is to indicate that the person is a Member or Council employee nor should the address or any telephone number of the Council be stated. Members and Officers should pay due notice to the relevant section of the Local Government Act 1972.
- 10.5.3 Officers must not work for any current or prospective supplier or contractor to the Council.
- 10.5.4 Officers and Members must respect the confidentiality of information and must not use information received for personal gain.
- 10.5.5 Officers and Members should avoid any arrangements which might prevent fair competition.
- 10.5.6 Detailed guidance on Business Activities and Private Work. All associated Procedures and Guidance referred to in this Section are available on the Intranet.

CONTACT: Audit & Risk Manager

11. Purchasing Arrangements

General:

- 11.1.1 These Financial Regulations should be considered in conjunction with the relevant parts of Contract Procedure Rules relating to contracts.
- 11.1.2 Heads of Service must ensure that any purchasing contracts comply with Contract Procedure Rules, related guidance, statutory requirements and European directives.
- 11.1.3 Officers should seek the advice of the Corporate Procurement Unit where appropriate.

Financial Thresholds & Limits:

- 11.2.1 All contracts must adhere to the contract thresholds set out in the Contract Procedure Rules in Conducting a Purchase,
- 11.2.2 For special exemptions to the above please see Contract Procedure Rules Part 4 Section 7 Paragraph 9 Special Exemptions to the Contract Procedure.

11.2.3 Heads of Service must maintain a contracts register for their Service Delivery Unit for all contracts with a value of £25,000 or more during the lifetime of the contract (Limit G).

12. Schemes Financed Partly or Wholly by External Funding

12.1 Requirements in relation to Schemes Financed Partly or Wholly by External Funding are detailed in the Contract Procedure Rules Part 4 Section 7 Paragraph 24. It should be noted that officers leading or participating in multi-agency schemes where the key decision process applies must obtain approval from the Chief Finance Officer prior to committing the Council to participate in the scheme,

13. Orders for Work, Goods and Services

13.1 Every officer and member of the authority has a responsibility to declare any links or personal interests which they may have with purchasers or suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council. Officers should declare any such interest to their Head of Service or relevant Corporate Director as soon as they become aware of such an interest. Members are responsible for amending their own entries in the Register of Interests held by Member Services as soon as they become aware of such an interest.

13.2 Official Orders are to be issued only by officers authorised by Heads of Service. Authorised officers are responsible for issuing orders within their control and in particular for ensuring that costs are covered by approved estimates or by a special financial provision.

13.3 The Head of Finance should be notified of all officers authorised by Heads of Service to authorise official orders.

13.4 Corporate Management Team and Heads of Service must ensure that Financial Regulations and Contract Procedure Rules relating to contracts and tenders have been complied with.

13.5 Official orders shall be issued for all work, goods or services to be supplied to the Council; this can be in the form of an electronic order generated by the approved Corporate Procurement System. Authorising officers must be able to demonstrate that the work, goods or services are required in order to provide Council Services. Orders should not be raised for supplies of utilities, periodic payments such as rent or rates, or for purchases made by petty cash.

13.6 All official orders should be in writing and delivered /passed to the supplier, unless the Government Procurement card is used (see section 14 below). Telephone orders may be used in exceptional circumstances but when this happens they must be confirmed, in writing to the supplier, at the earliest opportunity by a clearly marked confirmation order. Standard terms and conditions must not be varied without the prior approval of the Head of Finance. Goods and services should be checked on receipt to ensure they are in accordance with the order. This check should, wherever possible be carried out by a different officer from the person who signed the order. .

13.7 Official orders shall indicate clearly the date of the order, the quantity, quality and nature of the goods, works and services and the contract or agreed price. An estimated price shall be provided when an agreed price is not available.

13.8 Official order books shall be ordered and supplied to Delivery Units by the Head of Finance who shall satisfy himself as to arrangements for their control. Electronic

orders may only be used where these are part of an official council system, in line with controls specified at 13.11

- 13.9 Apart from petty cash and payments from cheque imprest accounts the normal method of payment of money due from the Council shall be by BACS or other instrument drawn on the Council's bank account by the Head of Finance. The use of direct debit and credit shall require the prior agreement of the Head of Finance.
- 13.10 Official orders must not be raised for any personal or private purchases, nor should personal or private use be made of Council contracts.
- 13.11 E-commerce – the purchases of goods via electronic means shall be strictly controllable and the necessary processes and controls must be in place to maintain the security and integrity of data.
- 13.12 Invoices, not subject to dispute, should be promptly passed to the Payments Unit in order to ensure that the financial system is up to date and the local 20 day payment P.I. is achieved. Any interest charged to the Council in respect of late payment under the Late Payment of Commercial Debts (Interest) Act 1998 will be passed on to the Delivery Unit that ordered the goods/services.
- 13.13 Heads of Service and Delivery Managers shall, wherever possible, separate the responsibilities for placing an order, receipt of goods and authorisation of payment but at least 2 different officers should be involved.

CONTACT: Corporate Finance Manager

14. Corporate Credit Cards and the Government Procurement Card (GPC)

- 14.1 Usage is restricted to the following
- Corporate Credit Cards: The Leader and Corporate Directors. The Head of Finance also has a card which can be used by other Council officers following strict guidance and authorisation procedures.
 - Government Procurement-Cards – as part of the process operated by Purchase Ledger and the Corporate Procurement Unit
- 14.2 Corporate Credit Cards: there are strict guidelines and procedures associated with the use of corporate credit cards which clearly state card holder responsibilities and allowed expenditure. The cardholder is responsible to account for all expenditure that is incurred on their card. Expenditure must be for business purposes only and VAT receipts must be provided for each transaction. There are set limits for expenditure against the Corporate Credit Card Account which must not be exceeded. The Head of Finance will approve any additional cardholders.
- 14.3 GPC – the GPC process is in place to enable purchases by telephone, face-to-face or via the internet to streamline the procurement of low value, high volume transactions. Users will be authorised by their Delivery Manager and the process controlled by the GPC coordinator. Each card will have set limits for expenditure which must not be exceeded. Each user receives specific guidance on usage and their responsibilities. The GPC process negates the need for a traditional order; instead the user maintains a monthly log of expenditure, which is validated against the statement issued by the supplying bank. The cardholder is responsible for all expenditure on their card, which is set out in an acceptable use policy. The account will be settled by Direct Debit on a monthly basis.

Contact: Corporate Procurement for further advice and guidance

15. Payment of Accounts

- 15.1 All payments, apart from the authorised use of imprest accounts (see Financial Regulation 19), due from Business Units and chargeable against their budgets shall be made in such manner as outlined by the Head of Finance.
- 15.2 Any Head of Service whose Service Delivery Team Manager issues an order for works, goods and services, shall be responsible for the examination, verification and certification of all invoices. All accounts certified for payment should be signed by the Head of Service concerned or by an officer authorised by him to do so.
- 15.3 The certification shall include that:
- The goods, services and work have been received or carried out, examined and approved as to quality and quantity and conform with a duly authorised order or Council resolution where appropriate.
 - The expenditure is necessary, legal and within the estimates provision.
 - The prices are in accordance with any quotation, tender or contract and/or are reasonable.
 - Discounts or credits due have been deducted
 - VAT or other tax treatment is correctly stated.
 - The account is arithmetically correct.
 - The amount has not been previously paid or certified for payment, either in whole or part.
 - Appropriate entries have been made in asset registers, inventories and stock records.
- 15.4 For specified classes and categories of invoice the Head of Finance may agree a modified procedure.
- 15.5 Payments to construction contractors on account of contracts shall be made only on a certificate issued by the Head of Service or other officer or external consultant nominated in writing for this purpose. This certificate shall show the total amount of the contract, the value of the work executed to date, retention money, amount paid to date and the amount now certified.
- 15.6 Where an invoice is found to be incorrect e.g. because of an addition error, the VAT is incorrectly calculated or the invoice is not addressed to the Council, it should be returned to the supplier with an explanatory note. Hand-written amendments should not be made to an invoice as this may invalidate the recovery of VAT.
- 15.7 The Audit & Risk Manager and Procurement & Payments Manager shall examine accounts to the extent considered necessary and shall be entitled to make such enquiries and to receive such explanations as may be required.
- 15.8 Detailed guidance on Payment of Invoices is incorporated within specific procedure notes which are included on the Intranet and is also subject to para 13 above.

CONTACT: Procurement & Payments Manager

16. Cash Income and Debtors

- 16.1 Income can be a vulnerable asset and the Head of Finance shall ensure that effective income collection systems are in place to ensure that all of the income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services.

- 16.2 Heads of Service and Delivery Managers in conjunction with the Finance Team are responsible for ensuring that all income due to the Council is received at the right time using the correct and most cost effective procedures and the appropriate stationery. Effective action shall be taken to pursue non-payment within defined timescales.
- 16.3 Effective monitoring of outstanding debts and regular reporting of outstanding debt provision will be provided to the Head of Finance.
- 16.4 Heads of Service and Delivery Managers shall, wherever possible, separate the responsibility for identifying amount due and responsibility for collection as far as is practicable. They should also ensure that any un-banked income is retained securely to safeguard against loss or theft and that receipts, tickets and other records of income are held securely for an appropriate period.
- 16.5 No debit in respect of an amount due to the Council once established shall be discharged otherwise than by payment in full except where write-off has been properly authorised as below:
- 16.6 Where the amount involved is £25,000 or less (**LIMIT C**) or the debtor has been declared insolvent or bankrupt and all monies due in dividends have been received, or the debtor being a company that has ceased to trade or is insolvent the writing off of the debt can be undertaken with the agreement of the Head of Service concerned and the Head of Finance.. The Head of Finance shall have the right to inspect any documentation or evidence deemed necessary. Write-offs above £25,000 must be approved by the ~~Cabinet~~**Leader and Cabinet Executive**. Detailed guidance on write-offs is incorporated within specific procedure notes which are included in the Managers Handbook.
- 16.7 The cost of all write-offs will be borne by the Delivery Unit, which originally benefited from the credit.
- 16.8 Heads of Service and Delivery Unit Managers shall promptly notify the Head of Finance of any monies of £100,000 or more (**LIMIT J**) due to the council and of contracts, leases and other arrangements entered into which involve the receipt of money of this value by the Council. The Head of Finance shall have the right to inspect any documentation or evidence deemed necessary.
- 16.9 All receipts, tickets and other acknowledgements for payments received shall be vetted by the Head of Finance, and Internal Audit shall be satisfied as to the arrangements.
- 16.10 Each officer who receives money on behalf of the Council, or for which they are accountable to the Council, shall keep such records as from time to time be required by the Head of Finance.
- 16.11 All money received by an officer on behalf of the Council shall be paid promptly and completely to the Head of Finance, or as he/she may direct, to the Council's bankers. This should be preferably on the same day or if this is not possible at the earliest opportunity. In the interim the money should be kept securely. No deductions may be made from such money other than as may be approved by the Head of Finance. When money is banked information as to the reason for its receipt, or its origin, shall be supplied.
- 16.12 Money held on behalf of the Council shall not be used to cash cheques for members, staff or third parties.

16.13 Heads of Service shall review charges made for services under their control at least annually, in line with the Council's Income and Charging Policy.

CONTACT: Head of Finance

17. Banking Arrangements

17.1 All arrangements with the Council's bankers must be made or approved by the Chief Finance Officer and the Head of Finance, who shall be authorised to operate such bank accounts, including giro bank accounts as required.

17.2 Cheques drawn on the Council's banking account shall bear the facsimile signature of the Chief Finance Officer or be signed by him/her or such other identified senior officers as he/she may from time to time designate in writing.

17.3 The Head of Finance, or such other identified senior officers must countersign cheques for amounts of £50,000 or more (LIMIT F) as he/she may from time to time designate in writing.

17.4 Standing order and direct debit payments may only be established by the Head of Finance or such other identified senior officers as he/she may from time to time designate in writing.

17.5 The Head of Finance shall maintain a list of identified senior officers who may on his/her behalf give instructions to the Council's banker and countersign cheques.

CONTACT: Corporate Finance Manager

18. Payments to Employees

18.1 Staff costs are the largest item of expenditure for most Council services. It is therefore important that there should be controls in place to ensure that payments are made only where they are due for services to the Council and that payments accord with the individual's conditions of employment.

18.2 The payment of all amounts to employees shall be the responsibility of the Head of Finance. Such payments will include wages, salaries, travel and subsistence and other allowances due under a contract of employment.

18.3 Heads of Service shall, promptly notify the Head of Finance in a form agreed of all matters affecting the payment to employees and in particular of:

- appointments, resignations, dismissals, suspensions, secondments and transfers;
- absences from duty, apart from normal annual leave;
- changes in remuneration, other than normal increments and pay awards and agreements of general application.
- information necessary to maintain records of service for superannuation, income tax, national insurance etc.

18.4 Appointments shall be made only in accordance with approved establishments, grades and rates of pay, unless agreed otherwise with the Assistant Chief Executive or an officer nominated by him and a Finance Manager.

18.5 Any pay records, shall be in a form agreed by the Head of Finance and shall be certified by or on behalf of the Head of Service. A list of officers authorised to sign such records shall be sent to the Head of Finance together with specimen signatures

and any amendments to the list shall be notified in advance to the Head of Finance in writing.

18.6 No payment shall be made to a person deemed to be an employee other than through the normal payroll procedure except for reimbursement of minor expenditure through petty cash. Heads of Service and Delivery Managers should give careful consideration to the employment status of individuals employed on a 'self-employed consultant or sub-contract' basis as these may well be employees and should be paid through the payroll.

18.7 There shall be frequent reconciliation of payroll expenditure against approved budgets by the Finance Team. Arrangements shall be made to ensure that appropriate payroll documents are retained and stored for the defined period..

CONTACT: Employment Services Manager or -Human Resources Manager

19. Travel and Subsistence

19.1 Heads of Service are responsible for the verification of their officers' travel claims. This includes:

- that the costs have been incurred whilst officers were engaged on official Council business
- the accuracy of the mileage;
- the subsistence claimed particularly where not supported by receipts (applies to certain employees terms and conditions only) ; and
- the validity of the journeys taken.

Heads of Service must ensure compliance with the Council's Car Allowance Regulations, Car Leasing Scheme, Car Loan Scheme and other decisions of the Council that may be deemed appropriate. Standard mileages must be used where given.

- Claims from Heads of Service must be authorised by a Corporate Director,
- Claims from Corporate Directors must be authorised by The Chief Executive,
- Claims from the Chief Executive must be authorised by another Corporate Director.

19.2 The Head of Finance will reimburse members' claims on receipt of the completed claim form certified by the Member concerned. The Head of Governance will ensure that claims comply with the relevant section of the Members' Allowance Scheme.

19.3 All claims should be completed in full, appropriately authorised and must be submitted within three months of undertaking the journey or incurring the expenses, to qualify for reimbursement.

19.4 All foreign travel must be approved in advance in line with the Council's Overseas Visits procedure note.

19.5 Detailed guidance on Business Mileage and Expenses Reimbursement and Overseas Visits is incorporated within specific procedure notes which are included on the Intranet.

CONTACT: Employment Services Manager

20. Imprests

- 20.1 The Head of Finance in consultation with appropriate Heads of Service may make imprest advances to officers for the purposes of paying minor items of expenditure and any other items as may be approved by him/her.
- 20.2 The Head of Finance reserves the right to withdraw imprest facilities from officers if it is deemed that they are being used inappropriately, the expenditure limit is exceeded, or the facility is rarely used.
- 20.3 The accounts should be maintained on an imprest basis using standard Council imprest stationery and recording procedures for this purpose. All officers should maintain a record of their receipts and payments in a form and manner prescribed by the Head of Finance.
- 20.4 No income received on behalf of the Council may be paid into an imprest account but must be banked or paid into the Council as in section 15 of these regulations.
- 20.5 The imprest account should be continually kept in balance and records submitted as required by the Head of Finance at regular intervals for examination and the reimbursement of expenditure.
- 20.6 The officer responsible for an imprest account shall, if requested, give the Head of Finance a certificate confirming the amount held. Upon leaving the Council or at the request of the Head of Finance the responsible officer shall repay to the Council the balance of the imprest held.
- 20.7 In no circumstances shall cheque imprest accounts be allowed to go overdrawn. The Delivery Unit concerned will be responsible for all bank charges, interest payments and administration charges if this occurs as a result of failure to submit reimbursement claims or if they are submitted too late in order that timely processing can take place.
- 20.8 Detailed guidance on Imprest and Petty Cash Accounts is incorporated within specific procedure notes which are included on the Intranet.

CONTACT: Corporate Finance Manager

21. Risk Management

- 21.1 The Cabinet Member for Efficient Community Focused Council is the lead member on risk management for the Council.
- 21.2 The Chief Executive is the lead officer in respect to risk management and is responsible for the corporate risk management processes of the Council. However it is the responsibility of all employees and members to ensure that the Council's risks are properly managed.
- 21.3 The Corporate Management Team will:
- (a) regularly review the Council's key strategic risks
 - (b) annually review the risk management strategy
 - (c) approve an annual report on the Council's risk management activities

- | 21.4 The ~~Cabinet~~Leader and Cabinet Executive will:

- (a) regularly review the Council's key strategic risks
- (b) annually review the risk management strategy process

(c)approve an annual report on the Council's risk management activities

- | 21.5 The Audit & Risk Manager will keep the Audit Committee informed of the reviews of the Council's key strategic risks, the annual review of the risk management strategy and the annual report on the Council's risk management activities. This will enable the Audit Committee to independently review the Cabinet Leader and Cabinet Executive's and Council's risk management processes as set out in their terms of reference.
- 21.6 The Chief Executive is is responsible for the development, co-ordination and maintenance of the Council's Corporate Risk management strategy.
- 21.7 Corporate Directors are responsible for the implementation of the Corporate Risk Management Strategy within the priorities that they lead.
- 21.8 Heads of Service are responsible for implementation of the Corporate Risk Management Strategy within their delivery units. Heads of Service are also responsible for ensuring that a proper risk assessment is undertaken for all new activities, projects, changes to services or partnership arrangements and that where required controls are implemented or revised to manage these new/revised risks.
- | 21.9 Each Head of Service submitting a report to Cabinet Leader and Cabinet Executive, the Council or one of the Council's committees must ensure that any opportunities or risks arising from the proposed action or decision are clearly outlined in the report, in line with the Corporate Risk Management Strategy.

CONTACT: Audit & Risk Manager

22. Insurance

- 22.1 The Head of Finance will be responsible for the Council's insurance. Only the officer identified by the Head of Finance may obtain insurance cover on behalf of the Council.
- 22.2 Heads of Service are responsible for ensuring that all new activities or assets that may introduce an insurable risk to the Council are notified to the Insurance Manager.
- 22.3 Each year Heads of Service must check that the risk-financing strategies in place are sufficient for their risk exposures and notify any changes required to the Insurance Manager.
- 22.4 As soon as officers are aware of any loss, liability or damage-causing event that may give rise to a claim of any kind against the Council they must notify the Insurance Manager who will take the appropriate action to safeguard the Council's position.
- 22.5 Appropriate officers will co-operate at all times with the investigations of the Insurance Manager into any claims and will supply all information upon request. It is imperative that officers comply with the timescales for investigating claims. Failure could directly affect the authority's ability to defend a claim or could result in financial penalties being imposed on the authority/Delivery Unit.
- 22.6 The appropriate officer will make an annual declaration of any claims or events likely to give rise to a claim not yet reported to the Head of Finance .
- 22.7 It is the responsibility of the Delivery Unit Manager to ensure that all third parties using the Council's buildings are appropriately insured.

CONTACT: Insurance Manager

23. Security and Control of Assets

23.1 Stocks and Stores

- 23.1.1 Heads of Service are responsible for determining an efficient stock holding policy to ensure stock levels are not in excess of normal requirements.
- 23.1.2 The Head of Service shall supply the Head of Finance with such information relating to stores as may be required for the accounting, costing and financial records of the Council.
- 23.1.3 Heads of Service shall ensure periodic test examinations of stocks and shall ensure that all stocks are checked at least twice a year, and that a return of stocks in hand at the 31st March is certified.
- 23.1.4 After each stock check a return should be completed indicating any differences between actual and recorded stock. Where, after thorough investigation, differences cannot be reconciled, then the necessary adjustment should be made to the stores accounts. Adjustments to the accounts should be clearly identified and appropriately authorised. Copies of all adjustments should be available for inspection by Audit Services. If the adjustments account exceeds £10,000 (LIMIT B) in any year, the Head of Finance shall report the circumstances to the member on the GabinetLeader and Cabinet Executive responsible for an Efficient Community Focused Council together with explanations for the surplus/deficit.
- 23.1.5 Heads of Service should ensure that any material surpluses or obsolete stock are disposed of in line with agreed Council procedure. All disposals should be recorded and the records should be available for inspection.

23.2 Inventories

- 23.2.1 Inventories shall be maintained by all Delivery Units of all Council assets, including ICT (see 23.2.2). The Head of Finance shall define the extent to which the assets of the Council shall be recorded and the form in which inventories shall be kept.
- 23.2.2 A corporate inventory for all ICT assets shall be maintained by the Head of Information Communications and Technology and as such all items will be clearly identified and labelled. Delivery Managers should not arrange relocation or disposal without appropriate notification to the Head of ICT.
- 23.2.3 All leased equipment should be clearly identified and labelled. The labelling should indicate that the item should not be sold (as it does not belong to the authority).
- 23.2.4 The Council's assets shall not be removed from Council premises except in accordance with the ordinary course of the Council's business unless specifically approved by the Head of Service. Council property shall only be used for the Council's purposes unless specific instructions are issued by the appropriate Head of Service. The Head of Service shall be responsible for ensuring that any such agreements are recorded. Attractive and portable items such as computers, cameras, TVs, video recorders and playback/recording equipment should be identified with security markings as belonging to the Council.

- 23.2.5 All disposals will be in line with agreed Council procedures and E.U. directives. In addition, special procedures are in place to deal with the disposal of leased equipment – any queries should be referred to the Finance Manager (Capital and Treasury).
- 23.2.6 Delivery Managers are responsible for carrying out an inventory check at least once a year and ensuring that all items are accounted for. All discrepancies must be reported to the Head of Finance.
- 23.2.7 Detailed guidance on Inventories and Disposal of Assets is incorporated within specific procedure notes which are included on the Intranet.

23.3 **Land and Buildings**

23.3.1 The Head of Property & Design shall be responsible for the Asset Management Plan and maintain or make arrangements for the maintenance of a terrier of all properties owned or rented by the Council.

23.3.2 The terrier should record:

- the date of acquisition or appropriation
- Council authority
- the holding Board
- purpose for which held
- location, extent and plan reference
- purchasing details
- particulars of nature of interest and rent payable
- particulars of tenancies granted

23.4 **Information**

23.4.1 Heads of Service are responsible for the security of all information within their service area. Information can be stored on computers, transmitted across networks including the Internet, printed out or written down on paper and spoken in conversation.

23.4.2 Heads of Service must ensure compliance with the Council's Corporate Information Security Policy to ensure:

- Confidentiality of information
- Integrity of information
- Availability of information
- All software installed and used is properly licensed and appropriate for business use.

23.4.3 Heads of Service must ensure that appropriate registrations under the Data Protection Act are in place to cover the use of information within their service areas. The Data Protection Act 1998 makes provision for the regulation of information relating to individuals, including obtaining, holding, use or disclosure of such information.

CONTACTS

Stocks and Stores, Head of Finance

Inventories, Audit & Risk Manager

Land and Buildings, Head of Property & Design -Management

Information, Head of Governance

24. Treasury Management

- 24.1 The Chief Finance Officer shall arrange all borrowing of monies, and make all arrangements concerning the investment or utilisation of capital monies or other funds.
- 24.2 In exercising the function, the Chief Finance Officer should comply with the contents of CIPFA's 'Code for Treasury Management in Local Authorities'.
- 24.3 The Council shall adopt a Treasury Policy Statement and an annual Treasury Management Strategy. The responsibility for their implementation and monitoring will be delegated to the CabinetLeader and Cabinet Executive.
- 24.4 The Chief Finance Officer shall report (at least half yearly) to the CabinetLeader and Cabinet Executive on the activities of the Treasury Management function and on the use of delegated Treasury Management powers.
- 24.5 The Audit Committee through its Terms of Reference will scrutinise the Council's Treasury Management management arrangements as set out in the Audit Commission's best practice guidance. The Chief Finance Officer will provide appropriate information to enable them to fulfil this role.

CONTACT: Corporate Finance Manager

25. Unofficial and Voluntary Funds

- 25.1 An unofficial or voluntary fund is defined as any fund, other than an official fund for the Council, which is controlled wholly or in part by an officer by reason of his or her employment by the Council.
- 25.2 Staff should seek approval from the appropriate Head of Service before establishing an unofficial fund.
- 25.3 The Head of Service shall maintain a register of all such funds. The register will include the following details for each fund:
- The name of the 'Responsible Officer', as defined in the procedure notes on Voluntary and Unofficial Funds, responsible for the day to day running of the fund;
 - The accounting period (which should generally be 1st April to 31st March);
 - Bank account details; and
 - Cheque signatories.
- 25.4 Heads of Service shall ensure that all such funds are audited by suitably qualified auditors and are submitted within 6 months of the end of the accounting period to the Council and any other parties (i.e. clients, sponsors, charitable bodies) with an interest in the fund.
- 25.5 The Head of Finance reserves the right to inspect all documentation relating to unofficial funds and seeks such explanations that are necessary to ensure they are being appropriately managed.

CONTACT: Corporate Finance Manager

APPENDIX A

Financial Limits

As financial limits require amending from time to time the limits itemised in the various regulations are referenced to this appendix. When amendments are actioned they will take the place of the amounts currently included in the detailed regulations.

Limit Reference	£
A	5,000
B	10,000
C	25,000
D	5,001 to 10,000
E	10,001 to 24,999
F	25,000 or over
G	50,000
H	75,000
J	100,000
K	250,000
L	500,000
M	Over 100,000
N	200,000
P	Over 200,000
Q	100,000 to 250,000
R	Over 250,000
S	EU Threshold (currently 156,442)
T	EU Threshold (currently 3,927,260)

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Part 4 – Rules of Procedure

Section 7– Contract Procedure Rules

Contents

Scope and Purpose

1. Purpose
2. Scope
3. Legal Requirements
4. Responsibilities

Steps to Purchase

5. Approvals
6. General Requirements

Conducting a Purchase

7. Contract Values
8. Competition Requirement
9. Special Exemptions
10. Variations
11. Conducting a Procurement Flow Diagram
12. Process for Major contacts (over £50,000) which have received special exemption from the Delta e-tendering process
13. Disclosure of Tender Information
14. Ordering and Entering into a written contract
15. Signing Contracts
16. Sealed Contracts
17. Keeping Written Records
18. Contracts Register
19. Storing Documents

Special Types of Contract

20. Construction Contracts
21. Framework Agreements
22. Appointing Experts and Consultants
23. Collaborative Purchasing Arrangements
24. Schemes financed partly or wholly by another Public Sector Organisation
25. Schemes funded partly by Voluntary Sector in collaboration with the Public Sector
26. Procedure for Emergency Works, Supplies or Services
27. Procedure for Urgent Decisions under Paragraph 4 of the Budget and Policy Framework Procedure Rules
28. External Funding
29. Leasing Arrangements
30. Sales/Asset Disposal
31. Replacement of Council Vehicles
32. ICT Facilities & Services
33. Procedure for arranging Adult Social Care and Support Contracts for individuals
34. Procedure for arranging Education, Care and Support Contracts for Children & Young People

Appendices

- App 1 Guidance and Standard documents

CONTRACTS

Scope and Purpose

1. Purpose

These Contract Procedure Rules help us to:

- achieve value for money
- keep within the law
- maintain standards of conduct
- be fair to our suppliers
- protect our officers
- demonstrate public probity
- meet the Council's corporate aims and policies

2. Scope

These Contract Procedures Rules apply to all contracts with outside organisations, or people (including agreements with or on behalf of other public sector organisations & partner agencies). They apply to all contracts for works, goods or services but not to contracts of employment or contracts relating to interests in land.

A contract is considered to be any agreement to supply goods, works or services, in return for money or payments in kind, whether that agreement is formal or informal. This includes:

- placing orders
- loan or leasing arrangements
- employing outside experts or consultants under contracts for services
- tenders for sub-contracts
- spending grant income received from a third party

3. Legal Requirements

Every contract whether made by or on behalf of the Council must:

- adhere to all relevant guidance referred to in these Contract Procedure Rules.
- comply with all relevant English and European laws.
- comply with these Contract Procedure Rules unless specially authorised otherwise (See Special Exemptions).
- comply with the Council's Financial Procedure Rules (Part 4, Section 6 of the Constitution).
- be drafted correctly.
- protect the Council's interests fully.

Contracts covered by these rules are subject to any relevant requirement of English or European (EU) law. Where there is a conflict between these Contract Procedure Rules and EU Regulations, then EU Regulations will apply.

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4. Responsibilities

4.1. Officers

Officers responsible for purchasing or disposal must comply with these Contract Procedure Rules, Financial Regulations, and the Code of Conduct for officers and with all UK and European Union binding legal requirements. Officers must also ensure that any agents, consultants and contractual partners acting on their behalf also comply.

Officers must:

- have regard to the guidance provided by the Corporate Procurement Unit.
- complete a Procurement Plan for all contracts over £50,000 and have it approved by Corporate Procurement. The level of CPU involvement will be dependant on contract risk.
- check whether a suitable Corporate Contract exists before seeking to let another contract; where a suitable Corporate Contract exists, this must be used unless there is an auditable reason not to.
- record the details of all contracts over £25,000 in their Service Delivery Unit's contract register.
- keep records required in line with the Council's Retention & Disposal Scheme.
- take all necessary legal, financial and professional advice.
- make sure that where appropriate any requirements relating to key decisions have been complied with.
- check there is sufficient funds in the budget before a financial commitment is made.
- ensure all tenders/contracts have a Freedom of Information Act 2000 clause in order to meet our duty to provide any recorded information to any individual or organisation who requests it, subject to exemptions.

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Any legislation queries on Freedom of Information should be directed to ig@telford.gov.uk or call 82537.

4.2. Heads of Service

Heads of Service must:

- Ensure that their staff comply with these Contract Procedure Rules.
- Keep registers of:
 - contracts advertised in their service area
 - maintain a list of authorised signatories

Steps to Purchase

5. Approvals

Before beginning a purchase, the Officer responsible for letting the contract must:

- make sure that the appropriate approvals have been gained before starting the procurement process and spend the money.
- make sure that there is enough money in the budget to cover the total whole-life financial commitment being made.
- make sure that the Forward Plan requirements have been followed where the purchase is a Key Decision. (All contracts over £500,000 will constitute a 'Key Decision' for the Council). **Delegated authority to award the contract must be sought before the tender process begins.**

if it is a non delegated Key Decision, your recommendation for awarding the contract must be put before Cabinet Leader and Cabinet Executive for formal approval, followed by a period when the decision may be 'called in', before contacting the successful tenderer. N.B. Key Decisions must be listed on the Council's published *Forward Plan*. If in doubt, seek advice from your Head of Service or Democratic Services.

- complete a Procurement Plan for contracts over £50,000 and have it approved by Corporate Procurement.

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6. General Requirements

Before beginning a purchase, the Officer responsible for it must:

- appraise the need for the expenditure and its priority.
- define the objectives of the purchase.
- carry out an options appraisal, including the critical Make or Buy decision, to decide what procurement method is most likely to achieve the purchasing objectives.
- assess the risks associated with the purchase and how to manage them.
- consult key stakeholders where possible.
- consider whether the European Procurement Rules apply.
- complete a Procurement Plan.
- ensure the required approvals are in place (including funding).

Conducting a Purchase

7. Contract Values

The table below sets out which procedures must be followed for different contract values.

The Whole Life Cost of the contract is:

Yearly contract value	x	Contract period in Years (including any options to extend periods)	=	The Total Value of the contract
£15,000	x	5 (3 years plus 2 year option to extend)	=	£75,000

- contract figures are calculated exclusive of VAT.
- where the contract is for a one off purchase, the value is the cost of the purchase, plus any associated delivery, installation commissioning and disposal costs.
- where the contract period is unknown EU Procurement Regulations require that a minimum 3 year period is assumed.
- When purchasing multiple items which are related (e.g. equipment plus maintenance), the value is the price for the total package. This definition is a requirement of European law and therefore care must be taken in valuing these contracts.
- where the contract is for goods on short-term hire, the value is the periodic payment multiplied by the minimum number of payments agreed.

Contract Value	Number of Tenders
Minor and Small Contract	
Less than £5,000 MINOR CONTRACT	No formal action , however Officers will be expected to have due regard to the need for accountability and securing value for money wherever possible.
Between £5,000 and £50,000 SMALL CONTRACT	Minimum 3 written quotations , however where the nature of the contract indicates that a tender would be in the interests of Best Value this should be undertaken.
Major Contracts	
Supplies and Services £50, 000 to £156,442	Formal Tender - Delta system must be used At least 4 suppliers invited to tender.
Supplies and Services £156,442 to £250,000	EU Tender – Delta system must be used At least 5 suppliers invited to tender.
Supplies and Services £250,001 to £500,000	EU Tender – Delta system must be used No fewer than 5 tenderers to be invited.
Supplies and Services In excess of £500,000	EU Tender – Delta system must be used KEY DECISION – Must be listed on the forward plan No fewer than 6 tenderers to be invited
Works	Formal Tender – Delta system must be used

£50,000 to £250,000	At least 4 suppliers invited to tender 3 for Design & Build contracts
Works	Formal Tender – Delta system must be used
£250,001 - £500,000	No fewer than 6 tenderers to be invited 4 for Design & Build contracts
Works	Formal Tender – Delta system must be used KEY DECISION – Must be listed on the forward plan
£500,001 to £3,927,260	At least 6 tenderers to be invited to tender 4 for Design & Build contracts
Works	EU Tender – Delta system must be used KEY DECISION – Must be listed on the forward plan
In excess of £3,927,260	At least 6 tenderers to be invited to tender 5 for Design & Build contracts
Works	Small lots within aggregated contract value for works involving more than one contract
Small Lots - £810,580	

If the Contract Value exceeds EU thresholds, then the EU Procurement Rules guidance must be consulted.

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If the contract is for Social Care for Adults, Social Care for Children & Young People or is Construction related also see Special Types of Contracts.

8. Competition Requirement

All contracts must meet the requirements of these Contract Procedure Rules.

All contracts with a total value of £5,000 or above must be competitively let unless you have obtained an exemption from these Contract Procedure Rules (see Special Exemptions).

You must not enter into separate contracts or select methods of calculating Total Value in order to minimise the application of these Contract Procedure Rules or EU Procurement Rules. Contract values must be aggregated in order to decide if the thresholds above are reached.

9. Special Exemptions from the Contract Procedure Rules

There shall be no exceptions to these Contract Procedure Rules except:

- by the direction of the Council or (in relation to ~~Cabinet~~Cabinet Leader and Cabinet Executive functions) the ~~Cabinet~~Cabinet Leader and Cabinet Executive. The report to Council / ~~Cabinet~~Cabinet Leader and Cabinet Executive must clearly state from which paragraphs of these Contract Procedure Rules exemption is requested, the reasons why, and the alternative contract letting method to be used to ensure best value.
- in the cases of Social Care contracts for individuals, in accordance with the procedures contained in paragraph 33.
- in the cases of care, support and specialist services contract for Children and Young People, in accordance with the procedures contained in paragraph 34.
- in the case of Emergency Works, Supplies or Services when the procedure contained in paragraph 26 of these Financial and Contract Procedure Rules shall apply.

- in the case of variations to the number of quotes/tenders for contracts:

Contracts between £5,000 and £50,000 – variations to the number of quotes sought must be agreed by the Head of Governance and Finance Manager.

Contracts above £50,000 - variations to the number of tenders sought must be agreed by the Head of Governance and Finance Manager. However, please note that Major contracts may be subject to the European Procurement Rules, and no exemption is allowed from them. In the case of variations to the number of quotes for contracts

Examples of circumstances which may justify an exemption are:

- ***no real competition – the nominated officer must use market analysis to prove that there is only one viable supplier. Documentation of this analysis and the case for exemption shall be kept on file. However, please note that major contracts may be subject to the European Procurement Rules, and NO exemption is allowed from them.***
 - ***price control – if the price is controlled by trade organisations or government order and there is no reasonable alternative.***
 - ***repairs or parts – if the only option is to repair or buy new parts for existing equipment or buildings and there is only one supplier.***
 - ***used, recycled or second hand goods – if the Head Of Service is satisfied that the market for such goods or materials is such that it would be unreasonable to tender or where the time required to complete the tender process is likely to lead to the loss of opportunity to purchase a used or second hand item.***
 - ***pilot schemes – a pilot scheme may in certain circumstances be granted an exemption.***
- in the case of urgent decisions outside the budget or policy framework – see Paragraph 4 of the Budget and Policy Framework Procedure Rules contained in paragraph 27.

Any use of an exemption must be able to demonstrate that it is in the best interests of the Council. As Best Value (which will include whole life costing) must be demonstrated at all times Best Value alone cannot be used to justify an exemption.

10. Variations

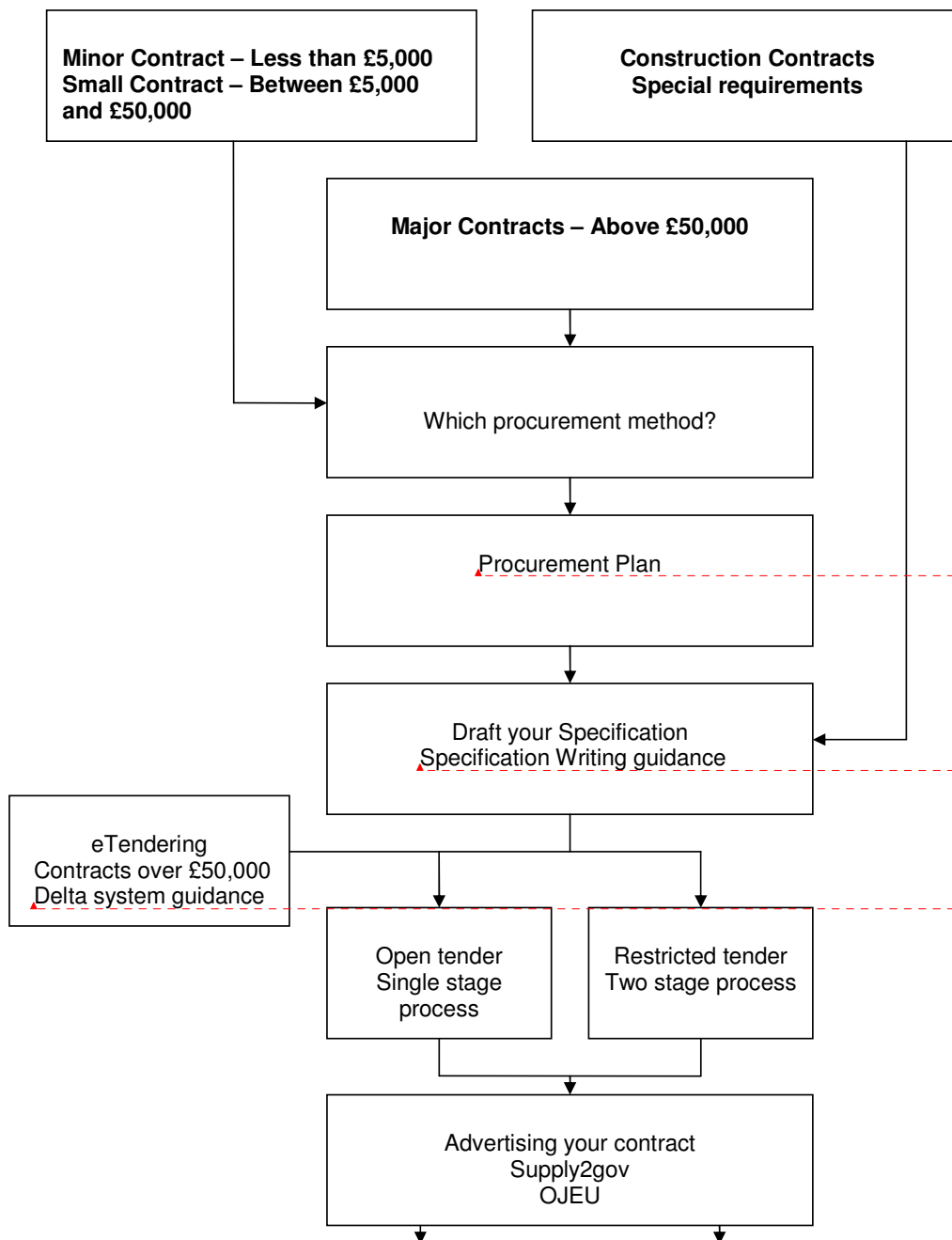
Contract variations that are not provided for in the contract must be referred to the Corporate Procurement Unit and Legal Services and Officers must refer to the Contract Variation guidance.

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11. Conducting a Procurement Flow Diagram

The Buyer's Guide will take you through the steps depicted by the FLOW DIAGRAM below. The Flow Diagram incorporates links to specific guidance and documentation.

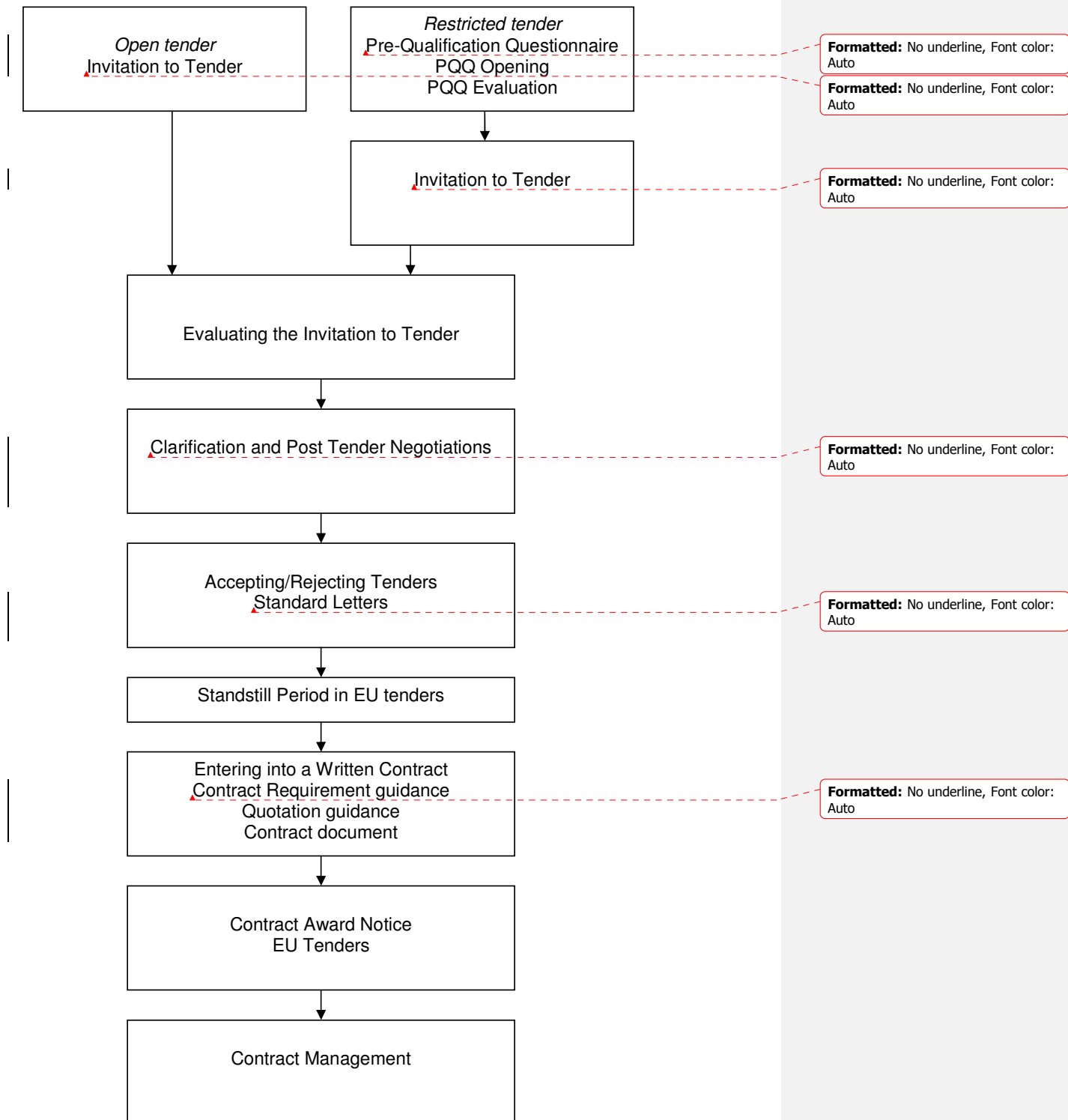
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12. Process for Major contracts (over £50,000) which have received special exemption from the Delta e-tendering process

In exceptional circumstances the Corporate Procurement Unit may approve an exemption from the e-tendering (Delta) process. In such cases the following manual processes will apply.

Receipt and Opening of Tenders - Applicable to the manual system and e-Tendering

Up to £50,000	<i>Appropriate Head of Service</i>
In excess of £50,000	<i>Head of Governance or their designated Officer</i>
<i>In excess of £156,442</i>	<i>Head of Governance or their designated Officer</i>

Inviting Tenders

If you want to know whether the supplier has received the invitation to tender, you must request confirmation or enclose a 'Tender received confirmation form'.

Returning Tenders

Each tenderer must be provided with an envelope or label prominently bearing the name of the contract, the word "Tender", and the date and time when the tender must be returned by, and they must be instructed to return their tender in the envelope provided or in a plain envelope with the label attached. Tenders will not be accepted if the envelope or label provided is not used. No other marks or writing should be made on the envelopes. Tenderers must be advised not to use their company franking machine. Tenders will not be accepted if there are identifying marks (such as a return address, company name, logo, etc).

Tenders can be returned by hand or by post to the Head of Governance to the following address;

Telford & Wrekin Council, Civic Offices, Coach Central, Telford. TF3 4HD

Tenderers should be advised to use postal services that provide them with proof of postage and the time of sending. Tenders sent by fax or e-mail will not be accepted. This is because the information cannot be kept secret. Suppliers must be told that tenders sent by fax or e-mail will not be accepted. Tenders must be signed by a duly authorised person on behalf of the supplier.

As tenders are identified in the incoming mail they should be recorded by Democratic Services in the register which shows the time, date and name of the contract. Tenders delivered by hand should be acknowledged with a written receipt and the time, date and name of the contract similarly recorded in the register. To ensure that all tenders are received by the Democratic Services Officer when the tenders are collected, confirmation will be made that the number of envelopes handed over agrees with the number recorded in the register since the last collection. The Democratic Services Officer should initial the register to indicate the number is correct and to take responsibility for the custody of the tenders collected. Tenders will not be opened until the final deadline for receiving them. They must be kept in a safe place.

Tenders must be stored securely until it is time for them to be opened. The storage used should be locked and access to it available only to those officers in Democratic Services responsible for handling tenders, who must ensure that keys are secure at all times.

If a tender is opened by mistake before the deadline, a record of how this has happened should be attached to the packaging. The tender should be re-sealed immediately and its contents kept secret.

Opening Tenders

All tenders estimated at over £50,000 must be:

addressed to the Head of Governance,

In exceptional circumstances, the relevant Head of Service, in consultation with the Head of Governance may postpone the deadline for a reasonable length of time (the reason must be recorded); provided that all tenderers are notified by the same method and no tenders have been opened. This provision is to cater for circumstances e.g. a postal strike where some extension of the closing date for the receipt of tenders may be desirable in the interests of fair competition and to provide best value to the Council. However, it is not acceptable to extend the deadline for returning tenders or delay the time for opening them to allow for late tenders.

In exceptional circumstances the Head of Governance can accept a late tender (see below).

The Democratic Services Manager must make sure that the procedures for opening tenders are followed and that the correct records and documents are completed. These include the requirement to:

- open the tenders in front of another officer.
- open all tenders at the same session, but one at a time, with each officer present signing and dating them. The officers must sign the pricing pages of each tender.
- record the details of each tender, including price, on a tender return form, with each officer checking, signing and dating the form.
- after opening, tenders should be held in a secure place and delivered as soon as possible to the Authorised Officer responsible for the tender.

It is important that two officers are present throughout the tender opening and recording process.

Late Tenders

The Democratic Services Manager will reject tenders which are received after the deadline. In exceptional circumstances the Head of Governance, can accept a late tender. This only applies if:

they are satisfied, on the basis of the information available to them, that the tenderer despatched the tender by a means and by a time which, in the normal course of events, would have ensured that the tender arrived with the Council by the relevant deadline. In other words, they are satisfied that the tenderer took all reasonable steps to ensure delivery of the tender by the deadline and that the lateness of delivery was not due to any default on his part. The record of their decision must include a summary of the information available to them.

If the Head of Governance decides to accept a late tender, he/she must treat that tender in the same way as all other tenders. The Authorised Officer must record full details of the decision to accept the late tender on file.

If the Head of Governance decides to reject the late tender, he should open the tender only after all other tenders have been opened and recorded. He must clearly mark it as a late

tender, recording the date and time it was received, and retaining the envelope with the documents. Opening the tender will tell the Authorised Officer which suppliers have submitted late tenders, so that he/she will be able to give them feedback in case of any queries on why their bid was not successful. The Authorised Officer should keep the late tender on file with other documentation for two years, after which time he/she may destroy it.

13. Disclosure of tender information

You must not give tenderers or suppliers or anyone who has a financial interest in the contract any information about the bids or affairs of any other tenderer or contractor unless the law says you must do this. The information you receive is confidential.

14. Ordering and entering into a written contract

Once you have selected the successful supplier, you need to complete the contractual arrangements.

All contracts must be in writing and meet the requirements set out in the Contract Requirements guidance. This guidance provides advice on the standard contents of contracts and is available from the Corporate Procurement Unit.

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Each Head of Service must ensure that the contracts within his or her service area:

- are legal
- comply with Financial Rules
- are drafted properly
- protect the Council's interests fully
- keep copies of contract documentation in line with document retention guidance

In legal terms a contract can arise from an oral arrangement just as much as from written documentation. For contracts made by the placing of an order, the Council's official order form and the resulting invoice will be the written evidence; and for contracts where the order was initially placed orally, a confirmation written order should be sent within two working days. Oral contracts should only be used in cases of extreme urgency. Any orders must include a copy of the Council's standard terms and conditions.

Electronic confirmations will only be acceptable where this is via official Council purchasing systems, and bears a copy of the Council's terms and conditions, or is via the Council's Corporate GPC process.

Where the contract arises from the acceptance of a tender, the written form will be either the Officer's acceptance letter and the tender documents or the contract document. These must include a copy of the Council's standard terms and conditions unless JCT / ICE / NEC or similar standard form construction/industry contracts are used.

Adherence to this is vital, as where terms and conditions are not included with an order or confirmation, the Council may be legally deemed to have accepted the suppliers own terms and conditions.

Standard Terms and Conditions and Contract Documentation are available from the Corporate Procurement Unit.

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15. Signing Contracts

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You must make sure that the contract is signed by a properly authorised officer as set out below:

<u>Contract Value</u>	<u>Acceptance by</u>
Up to £156,442	Appropriate Head of Service or designated Officer One signature is required
£156,442 to £500,000	Appropriate Head of Service or Service Delivery Manager Two signatures required (At least one of whom must be the Head of Service or Service Delivery Manager. The second signatory can be an officer designated by the HOS)
In excess of £500,000	KEY DECISION Appropriate Head of Service and Service Delivery Manager Two signatures required

The lists of authorised contract signatories must be kept with the service area's contract register.

16. Sealed Contracts

Contracts in excess of £500,000 should be sealed by the Head of Governance instead of being signed. These contracts are enforceable for a period of 12 years.

17. Keeping Written Records

Each Service Area **must keep proper written records** of:

- the different stages of the tendering process including all the quotes and letters you have received, and notes of phone calls and meetings about selecting suppliers.
- the awarding of the contract.
- any information provided to tenderers or contractors.
- any decisions made, together with the reasons for those decisions.
- any exemptions granted to the number of quotes/tenders sought.
- you must keep these records for the periods set out in the Council's Corporate Retention & Disposal Scheme, see storing documents below.

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It is acceptable to keep written records in electronic form, including storing documents and correspondence on the eTendering tool, Delta and on the MOSS system.

18. Contracts Register

Authorised contract signatories must record the details of all contracts over £25,000 signed by them in their Service Delivery Area's contract register(s). A copy of this register shall be forwarded to the Corporate Procurement Unit on a quarterly basis and when requested.

19. Storing Documents

You must consider confidentiality when storing contracts and other information relating to tenders and agreements.

Subject to paragraph 16, contracts must be stored for a specific length of time, please follow the rules set down in the Council's Corporate Retention & Disposal scheme (CRDS).

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Storing documents in electronic format is acceptable.

Sealed contracts must be stored in the deeds room within Legal Services.

Special Types of Contract

20. Construction Contracts

When letting a Construction contract, Officers must refer to the Construction Contracts guidance.

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21. Framework Agreements

Framework agreements (call-off contracts) allow the Council to fix terms and conditions in advance and to award contracts as and when they arise without needing to re-advertise or re-tender.

Framework agreements must be a maximum of four years.

You must follow the Contract Value Rules when setting up framework agreements and call-off contracts.

Framework agreements are subject to all UK and EU procurement legislation and must also follow these Contract Procedure Rules.

Framework contracts put in place by WMS, the Office of Government Commerce (OGC) Buying Solutions and Local Authority Purchasing Organisations such as Eastern Shires Purchasing Organisation (ESPO) and Yorkshire Purchasing Organisation (YPO) have all been exposed to competition through the EU Regulations.

Framework Guidance is available from the Corporate Procurement Unit.

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22. Appointing Experts and Consultants

Where individuals operate under a '**contract for services**' (as an independent contractor), these Contract Procedure Rules apply. Such individuals are self-employed and paid by invoice. You must ensure there is appropriate Professional Indemnity Insurance in place to cover the work of the consultant.

Where a person is taken on as an employee under a '**contract of service**', the Council's HR (recruitment) policies apply. Such individuals are employees of the Council and must be paid through Payroll.

Further guidance on appointing consultants is available from the Corporate Procurement Unit.

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23. Collaborative Purchasing Arrangements

Collaborative purchasing arrangements are subject to all UK and EU procurement legislation and must also follow these Contract Procedure Rules.

Collaborative arrangements include joint working where one partner takes the lead and awards contracts on behalf of the other partners.

Where the Council acts as a Lead Authority to let contracts on behalf of a consortia of public sector bodies, these Contract Procedure Rules must be complied with and all records kept by the Council's nominated officer.

If a contract is being jointly let, where Telford & Wrekin let a contract on behalf of another local authority or agency, then Telford & Wrekin Contract Procedure Rules apply (and EU regulations if appropriate).

Where another authority or agency lets the contract then that organisation's Financial and Contract Procedure rules will apply. However, consideration needs to be given to ensure that these are acceptable to Telford & Wrekin.

24. Schemes financed partly or wholly by another Public Sector Organisation

Increasingly cross-agency working is generating collaborative schemes where multiple public sector partners share total costs, nominating one partner to lead the procurement process. The lead partner signs the contract on behalf of the partnership, and is liable for any resulting default or contractual risk.

Officers leading or participating in multi-agency schemes where the key decision process applies must obtain approval from the Chief Finance Officer prior to committing the Council to participate in the scheme.

Officers leading multi-agency schemes must ensure that partnership working agreements are in place before procurement activity for the scheme begins or the contract is let.

These must be in writing, and as a minimum should cover:

A definition of who the funding bodies are and what they are committed to under the agreement e.g. allocation of contractual risks, roles and responsibilities, who will be responsible for any cost overruns, etc.

Express agreement as to whether the Contracts (Rights of Third Parties) Act 1999 should apply to any contract subsequently entered into with a supplier by the lead partner on behalf of the partnership. This will allow the partners other than the lead body to both enforce their rights under the contract and to be held liable for default or risk under it. Please note that this clause must also be expressly stated in the contract with the supplier to be valid.

How the specification will be agreed by all of the funding bodies. The specification should include:

- a description of the goods / services / outputs to be produced
- timescales
- testing / effects procedures
- ownership of any intellectual property (eg copyright, design rights etc) or physical property (e.g. goods, buildings) resulting from the agreement
- procedure for making variations to the agreement or the project
- measures of quality/success
- how disputes between the funding partners will be dealt with
- written agreement to pay / physical fund transfer to the lead body (when and how this will be done)
- exit arrangements if the parties are unable to agree.

Officers leading or participating in multi-agency schemes must keep records of all correspondence between the funding partners, especially those relating to agreement of specification, roles, risks and responsibilities.

Officers leading or participating on multi-agency schemes must keep all appropriate documents and evidence required to satisfy internal and external audit.

For schemes financed via the European Regional Development Fund (ERDF) the specific procurement regulation stipulated by ERDF shall supersede the Council's contract regulations. Any contracting over the EU threshold shall also adhere to the EU Procurement Regulations.

25. Schemes funded partly by Voluntary Sector in collaboration with the public sector

When dealing with schemes funded partly by the Voluntary Sector, please seek advice from Legal Services.

26. Procedure for Emergency Works, Supplies or Services

What counts as 'emergency'?

Construction related works of an emergency nature include the following:

- Works which if not done pose an immediate risk to Health & Safety
- Work required to keep the building operational
- Urgent maintenance works (i.e. where further deterioration resulting in additional repair costs would occur if immediate action is not taken)
- Work required immediately following an act of vandalism or arson to make the premises secure

Non Construction related works, supplies, or services of an emergency nature include the following:

- Works, services, and supplies which if not done / delivered pose an immediate risk to Health & Safety and Welfare

Financial Limits:

Construction related work of an emergency nature at a site **up to the value of £15,000** may be awarded directly to a contractor at the discretion of the responsible Officer (Surveyor / Engineer or their Line Manager).

Non Construction related works, supplies or services of an emergency nature **up to the value of £15,000** may be awarded directly to a supplier at the discretion of the responsible officer (Budget Manager or their Line Manager).

For works, supplies or services with an estimated value **between £15,000 and £50,000** written quotations from a minimum of three suppliers or contractors will normally be required.

In situations where this will result in disruption and further delay, formal approval to award directly to a supplier or contractor may be obtained from the Service Delivery Manager /Head of Service.

For works, supplies or services with an estimated value **between £50,000 and EU limits (£156,442 for Supplies/Services or £3,927,260 for Works)** detailed written quotations from a minimum of four suppliers or contractors (or three for design and build projects only) will normally be required.

In situations where this will result in disruption and further delay, formal approval to award directly to a supplier or contractor may be obtained from the relevant Head of Service or another Head of Service in their absence. . This authority may not be delegated.

Works, supplies or services with an estimated value which **exceeds EU limits (£156,442 for Supplies/Services or £3,927,260 for Works)** – must follow the procedures for ‘Urgent decisions outside the budget or policy framework’ contained at Appendix 5.

Note that EU Rules will still apply – but an Accelerated Procedure with compressed timescales may be justified. In these instances, please contact the Corporate Procurement Unit for guidance.

All procedures relating to the placing of orders and subsequent payment of works will be in accordance with standard procedures.

All other works requiring formal tenders are to be carried out in accordance with Contracts Procedure Rules and Financial Procedure Rules and in accordance with standard procedures.

27. Procedure for Urgent Decisions under Paragraph 4 of the Budget and Policy Framework Procedure Rules

This procedure covers decisions contrary to the policy framework and contrary to or not wholly in accordance with the budget.

Urgent decisions outside the budget or policy framework

The [Cabinet Leader and Cabinet Executive](#), and any Officers, committees of the Council, area committees or joint arrangements discharging [Cabinet Leader and Cabinet Executive](#) functions may take a decision which is contrary to the Council’s policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

- if it is not practical to convene a quorate meeting of the full Council and
- if the Chairman of the appropriate Scrutiny Committee agrees that the decision needs to be taken as a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the appropriate Scrutiny Committee consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the appropriate Scrutiny Committee the consent of the Speaker, and in the absence of both, the Deputy Speaker will be sufficient.

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

28. External Funding

When letting a contract which is wholly funded by an external provider the contract award method of the fund provider shall take precedence over these Contract Procedure Rules, except where EU regulations shall apply. The usual requirement to retain documentation in these circumstances will be for 6 years after the contract or scheme ends, but may be more if specified by the fund provider.

29. Leasing Arrangements

Leasing is a method of financing the acquisition of certain types of capital assets and allows the cost to be spread over several financial years through annual rentals. It is a specialised area of finance with complex legal and financial agreements. Leasing arrangements may only therefore, be entered into by the Head of Finance or his

designated officer.

| Please see the guidance on Leasing Arrangements.

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30. Sales / Asset Disposal

It is important to be able to show to a third party that the Council obtains best price even when selling surplus goods and materials.

Surplus goods and materials belonging to the Council may be sold by the appropriate Head of Service subject to compliance with Financial Procedure Rules except where the provisions below apply.

Where sales are proposed the procedures set out in these Financial and Contract Procedure Rules for the purchase of goods shall be followed, but “highest” shall be substituted for “lowest”.

The sale of goods and materials to staff must be approached with caution and the tendering procedures must be used. The officer undertaking to sell the goods must be aware of product safety regulations and take reasonable steps to ensure equipment is safe to use. If electrical, equipment must bear a current valid electrical testing sticker. If there is any suggestion the product may be unsafe it should not be sold.

No IT related equipment or materials may be sold / disposed of by officers. The Council's disposal policy specifies that all such equipment must be returned to Corporate ICT who will arrange disposal in accordance with European Directives and the principles of Best Value.

Where electrical equipment is to be disposed of the European Directive on Waste Electrical and Electronic Equipment (WEEE) will apply and officers must ensure these provisions are observed. Specialist advice on the disposal of ICT equipment is available via the ICT Service Desk.

The principle should always apply that it should never cost more to dispose of an asset than its residual worth, except where this is governed by legislation.

Advice on product safety regulations is available from the Trading Standards section.

31. Replacement of Council Vehicles

In the case of replacement vehicles only, the relevant Head of Service shall be authorised to open and accept tenders and order vehicles accordingly and to attend auctions and bid, and to buy used vehicles providing that funding is in accordance with approved budgetary estimates.

This enables vehicles to be acquired expeditiously whether by way of seeking tenders or bidding at auction.

32. ICT Facilities & Services

Regardless of value, **all purchases of ICT hardware, software, licences, systems, services, or works** must be through or with the agreement of the Head of ICT and Procurement for purposes of monitoring compliance with corporate standards, and the obtaining of Best Value.

They must initially be logged with the ICT Service Desk by the Service Area that requires it. The ICT Service Desk or ICT Account Managers will then take appropriate action to make the purchase on behalf of, and in conjunction with, the Service Area.

33. Procedure for arranging Adult Social Care and Support Contracts for individuals

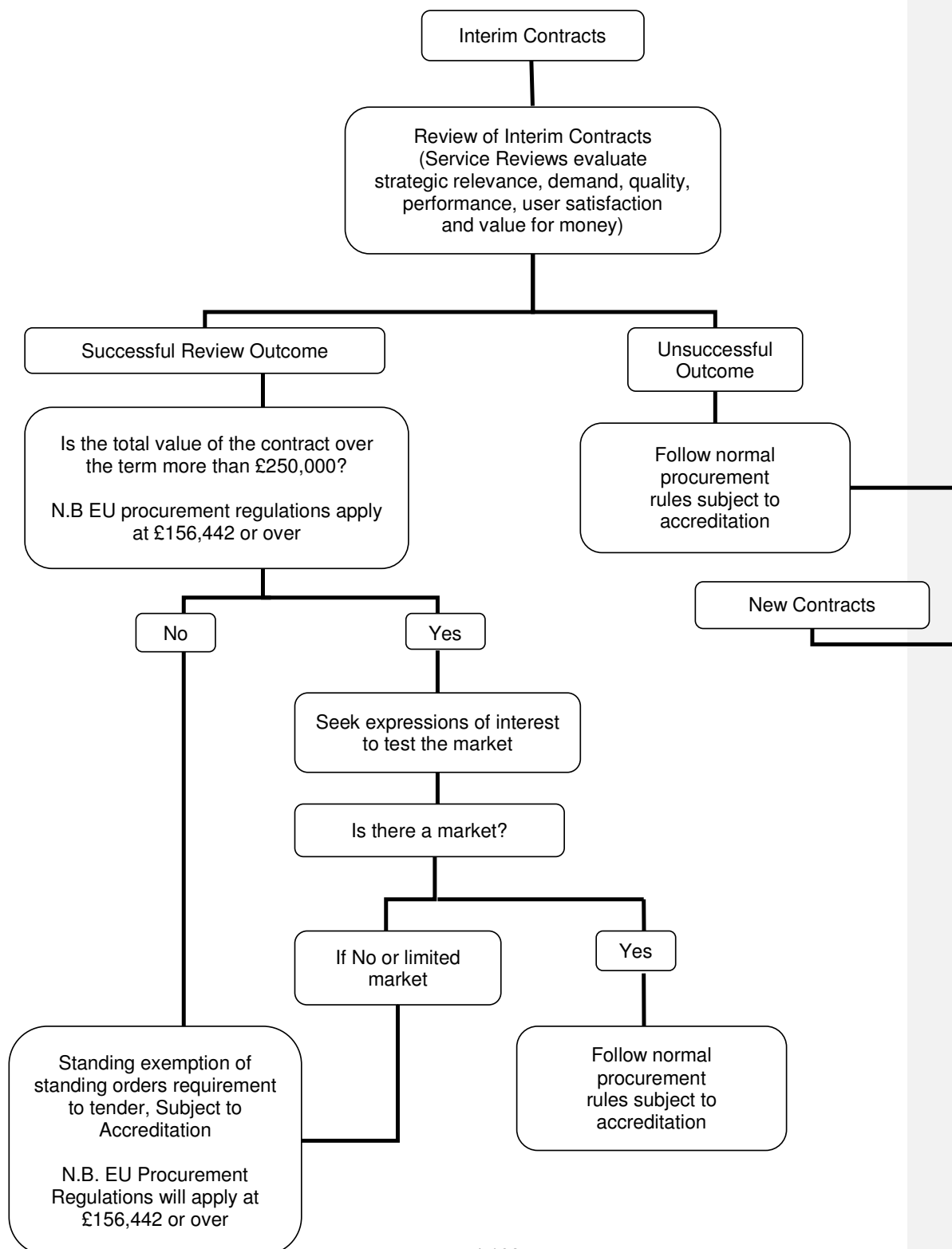
Introduction

The Council's Standing Orders allow for standing exemption from usual tendering procedures for contracts relating to the purchase of care and support services for **individuals**. This has been agreed so that the provision of residential/nursing placements, housing-related support, homecare, day care, and other forms of care in the community do not become delayed due to the procedures that would normally apply, and therefore allow social care to discharge its obligations in a timely manner.

This procedure does **not** apply to block contracting care or support arrangements, where it is deemed more appropriate to tender out the service in the normal manner. There is an exception for supporting people services and preferred partners arrangements with voluntary, charitable and not for profit organisations, where the council can clearly demonstrate value for money and that the relevant head of service can confirm that there is no market available to seek to tender out the service, or the transactional costs of tendering would be detrimental to the council.

Many Supporting People services are multi faceted, mainly care based but including an intrinsic element of commercial services. (For example care based residential provision which includes housing management services). The Supporting People Protocol recognises that it is not feasible to separate the commercial element out of these contracts in order to tender it. Where no competitive market exists for these consolidated contracts, and a successful review has been undertaken, the Supporting People Protocol includes a standing exemption from the requirement to tender these contracts.

SUPPORTING PEOPLE PROTOCOL Table 1



Assessment and Care Management

Purchase of care services should only occur following an assessment of individual care needs, in accordance with the assessment and care management procedures relevant to the service user group (Community Care).

Assessment of individual care needs may result in a requirement to purchase one or more of the following services: -

- Residential Home care
- Nursing Home care
- Home / domiciliary care
- Day care
- Respite care
- Specialist services

Wherever possible, home or day care services should be arranged through providers who are on the Council's list of approved providers. Service users have a statutory right to choose their provider for nursing residential home care. However, it is also recognised that good practice in other forms of care provision should allow for the exercise of choice by the service user whenever possible, within available resources.

Purchasing Care Services

Residential and Nursing Homes

A person assessed as requiring residential or nursing home care has a right to choice of provider. Service user, relatives and carers should be signposted to the Care Quality Commission (CQC) where they can obtain factual information in relation to the quality of services available through CQC published reports.

The level of payments, which the Council makes for residential or nursing home care are set annually. These are the maximum that we pay for the categories of care identified. If the service user makes a choice of a more expensive home, the maximum Council contribution still applies. The additional cost must be met from a third party such as a relative and completion of a "Third Party Contract" will be required to cover the additional cost. This situation cannot arise if there is no third party, as the service user will either be assessed to pay the full cost, or will have the cost of care met by the Council under our standard levels of payment (full details are contained in our Charging Policy guidance).

Day and Home Care/Domiciliary Care

These services will either be provided in-house, or purchased through the independent sector providing of course providers can demonstrate that they meet national minimum standards (if applicable) and hold the necessary registration status with CQC (not applicable to day care providers) and have signed up to the council's normal contracting arrangements for this type of service provision.

When arranging services, the cost should be checked and confirmed with the provider before a contract is issued. The most cost-effective service provider should be used, subject to the provider being appropriate to the assessed care needs, and service availability.

Respite Care

Where respite care is purchased externally it should be either through standing arrangements via the Joint Commissioning and Contracting Teams, or on the basis of prices obtained in advance from the service provider. Where prices need to be obtained, more than

one provider should be approached if feasible, subject to suitability to meet assessed care needs and the preferences of the service user.

Specialist Care

Service providers who are able to meet the most complex care needs may be available only through out-of-borough placements, and/or at high cost. In some cases such as adults requiring specialist mental health services, or people with continuing Health Care Needs. For example, there may also be issues such as shortage of placements and joint funding with other stakeholders such as health.

Specialist placements involving costs that are higher than standard rates should be agreed in advance by the Service Delivery Manager responsible for the service. In exceptional circumstances such placements may be authorised by team managers on grounds of urgency if the Service Delivery Manager or Head of Service is unavailable.

When specialist placements are being considered, they will normally be subject to a multi-disciplinary/multi-agency assessment process, which should include consideration and agreement on shared funding. Whenever possible, a number of suitable providers should be approached and cost obtained prior to the placement being made.

Contracts

All arrangements for purchasing adult care services should be supported by a Telford and Wrekin Social Care Contract. These are issued to purchasing teams as standard format numbered sets and supplies are available from the Finance Section at Darby House. There are separate contracts for: -

- Residential Home and Nursing Home placements for older people and Physical & Sensory Disability.
- Residential and nursing home placements for Adults (eg, Adults with learning disabilities, and mental health.
- Nursing Home placements
- Third party payments (residential / nursing homes)
- Home care
- Day care

In each case a copy of the contract should be completed by the care manager/team manager and sent unsigned to the care provider. Upon return of the signed copy, the care manager/team manager should counter-sign the contract and send copies to: -

- Care provider
- Finance section, Darby House
- File copy, to be retained by team

Where there is a need to modify the standard form of contract or a care provider will not sign a standard contract, the Joint Commissioning and Contracting Unit must be contacted before confirming the placement arrangements and operations will be expected to place instructions with the Joint Commissioning and Contracting Unit so that a deed of variation can be drafted.

Supporting People Contracts

All arrangements for the provision of Supporting People Services are managed and co-ordinated by the Housing and Personalisation Commissioning Team based in Darby House. The Strategy and Commissioning Group within the Adult Care Portfolio are the responsible body for agreeing to contracts being issued in accordance with the Supporting People Protocol, as detailed above.

Services Purchased Under Preferred Partner Arrangements via a Service Agreement for Specialist Social Care & Support Arrangements

An exemption to standing orders is in place for the purchase of specialist services which historically would have been made under grant arrangements. This exemption may only be applied, with the approval of the relevant Head of Service, where it would not be in best interest of the Council to tender out the service because there is not a viable competitive market, and where the Council can clearly demonstrate that Best Value will be achieved. A formal service agreement must be drawn up, supported by a detailed service specification. The total value for the term of the service agreement must not exceed £250,000. N.B. EU procurement regulations will apply to all contracts exceeding £156,442 this is a legal requirement which cannot be waived.

34. Procedure for arranging Education, Care and Support contracts for Children & Young People

Introduction

The Council's Standing Orders allow for standing exemption from usual tendering procedures for contracts relating to the purchase of care and support services for **children and young people**. This has been agreed so that the provision of residential schools, fostering, other residential provision including short breaks, supported lodgings, parent(s) and baby placements, parenting assessments both community and supported housing based, and other specialist therapeutic provisions for children and young people do not become delayed due to the procedures that would normally apply, and therefore allow service delivery units to discharge its obligations in a timely manner.

This procedure does **not** apply to block contracting arrangements, where it is deemed more appropriate to tender out the service in the normal manner. There is an exception for preferred partners arrangements with voluntary, charitable and not for profit organisations, where the council can clearly demonstrate value for money and that the relevant head of service can confirm that there is no market available to seek to tender out the service, or the transactional costs of tendering would be detrimental to the council. This may also be in relation to, where non full cost recovery can be clearly demonstrated and evidenced.

Some services are multi faceted; mainly social care and education based but include an intrinsic element of commercial services. (For example care based residential provision which includes housing management services/residential school). All service delivery units must have in place a protocol that demonstrates why it is not feasible to separate the commercial element out of these contracts in order to tender it. Where no competitive market exists for these consolidated contracts, and a successful review has been undertaken, then there will be a standing exemption from the requirement to tender these contracts.

Education and Social Care or Specialist Assessment for Children and Young People

Purchase of education, social care and support services should only occur following an assessment of individual care needs, in accordance with the Children Act 1989.

Assessment of individual care needs may result in a requirement to purchase one or more of the following services: -

- Schools – residential, or specialist
- fostering
- all residential provision including short breaks
- supported lodgings
- parent(s) and baby placements
- parenting assessments both community and supported housing based, other specialist therapeutic provisions

Purchasing individual Children and Young People services

All individual placements will be sourced internally and externally to ensure an appropriate matching and that the outcomes for children and Young People can be fully met. External placements will be initially sourced using the West Midlands database. Any individual placements made will be completed using the West Midlands Child Care Consortium standard Pre-Placement Agreement (PPA) and Individual Placement Agreement/Frameworks (IPA/F).

All Pre-Placement and Individual Placement Agreements are held by the Placement's Team.

Where there is a need to modify the Pre-Placement and / or Individual Agreement or a placement provider will not sign the standard Agreement, advice must be sought from the Joint Commissioning Team for Children and Young People and if necessary legal advice sought.

Children & Young People Contracts for services

When purchasing services for a group of individuals this must be supported by the Borough of Telford & Wrekin Children & Young People's Standard Contract Terms or a local, regional, or national framework agreement.

This will include:

- schools
- all residential provision including short breaks
- supported lodgings
- parent(s) and baby placements
- parenting assessments both community and supported housing based and other specialist therapeutic provisions

Where there is a need to modify the Standard Contract or a provider will not sign the contract without amendment, advice must be sought from the Joint Commissioning Team for Children and Young People before agreeing to any changes and if necessary legal advice sought.

Services Purchased Under Preferred Partner Arrangements via a Service Agreement for Specialist Education, Care & Support Arrangements

An exemption to standing orders is in place for the purchase of specialist services which historically would have been made under grant arrangements. This exemption may only be applied, with the approval of the relevant Head of Service, where it would not be in best interest of the Council to tender out the service because there is not a viable competitive market, and where the Council can clearly demonstrate that Best Value will be achieved. A

formal service agreement must be drawn up, supported by a detailed service specification. The total value for the term of the service agreement must not exceed £250,000.

N.B. EU procurement regulations will apply to all contracts exceeding £156,442; this is a legal requirement which cannot be waived.

Appendix 1

Guidance and Standard Documents

Guidance Documentation

- EU Procurement Rules
- Specification Writing
- Clarification and Negotiation
- Framework Guidance
- Contracts Requirements
- Delta Guidance
- Appointing Consultants
- Contract Variations
- Quotation Guidance

Standard Documentation

- Invitation to Tender
- Pre-Qualification Questionnaire
- Standard Letters (Award, Unsuccessful supplier) EU and Non EU
- Contract documentation
- Procurement Plan
- Standard Terms and Conditions (Services, Supplies & Consultancy)

Part 4 – Rules of Procedure

Section 8 – Officer Employment Procedure Rules

Explanatory Comment

These rules take account of the **Local Authorities (Standing Orders) (England) Regulations 2001**.

1. Appointments

1.1 Declarations

- i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the partner or close family relative of a serving Member or employee of the Council or the partner of such a person. This statement will be included in appropriate recruitment literature.
- ii) Where a candidate has declared such a relationship, any offer of employment shall be subject to approval by the appropriate Head of Service, except where the Head of Service is the officer to whom the candidate has declared a relationship, in which case the appropriate Corporate Director will approve any proposed offer of employment or, in the event that the Chief Executive is the officer to whom the candidate has declared a relationship, in which case the Head of Human Resources will approve any proposed offer of employment.

1.2 Seeking support for appointment

- i) The Council will disqualify from consideration any candidate who directly or indirectly seeks the support of any Member or officer for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- ii) No Member or officer will seek to support any candidate for appointment. Councillors must not stand as referees for officers or candidates for appointment as officers of the Council.

2. Appointment of Head of Paid Service and Chief Officers

[For the purpose of these Rules, the term Chief Officer shall have the same meaning as in the **Local Government and Housing Act 1989**, and is referred to as a Corporate Director. The term Deputy Chief Officer in that Act means a Head of Service.]

- 2.1 Where the Council proposes to appoint a Corporate Director and it is not proposed that the appointment be made exclusively from among its existing officers, the Council will:

2.1.1 draw up a statement specifying:

- i) the duties of the officer concerned: and
- ii) any qualifications or qualities to be sought in the person to be appointed
- iii) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it.

3. Appointment of Head of Paid Service

- 3.1 The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a politically balanced Panel of Members set up for that purpose in accordance with the Council's Selection and Recruitment policy. That Panel must include at least one member of the Cabinet Leader and Cabinet Executive.
- 3.2 The offer of appointment as Head of Paid Service must not be made until the Panel of Members:-
- a) notify the Proper Officer or, in the event that the offer is to an Acting Head of Paid Service, the Head of Human Resources shall take the place of the Proper Officer, of the name of the proposed appointee and any other particulars which are considered relevant to the appointment;
 - b) the Proper Officer has notified every member of the Cabinet Leader and Cabinet Executive of:-
 - i) the name of the proposed appointee
 - ii) any other relevant particulars as notified to him/her
 - iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet Leader and Cabinet Executive to the Proper Officerand
 - c) either
 - i) the Leader, within the specified time period, notifies the Panel that neither he nor any other member of the Cabinet Leader and Cabinet Executive has any objection to the making of the offer;
 - ii) the Proper Officer has notified the Panel no objection has been received; or
 - iii) the Panel is satisfied that any objection received from the Leader is not material or is not well founded.

Note: For the purpose of the Officer Employment Procedure Rules, the Proper Officer shall be the Head of Paid Service, except where the dismissal of the Head of Paid Service is concerned, when the Proper Officer shall be the Head of Human Resources.

4. Appointment of Corporate Directors

- 4.1 The appointment of a Corporate Director or Statutory Officer will be made by a politically balanced Panel of Members set up for that purpose in accordance with the Council's Selection and Recruitment policy. That Panel must include at least one member of the Cabinet Leader and Cabinet Executive.
- 4.2 The offer of appointment as Corporate Director must not be made until the Panel of Members:-
- a) notify the Proper Officer of the name of the proposed appointee and any other particulars which are considered relevant to the appointment;

b) the Proper Officer has notified every member of the Cabinet Leader and Cabinet Executive of:-

- i) the name of the proposed appointee
- ii) any other relevant particulars as notified to him/her;
- iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet Leader and Cabinet Executive to the Proper Officer

and

c) either

- i) the Leader, within the specified time period, notifies the Panel that neither he nor any other member of the Cabinet Leader and Cabinet Executive has any objection to the making of the offer;
- ii) the Proper Officer has notified the Panel no objection has been received; or
- iii) the Panel is satisfied that any objection received from the Leader is not material or is not well founded.

5. Other Appointments

5.1 Appointments of officers below the level of Corporate Director are the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Members. All appointments will be made in accordance with the Council's recruitment and selection policy.

6. Disciplinary action in respect of Statutory Chief Officers

6.1 Suspension

The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended on full pay while an investigation takes place into alleged misconduct or incapability. Suspension does not itself constitute disciplinary action and does not imply guilt.

Suspension must terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

6.2 Independent Person

No disciplinary action may be taken in respect of those officers except in accordance with a recommendation in a report made by a designated Independent Person.

(Explanatory Note: an independent person is a person appointed in accordance with **Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001**. His/her role is to prepare a report before any conclusion on disciplinary action is reached. He/she may direct that no further steps should be taken or recommend the disciplinary action, if any, that should be taken.)

6.3 Members will not be involved in disciplinary action against any officer below Corporate Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct or incapability.

7. Dismissal

7.1 The Full Council will approve the dismissal of the Head of Paid Service following a recommendation of such a dismissal by a politically balanced Panel of Members set up for that purpose. That Panel must include at least one member of the Cabinet Leader and Cabinet Executive.

7.2 The dismissal of a Corporate Director or Statutory Officer will be made by a politically balanced Panel of Members. That Panel must include at least one member of the Cabinet Leader and Cabinet Executive.

7.3 The dismissal of Head of Paid Service must not be made until the Panel of Members:-

a) notify the Proper Officer of the name of the proposed dismissee and any other particulars which are considered relevant to the dismissal;

b) the Proper Officer has notified every member of the Cabinet Leader and Cabinet Executive of:-

i) the name of the proposed dismissee;

ii) any other relevant particulars as notified to him/her;

iii) the period within which any objection to the making of the decision is to be made by the Leader on behalf of the Cabinet Leader and Cabinet Executive to the Proper Officer

and

c) either

i) the Leader, within the specified time period, notifies the Panel that neither he or any other member of the Cabinet Leader and Cabinet Executive has any objection to the dismissal;

ii) the Proper Officer has notified the Panel no objection has been received; or

iii) the Panel is satisfied that any objection received from the Leader is not material or is not well founded.

7.4 The dismissal of Corporate Directors and or Statutory Officer must not be made until the Panel of Members:-

a) notify the Proper Officer of the name of the proposed dismissee and any other particulars which are considered relevant to the dismissal;

b) the Proper Officer has notified every member of the Cabinet Leader and Cabinet Executive of:-

i) the name of the proposed dismissee;

ii) any other relevant particulars as notified to him/her;

iii) the period within which any objection to the making of the decision is to be made by the Leader on behalf of the ~~Cabinet~~Leader and Cabinet Executive to the Proper Officer.

and

c) either

i) the Leader, within the specified time period, notifies the Panel that neither he nor any other member of the ~~Cabinet~~Leader and Cabinet Executive has any objection to the dismissal;

ii) the Proper Officer has notified the Panel no objection has been received;
or

iii) the Panel is satisfied that any objection received from the Leader is not material or is not well founded.

Members will not be involved in the dismissal of any officer below Corporate Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct or incapability.

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Section 9 – Standing Orders Dealing with “Conflict Resolution” between the Full Council and the Executive. These are mandatory Standing Orders required by the Local Authority (Standing Orders) Regulations 2001

1. Where the Leader and Cabinet Executive has submitted the draft budget strategy to the authority for its consideration and, following consideration of that draft, the Council has any objections to it, the Council must take the action set out in a – f below
 - (a) The Council will consider the proposals of the Leader and Cabinet Executive and if the Council has any objections to the policy and budget proposals, the Council must inform the decision taker Leader of any objections and instruct that the policy and budget proposals be reconsidered by the Cabinet decision-taker within **5 working days** (this is a minimum period set out in the Regulations and can be extended if Members so desire) beginning on the day after the date on which the Leader receives the instruction.
 - (b) within the **5 working days** the Leader may:-
 - i) submit a revised draft plan of the policy and budget proposals to the Council and the Cabinet's—decision-taker's reasons for any amendments; or
 - ii) inform the Council of any disagreement the Cabinet decision-taker has with any of the Council's objections and the reasons for any disagreement.
 - (c) when the **5 working days** has expired, the Council must take into account any amendments made by the Cabinet decision-taker and reasons for those amendments any disagreement and reasons for the disagreement, when either amending, approving or adopting the policy and budget proposals.
 - (d) the Council meeting must take place within 10 working days of the receipt of the decision-taker Cabinet's proposals. At that Council meeting, the decision of the Council shall be reconsidered in the light of the decision-taker Cabinet's comments, which will be available in writing for the Council.
 - (e) The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Article 4, and shall be implemented immediately.
2. If before 8 February in any financial year the decision-taker Cabinet shall submit to the Council for its consideration in relation to the following financial year:-
 - a) estimates of the amounts to be aggregated in making a calculation (whether originally or by a substitute) in accordance with any of Sections 32 – 37 or 43 – 49 of the Local Government Finance Act 1992;
 - b) estimate of other amounts to be used for the purposes of such calculation;
 - c) estimate of such a calculation; or
 - d) amounts required to be stated in a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992.

and following consideration of those estimates, the Council has any objections to them, it must follow the same procedure as set out in paragraphs (a) – (e) above.

However this provision shall not apply to:-

- a) calculations or substitute calculations which an authority is required to make in accordance with **sections 52 I, 52 J, 52 T or 52 U of the Local Government Finance Act 1992**; and
- b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with **sections 52 J or 52 U of the Act**.

| This provision shall not apply when ~~Cabinet~~ the decision-taker submit their proposals to the Council after 8 February in any financial year.

Section 10– Committee Procedure Rules

CONDUCT OF BUSINESS

1. GENERAL

Any reference to a Committee in these Committee Procedure Rules shall include Commissions and Boards.

2. APPOINTMENT OF COMMITTEES

- (1) The Council shall at the Annual Meeting appoint such Committees as it is required to appoint by or under any statute or under Council Procedure Rule 1.1(xi) and 1.2 and may at any time appoint such other Committees as are necessary to carry out the work of the Council but, subject to any statutory provision in that behalf:
 - (i) shall not appoint any member of a Committee so as to hold office later than the next Annual Meeting of the Council;
 - (ii) may at any time dissolve a Committee or alter its membership.
- (2)
 - (i) Members of the Council may notify the Chief Executive of their intention to form a Political Group in accordance with the Local Government (Committees and Political Groups) Regulations 1990 (as amended), and who the Leader (and Deputy Leader if any) of the Group shall be.
 - (ii) The Chief Executive shall calculate the number of seats on each Committee to be allocated to each of the Political Groups of which he/she has received notice and the number of seats to be allocated to Members who do not form a Political Group (if any) (non-aligned Members) and shall notify the Leader(s) of each of the Political Groups of his/her decision.
 - (iii) If the Chief Executive does not receive any notice relating to the formation of Political Groups then the allocation of seats on Committees and the appointment of Chairmen and Vice-Chairmen of the Committees shall be decided at the Annual Meeting of the Council.
- (3) Following the procedures mentioned in (2) above each Political Group shall nominate members of the Council to serve on Committees. Details of the nominations shall be contained in a report to be sent to each member not less than three working days before the Annual Meeting.
- (4) The Leader of any of the Political Groups or a member nominated to the Chair before the beginning of the meeting may submit a written amendment comprising a list with alternative names subject to their being before the Chair prior to the commencement of the meeting.

3. CONSTITUTION OF COMMITTEES

- (1) The Council may appoint such Committees, Boards etc. as it considers appropriate. Currently, these are:

Adult Care & Support Scrutiny Committee
Efficient & Community Focused Council Scrutiny Committee
Community Protection & Cohesion Scrutiny Committee
Housing, Regeneration & Prosperity Scrutiny Committee
Active Lifestyles – Leisure & Culture Scrutiny Committee
Environment & Rural Areas Scrutiny Committee
Children & Young People Scrutiny Committee

Standards Committee
Audit Committee
Licensing Committee
Plans Board
Appeals Committee
~~Emergency Committee~~
Personnel Board
Council Constitution Committee

- (2) The number of members specified for each Committee shall be determined at the Annual Meeting of the Council.
- (3) No member of the Council shall be Chairman of more than one Committee unless the Council shall otherwise determine.
- (4) ~~The Speaker shall be invited to attend all Committee meetings in that capacity, save in that capacity the Speaker shall have no vote.~~
- (5) The Mayor shall not sit on any Board or Committee of the Council during his/her year of office. The Mayor will have the right to attend any meeting and, after prior consultation with the Chairman, to speak at any meeting.

4. ELECTION OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES

The Council shall at its Annual Meeting elect Members of the Council to be Chairmen and Vice-Chairmen of all Committees

5. VACANCY IN POSITION OF CHAIRMAN/VICE-CHAIRMAN OF COMMITTEE

In the event of a vacancy arising in the office of Chairman or Vice-Chairman of any Committee during the municipal year the Committee shall at its first meeting following the occurrence of the vacancy appoint a new Chairman or Vice-Chairman as the case may be.

6. VICE-CHAIRMAN OF COMMITTEE

In these Committee Procedure Rules in the absence of the Chairman the Vice-Chairman of the Committee shall preside, where reference is made to the Chairman of a Committee the Vice-Chairman of the Committee shall deputise for him/her in the carrying out of any of his/her functions if not available,

~~7. EMERGENCY COMMITTEE~~

~~The Emergency Committee shall consist of the Speaker, the Chairman of the relevant Committee and three other members selected in accordance with political balance rules.~~

87.. SPECIAL MEETINGS OF COMMITTEES

- (1) The Chairman of a Committee or the Speaker may call a special meeting of a Committee at any time. A special meeting shall also be called on the requisition of a quarter of the whole number of the Committee delivered in writing to the Head of ~~Audit & Democracy~~Governance. The Summons to the special meeting shall set out the business to be considered and no business other than set out in the Summons shall be considered at that meeting.
- (2) Unless especially called together at the request of the ~~Speaker-Mayor~~ or the Deputy ~~Mayor~~Speaker, for the purpose of considering urgent business or for nominating members to Committees and to represent the Council on outside bodies, no Committee, (other than the Licensing Committee) shall hold any unscheduled meetings in the month of August with the exception of the Plans Board or in a year when Council Elections are held, between the date of the Election of Councillors and the date of the Annual Meeting of the Council.

98.. ALTERATION OF DATE/TIME OF MEETINGS

The Chairman of a Committee, or the ~~Speaker-Mayor~~ or Deputy ~~Speaker-Mayor~~ may in any case when he/she considers it necessary, and provided due notice can be given, alter the date or time of the meeting of the Committee

109.. ESTABLISHING TASK FORCES

Every Committee appointed by the Council may appoint or disband Task Forces for purposes specified by the Committee.

110.. RESIGNATION FROM COMMITTEE

- (1) Any member of a Committee may resign his/her membership of that Committee by notice in writing signed by him/her and sent to the Chief Executive and the resignation shall be effective immediately such notice is received by the Chief Executive.
- (2) Upon receipt of such notice the Chief Executive shall notify the leader of the appropriate Political Group that a vacancy exists whereupon the appropriate political group, if applicable, may nominate the replacement member of the Committee by giving written notice to the Chief Executive. Upon receipt of the written notice the Chief Executive shall approve the appointment of the replacement member of the Committee.
- (3) The Chief Executive shall also be authorised to approve the appointment of members to newly constituted Committees in accordance with the written instructions of the appropriate political group.

12-11. QUORUM OF COMMITTEES

- (1) Except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one quarter of the whole number of the Committee is present with the exception of the Standards Committee where the quorum shall be three which must include one of the independent members.

(2) ~~In the case of matters of urgency dealt with by the Emergency Committee the quorum shall be three.~~

~~(3)~~ For the purposes of (1) ~~and (2)~~ above, the following tables show the quorums required for meetings of Committees, depending on the size:-

No. of Seats on Committee Required	Quorum
20	5
18	5
17	5
16	4
15	4
14	4
13	4
12	3
11	3
10	3
9	3
8	3
7	3
5 (Emergency Committee)	3

(Local Government Act 1972, Schedule 12 paragraph 6)

~~13~~12. VOTING IN COMMITTEES

Voting at meetings of a Committee shall be by show of hands. If there is a requisition of any two members of the Committee made before the vote is taken, the voting on any question shall be by roll call and shall be recorded so as to show how each member present and voting gave his/her vote. The name of any member present and not voting shall also be recorded.

Voting on appointments shall be by an exhaustive vote method.

~~14~~13. RECORDING OF VOTES

(1) Where immediately after a vote is taken at a meeting of a relevant body any member of that body so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the question or against the question or whether he/she abstained from voting.

~~15~~14. COUNCIL PROCEDURE RULES TO APPLY TO COMMITTEES

The Council Procedure Rule 13 headed "Rules of Debate" for Council meetings (except those parts which relate to standing and to speaking more than once) and Council Procedure Rule 22 headed "Declarations of Interest of Members in Contracts and Other Matters" shall, with any necessary modifications, apply to Committee meetings.

~~16~~15. MEMBER ATTENDING MEETINGS OF A COMMITTEE OF WHICH HE/SHE IS NOT A MEMBER

Subject to Committee Procedure Rule 17, a member of the Council attending a meeting of a Committee other than as a member of the Committee has no right to speak, other than subject to the scheme for Public Speaking at Plans Board, but

subject to Council Procedure Rule 22 may remain after the Board or Committee has resolved to exclude the public under Section 100A (2) or (4) of the Local Government Act 1972.

| 1716. MOVER OF MOTION MAY ATTEND COMMITTEE

A member of the Council who has moved a motion which has been referred to any Committee shall have notice of the meeting of the Committee at which it is proposed to consider the motion. He/she shall have the right to attend the meeting and if he/she attends shall have an opportunity of explaining the motion.

| 1817. EXEMPT PROCEEDINGS IN COMMITTEES

All agendas, reports, minutes and supporting documents of Committees shall be available for public inspection five working days before the date of the meeting except those considered in private session after a resolution has been passed under Section 100A(2) or (4) of the Local Government Act 1972.

| 1918. PRESENTATION OF PETITIONS

- (1) A petition may be presented to a meeting of the relevant Committee by a member of the Council or a member of the public subject to four clear working days prior written notice being given to the Head of ~~Audit & Democracy~~ Governance.
- (2) There shall be no right of a petitioner to address members.
- (3) Consideration of a petition may take place at the meeting of the Committee at which the petition is presented when the subject of the petition relates to an item which is already on the agenda for that meeting, or the petition shall be received without discussion referred to the relevant Officer for report to a future meeting.

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FUNCTIONS, POWERS AND DUTIES OF LICENSING COMMITTEE

The Licensing Committee shall have the power to order the institution of legal proceedings in Courts of Summary Jurisdiction or in the County Courts or Appeal to Crown Courts in appropriate cases and the Head of Legal Services shall have power in the name of the Council to appoint a solicitor to defend any legal proceedings against the Council.

NON-DELEGATED MATTERS (i.e. matters to be referred to Council for decision)

A FUNCTIONS RELATING TO NAME AND STATUS OF AREA

1. Power to change the name of the district.
2. Power to change the name of a parish.
3. Power to petition for a charter to confer borough status.

B. BYE-LAWS AND LOCAL BILLS

1. The making, variation or revocation of bye-laws, orders, regulations, rules, schemes or similar instruments or scales of fees and charges requiring the confirmation of a Government Department and the power to promote or oppose local or personal Bills.

C. MISCELLANEOUS FUNCTIONS

1. Power to confer title of honorary alderman or to admit to be an honorary freeman.

DELEGATED MATTERS (i.e. matters which can be decided (resolved))

A LICENSING AND REGISTRATION FUNCTIONS

1. The functions of the Council in relation to licensing and registration policy (except in relation to the Licensing Act 2003 and the Gambling Act 2005).
2. Power to issue licences authorising the use of land as a caravan site ('site licences')
3. Power to license hackney carriages and private hire vehicles
4. Power to license drivers of hackney carriages and private hire vehicles.
5. Power to license operators of hackney carriages and private hire vehicles.
6. Power to issue entertainment licences.
7. Power to license sex shops and sex cinemas.
8. Power to license performances of hypnotism.
9. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis.
10. Power to license pleasure boats and pleasure vessels.
11. Power to license market and street trading.
12. Duty to keep list of persons entitled to sell non-medicinal poisons.

13. Power to license dealers in game and the killing and selling of game'
14. Power to register and license premises for the preparation of food.
15. Power to license scrap yards.
16. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.
17. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.
18. Power to issue fire certificates.
19. Power to licence premises for the breeding of dogs.
20. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.
21. Power to register animal trainers and exhibitors.
22. Power to license zoos.
23. Power to license dangerous wild animals.
24. Power to license knackers' yards.
25. Power to license the employment of children.
26. Power to approve premises for the solemnisation of marriages.
27. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to; -
 - (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 or,
 - (b) an order under section 147 of the Enclosure Act 1845.
28. Power to register variation of rights of common.
29. Power to license persons to collect for charitable and other causes.
30. Power to grant consent for the operation of a loudspeaker.
31. Power to grant a street works licence.
32. Power to license agencies for the supply of nurses.
33. Power to issue licences for the movement of pigs.
34. Power to license the sale of pigs.
35. Power to license collecting centres for the movement of pigs.
36. Power to issue a licence to move cattle from a market.

37. Power to permit deposit of builder's skip on highway.
38. Power to license planting, retention and maintenance of trees etc. in part of highway.
39. Power to authorise erection of stiles etc. on footpaths or bridleways.
40. Power to license works in relation to buildings etc. which obstruct the highway.
41. Power to consent to temporary deposits or excavations in streets.
42. Power to dispense with obligation to erect hoarding or fence.
43. Power to restrict the placing of rails, beams etc. over highways.
44. Power to consent to construction of cellars etc. under street.
45. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.
46. Power to sanction use of parts of building for storage of celluloid.
47. Power to approve meat product premises.
48. Power to approve premises for the production of minced meat or meat preparations.
49. Power to approve dairy establishments.
50. Power to approve egg product establishments.
51. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.
52. Power to approve dispatch or purification centres.
53. Power to approve fishery product establishments.
54. Power to register auction and wholesale markets.
55. Duty to keep register of food business premises.
56. Power to register food business premises.
57. Power of the Council to deal with dangerous trees.
58. Powers in connection with the provision and management of sites for the accommodation of gypsies.
59. Duty to keep register of information with respect to maps, statements and declarations.
60. Power to determine application for public path extinguishment order.
61. Power to make a special extinguishment order.
62. Power to make a public path diversion order.
63. Power to make a special diversion order.

64. Power to require applicant for order to enter into agreement.
65. Power to make SSSI diversion order.
66. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.
67. Power to decline to determine certain applications.
68. Power to authorise temporary disturbance of surface of footpath or bridleways.
69. Power temporarily to divert footpath or bridleway.
70. Functions relating to the making good of damage and the removal of obstructions.
71. Power to extinguish certain public rights of way.
72. Power to designate footpath as cycle track.
73. Power to extinguish public right of way over land acquired for clearance.
74. Power to authorise stopping-up or diversion of footpath or bridleway.
75. Power to extinguish public rights of way over land held for planning purposes.
76. Power to enter into agreements with respect to means of access.
77. Power to provide access in absence of agreement.
78. Duty to make arrangements for proper administration of financial affairs etc.
79. Power to appoint Officers for particular purposes (appointment of "proper officers").
80. Power to make closing order with respect to take away food shops.
81. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.
82. Duty to designate officer as the monitoring officer and to provide staff etc.
83. All powers under the Regulatory Reform (Fire Safety) Order 2005.
84. Street naming and numbering
85. Power to grant licences under the Motor Salvage Operators Registration Scheme/Power to issue a Notice of Proposed Refusal of Application.

Delegated Matters in relation to the Licensing Act 2003

1. Power to determine an application for a personal licence.
2. Power to determine an application for a premises licence or club premises certificate.
3. Power to determine an application for a Provisional statement.
4. Power to determine an application to vary a premises licence, club premises certificate or designated premises supervisor.
5. Power to determine a request to be removed as a designated premises supervisor.
6. Power to determine an application for transfer of premises licence.

7. Power to determine an application for Interim Authorities.
8. Power to determine an application for a review of a premises licence or club premises certificate.
9. Power to determine whether a representation is irrelevant, frivolous or vexatious.
10. Power to object as consultee to an application.
11. Power to determine a police representation to a Temporary Event Notice.
12. Authority to prosecute in respect of offences under the Licensing Act 2003.

Delegated Matters in relation to Gambling Act 2005

1. Power to determine an application for a premises licence.
2. Power to determine an application for a variation to a licence.
3. Power to determine an application for a transfer of a licence.
4. Power to determine an application for a provisional statement.
5. Power to determine an application for reinstatement.
6. Power to determine a review of a premises licence.
7. Power to determine an application for club gaming/club machine permits.
8. Power to determine the cancellation of club gaming/club machine permits.
9. Power to determine an application for other permits.
10. Power to determine the cancellation of licensed premises gaming machine permits.
11. Power to consider a temporary use notice.
12. Power to determine the issue of a counter notice to a temporary use notice.
13. Power to deal with Small Society Lottery Registration.
14. Authority to prosecute in respect of offences under Gambling Act 2005.
15. Authority to Authorised Local Authority Officers to enter premises under the Gambling Act 2005.
16. Authority to the Head of Legal Services or any other Officer authorised by them to sign on behalf of the Licensing Authority in order to acknowledge receipt of any Notices, Applications or other documentation received by the Licensing Authority under the Gambling Act 2005 and its associated Regulations.

B. HEALTH & SAFETY AT WORK

Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as an employer.

C. HEALTH ACT 2006

All powers and duties under the Health Act 2006 Part 1 Chapter 1 and legislation given effect thereunder including authority to prosecute as it relates to smoking matters.

D. ELECTIONS

1. Duty to appoint an electoral registration officer.
2. Power to assign officers in relation to the requisitions of the registration officer.
3. Functions in relation to parishes and parish councils.
4. Power to dissolve small parish councils.
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.
6. Duty to appoint returning officer for local government elections.

7. Duty to provide assistance at European Parliamentary elections.
8. Duty to divide constituency into polling districts.
9. Power to divide electoral divisions into polling districts at local government elections.
10. Powers in respect of holding elections.
11. Power to pay expenses properly incurred by the electoral registration officers.
12. Power to fill vacancies in the event of insufficient nominations.
13. Duty to declare vacancy in office in certain cases.
14. Duty to give public notice of a casual vacancy.
15. Power to make temporary appointments to parish councils.
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the people Act 2000

E. MISCELLANEOUS

1. Power to make payments or provide other benefits in cases of maladministration etc.
2. Annually review their effectiveness and their terms of reference.

F. COMMUNITY GOVERNANCE REVIEWS

1. To deal with all matters relating to Community Governance Reviews as detailed within the Local Government & Public Involvement in Health Act 2007

FUNCTIONS, POWERS AND DUTIES OF PLANS BOARD

Delegated Matters (i.e. matters which can be decided (resolved))

1. Power to determine applications for planning permission.
2. Power to determine applications to develop land without compliance with conditions previously attached.
3. Power to grant planning permission for development already carried out.
4. Power to decline to determine application for planning permission.
5. Duties relating to the making of determinations of planning permission.
6. Power to determine application for planning permission made by a local authority, alone or jointly with another person.
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
8. Power to enter into agreement regulating development or use of land
9. Power to issue a certificate of existing or proposed lawful use or development.
10. Power to serve a completion notice.
11. Power to grant consent for the display of advertisements.
12. Power to authorise entry onto land.
13. Power to require the discontinuance of a use of land.
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.
15. Power to issue an enforcement notice.
16. Power to apply for an injunction restraining a breach of planning control.
17. Power to determine applications for hazardous substances consent and related powers
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mining permissions relating to mining sites, as the case may be, are to be subject
19. Power to require proper maintenance of land
20. Power to determine application for listed building consent, and related powers
21. Power to determine applications for conservation area consent
22. Duties relating to applications for listed building consent and conservation area consent

23. Power to serve a building preservation notice, and related powers.
24. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area
25. Power to acquire a listed building in need of repair and serve a repairs notice
26. Power to apply for an injunction in relation to a listed building.
27. Power to execute urgent works.
28. Power to create footpaths and bridleways
29. Power to stop up footpaths and bridleways.
30. Power to divert footpaths and bridleways.
31. Duty to assert and protect the rights of the public to use and enjoyment of highways.
32. Powers relating to the removal of things so deposited on highways as to be a nuisance.
33. Duty to keep a definitive map and statement under review.
34. Duty to reclassify roads and used as public paths.
35. Powers relating to the preservation of trees.
36. Powers relating to the protection of important hedgerows.
37. Power to make limestone pavement order.

General

38. Annually review their effectiveness and their terms of reference.

FUNCTIONS, POWERS AND DUTIES OF APPEALS COMMITTEE

Delegated Matters (i.e. matters which can be decided (resolved))

1. To consider and deal with any appeals arising out of the Council's function as a housing authority.
2. To hear and determine any appeal by an employee of the Council against the decision of dismissal taken in accordance with the disciplinary procedure.
3. To hear and determine matters in relation to employee grievances.
4. To consider appeals against decisions relating to the refusal of free home transport.0

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FUNCTIONS, POWERS AND DUTIES OF STANDARDS COMMITTEE

Delegated Matters (i.e. matters which can be decided (resolved))

1. To prepare Codes of Conduct for members and employees taking account of national codes and guidance.
2. To submit these Codes for approval by full Council.
3. To ensure that the Codes are understood and implemented throughout the Council and the local community.
4. To monitor the implementation of the Codes and advise Council of any changes that may be desirable.
5. To grant dispensations to councillors, parish councillors and co-opted members (including church and parent governor representatives) from requirements relating to interests set out in the Members' Code of Conduct.
6. To prepare an Anti-Fraud and Corruption Strategy for the Council, submit it to the Council and review it on an annual basis.
7. To instigate a '*whistle blowing*' or Speak Up policy for the Council, and to monitor its operation
8. To receive and investigate/determine allegations of breaches of the members Code (employees to be part of the disciplinary process) in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 and associated legislation and guidance.
9. To consider and deal with reports relating to issues of conduct referred to the Committee by the Monitoring Officer/Finance Officer both of whom shall have a right of direct access to the Committee.
10. To prepare a Protocol for members/Employee relations within the Council
11. To arrange and/or provide training for Councillors on ethical conduct.
12. Annually review their effectiveness and their terms of reference.
13. To consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer
14. To Advise the Council on the appointment of independent members taking account of guidance issued by the Standards Board for England
15. To select and recruit Parish Council representatives to serve on the Standards Committee taking account of guidance issued by the Standards Board for England

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FUNCTIONS, POWERS AND DUTIES OF AUDIT COMMITTEE

Delegated matters (i.e. Matters which can be decided (resolved))

Internal Audit

1. The approval (but not direction) of, and monitoring of progress against, the internal audit strategy and plan.
2. Review summary internal audit reports and the main issues arising and seek assurance that action has been taken where necessary.
3. To be able to call senior officers and appropriate members to account for relevant issues within the remit of the Committee – governance, internal audit, risk management, statement of accounts and external audit.
4. The Committee will not receive detailed information on investigations relating to individuals. The general governance principles and control issues may be discussed, in confidential session if applicable, at an appropriate time, to protect the identity of individuals and so as not to prejudice any action being taken by the Council.

External Audit

5. Review and agree the External Auditors annual plan, including the annual audit fee and receive regular update reports on progress.
6. To consider the reports of external auditor.
7. Meet privately with the external auditor once a year, if required.
8. Ensure that there are effective relationships between external and internal audit that the value of the combined internal and external audit process is maximised.

Risk Management

Recognising that Risk Management is a Cabinet function, the Committee should:-

9. Seek assurances that the authority's risk management arrangements are effective and operating within Council policy and review the Annual Risk Management report to Council.
10. Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.

Governance

11. Be responsible for the review and approval of the authority's Annual Governance Statement ensuring that it properly reflects the risk environment and any actions required to improve it. Following approval, it should recommend its inclusion in the Accounts.
12. Consider the effectiveness of the control environment including reviewing the Council's Code of Corporate Governance and other corporate governance arrangements to ensure compliance with best practice.

Treasury Management

13. To review and monitor the Council's Treasury Management arrangements including Treasury policies, procedures and the management of the associated risks and make recommendations to the Cabinet as appropriate.

Statement of Accounts

14. Review and approve the Statement of Accounts, external auditor's opinion and reports on them to members and monitor management action in response to the issues raised by external audit.

Fraud & Corruption

15. To approve the Anti-Fraud and Corruption Policy for adoption by the Council, and to review it at least once every 2 years.
16. To approve the Speak Up Policy ('*whistle blowing*') for adoption by the Council, and to monitor its operation. This policy will be reviewed at least once every two years.

Complaints

Recognising that Complaints/Compliments are a Leader and Cabinet Executive ~~Cabinet~~ function, the Committee should:-

17. Review the Annual Complaints Report and seek assurances that the Council is improving in response to complaints raised.

General

18. The meetings will follow the principles of scrutiny, i.e. no party whip will be applied and a constructive, evidence based approach will be used.
19. To ensure that adequate training is received by the members of the committee on the areas covered by the terms of reference 1 – 16 above.
20. To ensure that any sensitive or confidential information obtained as a result of membership of the Committee is treated as confidential.
21. Annually review their effectiveness and their terms of reference.

FUNCTIONS POWERS AND DUTIES OF PERSONNEL BOARD

See Appendix B

~~Non-Delegated Matters (i.e. matters to be referred to Council for decision)~~

- ~~1. To make recommendations on the organisational structure for employees, insofar as they are not delegated to the Head of Human Resources~~
- ~~2. To consider and make recommendations on the Human Resources implications of service matters.~~

~~Delegated Matters (i.e. matters which can be decided)~~

- ~~1. To advise upon policies dealing with all aspects of the employment of people by the Council and proposals relating to nationally and locally negotiated conditions of service.~~
- ~~2. To consider and approve strategic employment reviews, for example the review under the National Agreement on Pay and Conditions of Service 1997 (Single Status).~~
- ~~3. Power to appoint staff (so far as this is not inconsistent with the Officer Procedure Rules contained in Part 4, Section 8 of the Constitution).~~
- ~~4. To agree at a strategic level all matters relating to the Council's employees, including:
 - ~~• Terms and conditions~~
 - ~~• Training and development~~
 - ~~• Employee relations~~
 - ~~• Equality of opportunity in employment~~~~
- ~~5. All functions relating to the local government pension scheme~~
- ~~5. Annually review their effectiveness and their terms of reference.~~

~~**NOTE: The appointment of all staff below the level of Head of Service and day to day interpretation and implementation of all staffing matters and individual terms and conditions are delegated to the Head of Human Resources**~~

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FUNCTIONS, POWERS AND DUTIES OF COUNCIL CONSTITUTION COMMITTEE

Non-Delegated Matters (i.e. matters to be referred to Council for decision)

1. To make recommendations on any proposed changes to the Council's Constitution.

Delegated Matters (i.e. matters which can be decided (resolved))

1. To review the Constitution on an annual basis.
2. To consider in detail any proposed changes to any part of the Council's Constitution.
3. To monitor the operation of the Constitution.
4. To assess the implementation of any changes approved by the Council.
5. Annually review their effectiveness and their terms of reference.

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Part 5 - Code and Protocols

Section 1 – Members Code of Conduct

Preamble – General Principles

Selflessness – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity – Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – Members should be as open as possible about their actions and those of their Authority, and should be prepared to give reasons for those actions.

Personal Judgement – Members may take account of the view of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others – Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law

Leadership – Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Part 1 – General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State (**a**).¹²
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—

¹² See the Relevant Authorities (General Principles) Order 2001 (S.I. 2001/1401)

“meeting” means any meeting of—

- (a) the authority;
- (b) the executive of the authority
- (c) any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;

“member” includes a co-opted member and an appointed member;

(5) In relation to a parish council, references to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

- (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
- (b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or
- (b) on any other body, you must, when acting for that other body, comply with your authority’s code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect.
- (2) You must not—
 - (a) do anything which may cause your Authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006(a));
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant
 - (ii) a witness, or
 - (iii) involved in the administration of any investigations or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- (3) In relation to police authorities and the Metropolitan Police authority, for the purposes of sub-paragraph (2)(d) those who work for, on behalf of, an authority are deemed to include a police officer.
4. You must not—
 - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You—
 - (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

- (b) must, when using or authorising the use by others of the resources of your authority—
- (i) act in accordance with your authority's reasonable requirements;
- (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986(a).¹³

7.—(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

- (a) your authority's chief finance officer; or
- (b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 - Interests

Personal interests

8.—(1) You have a personal interest in any business of your authority where either—

- (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
 of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of

¹³ (a) 1986 c.10

that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority—
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1)(b), a relevant person is—
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. —(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or

8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1) (b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(a).¹⁴

Prejudicial interest generally

- 10.—**(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends:

¹⁴ (a) See the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations (S.I. 2000/3272)

- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or a sub-committee of such a committee) where –
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
 unless you have obtained a dispensation from your authority's standards committee; and
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3 - Registration of Members' Interests

Registration of members' interests

13. (1) Subject to paragraph 14, you must, within 28 days of—
- (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later),
- register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Part 5 – Code and Protocols

Section 2 – Officer Code of Conduct

Explanatory Comment

The National Code of Conduct for Officers has not yet been drawn up by Government. In the meantime the Council has adopted a Local Code for Employees which will be reviewed when the National Code has been issued.

CODE OF CONDUCT FOR TELFORD & WREKIN EMPLOYEES

A – General Principles

1. The public is entitled to expect the highest standards of conduct from all Council employees. The role of such employees is to serve the Council by providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

B – Accountability

2. Council employees work for and serve the whole Council. They are accountable to, and owe a duty to the Council. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

C – Political Neutrality

3. Council employees, whether or not politically restricted, must follow every lawfully expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work. Where Council employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities.

D – Relations with members, the public and other employees

4. Mutual respect between Council employees and members is essential to good local government, and working relationships should be kept on a professional basis.

5. Council employees must deal with the public, members and other employees sympathetically, efficiently, and without bias. Their dealings must demonstrate the Council's ethos of value, fairness and trust.

E – Equality

6. Council employees must comply with policies relating to equality issues, as agreed by the Council, in addition to the requirements of the law. The Council will make available relevant training for employees on these issues.

F – Stewardship

7. Council employees must ensure that they use public funds entrusted to them in a responsible and lawful manner consistent with the Council's Constitution, and must not

utilise property, vehicles or other facilities of the Council for personal use unless authorised to do so.

G – Personal Interests

8. Whilst Council employees' private lives are their own concern, they should not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they must comply with:
- (1) The Council's rules on the registration and declaration by employees interests – financial or otherwise.
 - (2) The Council's rules for employees of hospitality or gifts offered to or received by them, from any organisation doing or seeking to do business with the Council, or which may otherwise benefit from a relationship with the Council. Council employees must not accept benefits from a third party unless authorised to do so.

H – Whistleblowing (Confidential Reporting)

9. In the event that a Council employee becomes aware of activities that the employee believes to be illegal, improper, unethical or otherwise inconsistent with:
- a) this Code;
 - b) the Council's Constitution;
 - c) the Council's Anti-Fraud and Corruption Policy; or
 - d) other Council policies and procedures,

the employee should report the matter under the Council's Speak Up policy, preserving their rights under the Public Interest Disclosure Act 1998.

I – Treatment of Information

10. Openness in the dissemination of information and decision making is normal within the Council. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Council member, employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

J – Appointment of Staff

11. Council employees involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, such employees must be properly trained and must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.
- Associated Policies and Procedures

APPENDIX 1

The Council policies and procedures listed below must be followed to assist in adherence to this Code. (The letter in brackets references the section of the Code above).

1. The Constitution – Financial regulations and Contract Standing Orders (A,B,C,F,G,H)
2. The Member/Officer Protocol (D)
3. The Council's Equalities Policy (E)
4. Declaration of Interests – guidance (G)
5. Gifts and Hospitality Guidance (G)
6. Anti-Fraud and Corruption Policy (H)
7. Speak Up Policy (H)
8. Recruitment and Selection Policy and procedures (J)

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Part 5 – Codes and Protocols

Section 3 – Protocol on Member/Officer Relations

1. INTRODUCTION

- 1.1 The relationship between members and employees is an essential ingredient that goes into the successful working of the organisation. This relationship within the Council is characterised by mutual respect, informality and trust. Members and employees feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship, it is rather to help members and employees to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong. Responsibility for the operation of this Protocol lies with the Head of Human Resources
- 1.2 The Protocol must be read and operated in the context of any relevant legislation and national and local Codes of Conduct and any procedure for speaking up (whistle blowing).

2. ROLES OF MEMBERS AND EMPLOYEES

- 2.1 The respective roles of members and employees can be summarised as follows:

Members and employees are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Employees are responsible to the Council. Their job is to give advice to members and the Council, and to carry out the Council's work under the direction and control of the Council, the Cabinet, and relevant committees, boards, panels etc.

Mutual respect between Councillors and employees is essential to good local government

2.2 Members

Members have three main areas of responsibility: determining the policy of the Council and giving it political leadership, representing the Council externally, and acting as advocates on behalf of their constituents. It is not the role of members to involve themselves in the day to day management of Council services.

2.3 Members of the Cabinet, Chairmen and Vice-Chairmen

Members of the Cabinet and Chairmen and Vice-Chairmen of Committees, Boards, Panels etc have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from, and more complex than those of members without those responsibilities, and this is recognised in the expectations they are entitled to have.

2.4 Opposition Members

As individual members of the Council, all members have the same rights and obligations in their relationship with employees and should be treated equally. This principle is particularly important in the context of scrutiny and overview. However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between employees,

particularly those at a senior level in the organisation, and the administration will differ from that with opposition groups.

2.5 Employees

The role of employees is to give advice and information to members and to implement the policies determined by the Council.

Certain employees e.g. Head of Paid Service, Monitoring Officer, Chief Financial Officer (Section 151 Officer) and the Statutory Chief Officers have responsibilities in law over and above their obligations to the Council and its Members that they must be allowed to discharge.

3 EXPECTATIONS

Members can expect from employees:

- A commitment to the Council as a whole, and not to any political group
- A working partnership
- An understanding of and support for respective roles, workloads and pressures
- Timely response to enquiries and complaints
- Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of employees.
- Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold
- Awareness of and sensitivity to the political environment
- Respect, dignity and courtesy
- Training and development in order to carry out their role effectively
- Integrity, mutual support and appropriate confidentiality
- Not to have personal issues raised with them by employees outside the agreed procedures
- That employees will not use their relationship with members to advance their personal interests or to influence decisions improperly
- That employees will at all times comply with the relevant Code of Conduct

Employees can expect from members:

- A working partnership
- An understanding of and support for respective roles, workloads and pressures
- Political leadership and direction

- Respect, dignity and courtesy
- Integrity, mutual support and appropriate confidentiality
- Not to be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of employees in determining what are reasonable requests, having regard to the power relationship between members and employees, and the potential vulnerability of employees, particularly at junior levels
- That members will not use their position or relationship with employees to advance their personal interests or those of others or to influence decisions improperly
- That members will at all times comply with the relevant Code of Conduct

4 WHEN THINGS GO WRONG

Procedure for employees

- 4.1 From time to time the relationship between members and employees may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or member, employees will have recourse to the Grievance Procedure or to the Council's Monitoring Officer, as appropriate to the circumstances. Within each portfolio, one male and one female manager will be identified to whom an initial approach may be made by a concerned employee. In the event of a grievance or complaint being upheld, the matter will be referred to the Chief Executive, who, having advised the Leader of the Council and the appropriate Group Leader will decide on the course of action to be taken, following consultation with the Chairman and Vice-Chairman of the Standards Committee.

Procedure for members

- 4.2 In the event that a member is dissatisfied with the conduct, behaviour or performance of an employee, the matter should be raised with the appropriate Head of Service. A member may choose to express their concern specifically to a male or female manager. Where the employee concerned is a Head of Service or Corporate Director, the matter should be raised with the appropriate Corporate Director or with the Chief Executive. Where the employee concerned is the Chief Executive, the matter should be raised with the Head of Human Resources. If the matter cannot be resolved informally, it may be necessary to invoke the Council's Disciplinary Procedure.

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Part 5 – Codes and Protocols

Section 4 – Protocol on Use of Substitutes

Explanatory Note

The protocol below applies to the use of substitutes at meetings of Committees, Boards, etc. except for the Standards Committee, Audit Committee, and Scrutiny Committees – Call-In Meetings.

The Protocol

- 1.1 In accordance with the requirements of Council Procedure Rule 5.2, each political group shall be entitled to provide a pool of substitutes for each relevant Committee/Board.
- 1.2 The lists of pools of substitutes (listed in order of preference i.e. first choice, second choice) shall be submitted to the Democratic Services Manager for retention and for updating on the instructions of the appropriate Group Leaders.
- 1.3 Any member of a Committee/Board where substitutes are permitted, if he/she is unable to attend a meeting of which he/she has been given notice is entitled to appoint a substitute for that meeting.
- 1.4 That member shall contact a member from the relevant named pool of substitutes, invite the member to attend the meeting as substitute and notify the Head of ~~Audit & Democracy Governance~~ at least 1 hour before the start of the meeting of the intended substitute.
- 1.5 If the first choice substitute is not able to attend, then the Member will contact the remainder of members in order of preference from the named pool of substitutes and invite that member to attend the meeting. If all substitutes for a particular Group are unavailable then no substitute will attend.

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Part 6 - Members' Remuneration Scheme

Explanatory Comment

The Members Remuneration Scheme set out below is as approved by the Council in September 2008. The Council received a report from an Independent Remuneration and Allowances Panel which recommended a new Remuneration Scheme for the Authority.

Remuneration Scheme

The Members Remuneration Scheme for 2008/09 provided for:-

- All Members to receive a basic allowance, currently £7,583
- The following positions attract a special responsibility allowance (in addition to the basic allowance).

Chairman of Cabinet/Leader	£22,903.00
Deputy Leader	£15,320.00
Cabinet Member	£10,800.00
Chairman of Scrutiny Management/Leadership Board	£10,237.00
Main Opposition Group Leader	£ 9,479.00
Lead Scrutiny Members	£ 7,583.00
Chairman of Plans Board	£ 7,583.00
Chairman of Licensing Committee	£ 7,583.00
Chairman of Audit Committee	£ 7,583.00
Independent Chairman of Standards Committee	£ 7,583.00
Cabinet Assistants	£ 4,550.00
~~Speaker of Council~~	~~£ 2,511.00~~
Chairman of Appeals Committee	£ 2,275.00

- The scheme provides for travel, subsistence, childcare and dependant carers allowances to also be claimed by Members.
- It is a condition of the Scheme that a Member can receive no more than one Special Responsibility Allowance even if he/she occupies more than one position which had a Special Responsibility Allowance entitlement.
- The Scheme allows for an annual uprating of the Basic Allowance and Special Responsibility Allowances in line with the pay award for local authority employees. The annual uprating will be applied at the start of the Municipal Year and backdated to the start of the civic year if the pay award has not been formalised by the date of Annual Council.
- The Scheme is subject to analysis & review by the Independent Remuneration Panel. The Panel is required to meet and recommend a new scheme to the Council in 2012. **Local Authorities (Members Allowance)(England) Regulations 2003 (as amended)**
- The Mayor/Deputy Mayor are reimbursed expenses in accordance with **Sections 3 and 5 of the Local Government Act 1972**. The Mayor receives £7,005.00 and the Deputy Mayor £2,388.00

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Part 7 - Definitions

Access to Information Rules – those Rules setting out the terms on which members of the public may attend Council Meetings and obtain copies of documents as detailed in Part 2, Article 3 of this Constitution

Area – the geographical area which is the administrative responsibility of the Council

Area Working – a means of engaging with the community and monitoring the local delivery of services

Authority – the local authority known as Borough of Telford and Wrekin

~~**Cabinet** – the Leader and the Cabinet Members together~~

Cabinet Decisions – decisions of the Cabinet in accordance with the Cabinet Procedure Rules

Cabinet Member – a Councillor who is appointed by the ~~Leader~~Council to be a member of the Cabinet

Chairman – any individual appointed to chair any Committee

Chief Executive – Chief Executive (Head of Paid Service) for the time being of the authority

Chief Finance Officer – the Officer appointed by the Authority to be Chief Finance Officer and have responsibility for those duties designated under Section 151 of the 1972 Act, Section 73 of the 1985 Act and Section 112 of the 1988 Act

Committee – any committee, sub-committee, board, sub-board or commission of the Council

Corporate Directors – such Directors as are for the time being appointed

Council – the collective term for all of the elected members of the Council

Councillor/Member – an elected member of the Council

Deputy Leader – person appointed by the Leader to deputise for the Leader

~~**Deputy Speaker** – the Councillor elected by the Council to deputise for the Speaker if the Speaker is not able for whatever reason to fulfil his or her duties~~

Audit Commission's Annual Audit and Inspection Letter – The Audit Commission's comments on the Council's progress and Comprehensive Area Assessment rating together with the requirements of the statutory annual audit (Code of Audit Practice 2005)

Ethical Standards Officers – officer of the Standards Board for England

Extraordinary Meeting – a Council Meeting called in accordance with the Council Procedure Rule 3. See Chapter 2, Part 4, Section 1

Head of Paid Service – the Officer appointed by the Council to undertake all duties designated under Section 4 of the 1989 Act. The Chief Executive is the Head of Paid Service.

Leader – the Councillor elected by the Council to be the Leader of the Council

~~**Leader and Cabinet Executive** – the Leader and the Cabinet Members together~~

LMS Scheme – the Local Management of Schools Scheme Monitoring Officer – the Officer appointed by the Authority to undertake all duties designated under Section 5 of the 1989 Act.

| **Monitoring Officer** – the Head of ~~Legal Services~~Governance is the Monitoring Officer.

Officer – an employee of the Authority

Ombudsman – the Local Government Ombudsman

Scrutiny Committees– scrutinise the work of the Council and relevant partner organisations

Proper Officer – the Officer with specific statutory responsibilities

Public Assembly Session – a meeting called by the Leader at which parties other than Councillors may participate in debate

| **Speaker** – ~~the Councillor elected by the Council to Chair meetings of the Council~~

Standards Hearing - a hearing of the Standards Committee

Statutory Officers – the Head of Paid Service, Monitoring Officer, Chief Finance Officer

The 1972 Act – the Local Government Act 1972

The 1985 Act – the Local Government Act 1985

The 1988 Act – the Local Government Finance Act 1988

The 1989 Act – the Local Government and Housing Act 1989

The 2000 Act – the Local Government Act 2000

Part 8 - Not Allocated

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Part 9 - General Guidance

GENERAL NOTES

This details the following general points which all officers involved in the decision making process need to be familiar with:

- 1) Principles of Decision-making
- 2) How to structure a report
- 3) Whether a report can be treated as Exempt/Confidential
- 4) Consultation within the organisation and externally
- 5) Powers which may be exercised by officers under delegation from the Council/Cabinet
- 6) How decisions which are contrary to approved policy are dealt with
- 7) The recording and publication of decisions
- 8) Impact on Partnership decisions
- 9) Where there is an urgent need for a decision by the Council or by the Cabinet, the procedures to be followed
- 10) Definition of "Key Decisions"

IMPORTANT!!!

Officers must also be aware of and take account of the following:-

- 11) The Council has Rules of Procedure on how it conducts its business which must be followed by officers. These are contained within the Constitution.
- 12) There are specific Rules of Procedure in relation to Contracts which must be complied with when the Council is awarding or entering into a contract.
- 13) In addition, all of these processes must comply with the Council's Financial Regulations

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GUIDANCE NOTE 1

~~These notes are produced to assist officers to understand the working of the Constitution. In particular this guidance note helps in the processes in relation to decision making.~~

1. Decision Making

- ~~The principles of decision making are contained within Article 13.02 of the Constitution. This states that all decisions of the Council, its Committees (Boards), the Cabinet and those under delegated powers shall have regard to the following principles of good practice:-~~
 - ~~Consideration of all options available;~~
 - ~~Having regard to due consultation;~~
 - ~~Consideration of professional advice from officers;~~
 - ~~Clarity of aims and desired outcomes;~~
 - ~~The action proposed must be proportionate to the desired outcome;~~
 - ~~Having respect and regard for human rights;~~
 - ~~Presumption for openness, transparency and accountability;~~
 - ~~Only relevant matters taken into account;~~
 - ~~Due weight to all material considerations (including opportunities and risks);~~
 - ~~Proper procedures will be followed.~~
- ~~When in relation to Cabinet matters, officers are required to forward plan reports and decisions carefully, particularly for the forthcoming four months.~~
- ~~Authors of reports need to decide whether a report is legally required to Council (Board/Committees) or the Cabinet. This decision can be made after checking the Constitution and in particular the Committee Procedure Rules. A helpful "shortcut" is to refer to Part 3 "Responsibility for Council Functions" list which contains full details of functions which are the responsibility of the Council.~~
- ~~If the issue is one for the Council as opposed to the Cabinet, then the next step is to ascertain whether responsibility has been delegated to a Board/Committee or to an officer. Again, reference should be made to the "Responsibility for Council Functions" list which identifies the responsible officer for any particular function and also details any onward delegation.~~
- ~~If the issue for determination is not within the Council's Functions list and is not a decision in relation to overall budget or policy matters then the decision making body is the Cabinet.~~
- ~~Where the Cabinet is responsible for making a decision then consideration has to be given as to whether it is a key or non-key decision. (**see Guidance Note on Key Decisions**).~~
- ~~Where it is a Key Decision, then this must be included in the Cabinet's Forward Plan of Key Decisions before any decision can be taken. If it has been omitted from the Forward Plan then the Business Manager/report author must arrange for it to be included therein by contacting the Democratic Services Officer. (**This applies even when a Key Decision is to be taken by an officer under delegated powers**). In cases of urgency an urgency procedure exists – see Part 4, Section 2 and Overview and Scrutiny Procedure Rules~~
- ~~Where a **non-key decision** is to be taken by the Cabinet then a report should be prepared by the Business Manager and forwarded to the appropriate Democratic Services Officer for inclusion on the Cabinet agenda.~~

- ~~Officers need to identify both key and non-key decisions over the forthcoming four month period.~~

2. Structure of Reports

- ~~Reports to the Council (its Boards/Committees) will continue in the existing format, as varied from time to time to accord with legislation. **(see standard type pro-forma of the report which must be used)**.~~
- ~~It is **imperative** that report authors allow sufficient time to obtain full financial and legal comment at **draft** stage. Failure to do so will result in items not being included on agendas.~~
- ~~Cabinet reports will be drafted in the existing format but in addition the areas raised in Article 13.02 (see above) need to be included so that the Democratic Services Officer is able to make a full record of the decision, the reasons for the decision, together with details of alternative options considered to ensure compliance with legal requirements.~~

3. Access to Information – Exempt/Confidential Items

- ~~To avoid identifying an exempt/confidential item the Forward Plan is concerned (in relation to a Key Decision by the Cabinet or a Key Decision to be taken by an officer) a decision in respect of what would be an exempt item can be entered in the Forward Plan by way of a general heading only, e.g. “Acquisition of Land in South Telford”.~~

4. Consultation

- ~~The Constitution refers to the need to consult within the Council and externally at the commencement of the budget process etc. In general external consultation will be with stakeholder/partner organisations as appropriate.~~

~~Guidance on this can be obtained from Policy, Performance & Partnership~~

5. Scheme of Delegation

- ~~The existing scheme of delegation has been ratified by full Council and is available on the website and intranet.~~

6. Decisions as to Council functions (Committees/Boards) outside of the policy and budget framework

- ~~If the service Committee/Board wishes to make a decision which is not in accordance with approved policy or within budget then this item must be referred to full Council for decision.~~
- ~~The Cabinet can only make decisions which are within the confirmed policy and budget framework approved by the Council.~~

7. Recording of Decisions

- ~~Decisions taken by the Council, its Committees and Boards, and the Scrutiny Committees will be recorded by the means of minutes of each meeting.~~
- ~~All decisions taken by the Cabinet and all Key Decisions taken by officers exercising delegated authority are legally required to be recorded and published.~~

- ~~An officer wishing to take a Key Decision should, following consultation with the relevant Cabinet Member, provide the Democratic Services Officer with a report containing all the necessary information for the preparation of a Decision Notice.~~
- ~~Within four working days of any decision(s) being taken on a Cabinet function by the Cabinet or by an officer exercising delegated powers, the Democratic Services Officer will prepare and publish a record in the form of Decision Notices/Minutes (Cabinet) or a Decision Notice (officer decision). A copy will be placed on Main Reception at the Civic Offices, unless the matter is exempt/confidential and forwarded electronically to all Members for Call-In purposes.~~

8. Impact on Partnership Decisions

- ~~This will depend to a large extent on the nature of the partnership and the decision being made. The Council has developed a Partnership Protocol which must be considered before any partnership arrangement is entered into. The Partnership Protocol is available on the Council's intranet.~~

9. Emergency Procedures

- ~~Where the function in respect of which a decision is required is a Council (Committee/Board) function, there still exists the ability to call an Emergency Committee to make that decision. Please refer to the relevant Democratic Services Officer.~~
- ~~In relation to Key Decisions of the Cabinet, these can only be taken if they appear in the Forward Plan. However, the Constitution contains an urgency procedure where a Key Decision is required to be taken which has not been publicised in the Forward Plan. (See Part 4 Rules of Procedure, Section 2 Access to Information Procedure)~~
- ~~In relation to urgent decisions which would be contrary to the approved budget and policy framework a separate urgency procedure exists. (See Part 4 Rules of Procedure, Section 3 – Budget and Policy Framework Procedure Rules in the Constitution).~~
- ~~For all other non-key urgent decisions needed to be taken by the Cabinet, a special Cabinet meeting could be called.~~

Further advice may be sought from the Democratic Services Officers.

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GUIDANCE NOTE 2 – REPORT FORMAT

The report should be written in ‘Arial 12 point’, please do not use the ‘Header’ for the title box. Page, Sub Heading and Paragraph Numbers should always be used but don’t have to follow that prescribed in this template, the text should always be ‘does it make sense?’

TITLE BOX

The following information should be contained at the top of the first page of your report and should be in a box (please use single border do not use shading):

TELFORD & WREKIN COUNCIL

(NAME OF BOARD/COMMITTEE) – (DATE)

(TITLE OF REPORT)

REPORT OF CORPORATE DIRECTOR/HEAD OF SERVICE

1. PURPOSE

This should comprise no more than 2 sentences which explain to the reader (who may be a member of the public, Councillor, Officer) the exact nature and purpose of the report.

2. RECOMMENDATIONS

2.1 Make the recommendations clear and total in respect of all the approvals necessary and be precise do not include what is merely supporting information that should be elsewhere in the report:

e.g. is delegated authority needed?

Is the concurrence of another body needed?

2.2 (N.B. If you are requesting delegated authority to an officer but also involving the Chairman and Vice Chairman of the Board, the legally required wording is, viz:-

“That the Corporate Director/Head of Service be granted delegated authority, following consultation with the Chairman and Vice Chairman of the Board, to

Format for recommendations should be –

That be approved/agreed/accepted

3. SUMMARY

A brief description of the main content of the report needs to be inserted under this heading. This should assist the report recipient to achieve a general understanding of why the report is on the agenda.

4. PREVIOUS MINUTES

This should indicate the minute number, the name of the Board/Committee and the date of the Board meeting when the same subject matter was last considered. Please do not revisit the text or resolution of any previous minutes and do not include

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details of informal (officer) meetings other meetings that are not part of the formal decision making structure of the Council.

This assists the reader, particularly a Councillor, to research the item of business and check previous decisions.

If the item of business is being discussed for the first time, the author should write "Not Applicable" under this heading.

5. INFORMATION

This should contain the main core of the report, and should describe in more detail the nature of the subject matter, together with whatever is being proposed. If there is a lot of detail this should be put in an appendix to the report rather than being in the main core.

To make the report easier to read and to refer to at the meeting:

split the report into fairly short paragraphs;

avoid using technical jargon;

if using acronyms, make sure that it is written in full on first use;

number the pages.

number the paragraphs

To assist the reader further, the Information part of the report should also be divided into the following sub-sections:-

5.1 Background

Any background information which helps the reader to understand the subject matter should be inserted here. It should give a brief history of the issue, giving a reminder of any previous decisions made, and should describe any work that may have already been undertaken.

Further sub headings should be used where appropriate but the following should always be included:

5.2 Equality and Diversity

Please identify any implications in terms of the Council's commitment to equality and diversity. This includes issues in respect of race, disability, gender, age, sexuality, gender identity, religion or cultural belief.

If this report is proposing a change of policy, developing a new strategy or changing procedures significantly, please include information on the outcomes of the Equality Impact Assessment process. All significant developments or changes must undergo an Equality Impact Assessment by law.

For information please contact Hilda Bertie – Equality and Diversity Manager on 01952 382124.

5.3 Environmental Impact

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~~The report authors should make their own judgement about the likely environmental impact of their proposal. If authors feel the implications are complex or technical they should contact Katherine Kynaston, Environment & Sustainability Manager on 01952 384201 for advice. If there are no such implications, then this should be stated.~~

~~5.4 Legal Comment~~

~~As soon as the author has produced a draft report, a copy should be sent to the Board's/Committee's legal adviser. He/she will advise of any legal implications and insert details of the legal context in which the proposals are made.~~

~~If the reply is that there are no legal implications, then this should be stated.~~

~~5.5 Links with Corporate Priorities~~

~~Linkages with corporate matters should be identified and included here.~~

~~5.6 Opportunities and Risks~~

~~A) FOR REPORTS CONTAINING KEY DECISIONS:~~

~~In proposing this action / decision / project, (delete as appropriate) the Corporate Risk Management Methodology has been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However not all risks can be managed all of the time and some risks may not have been identified.~~

~~The following key risks and opportunities associated with this action/decision/project (delete as appropriate) have been identified and assessed and arrangements will be put in place to manage them.~~

~~OR~~

~~B) ALL OTHER REPORTS TO DIRECTORS OR CABINET~~

~~"The opportunities and risks associated with this decision/option/project (delete as appropriate) have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified"~~

~~The Risk Management Methodology is available in the Risk Management Strategy that can be found on the Risk management page of the Intranet. If you require further assistance please contact Sarah Daffern, (Principal Risk Officer) on sarah.daffern@telford.gov.uk or 01952 383112 or Jenny Marriott (Audit & Risk Manager) on jenny.marriott@telford.gov.uk or 01952 383101.~~

~~5.7 Financial Implications~~

~~As soon as the author has produced a draft report, a copy should also be sent to the Board's/Committee's Financial Adviser. He/she will indicate the costing and financial implications of the proposal and will also advise as to whether any supplementary financial approvals are necessary.~~

~~If there are no financial implications, then this should be stated.~~

~~(N.B. All of the above consultations should be carried out before the draft report is submitted to the relevant Democratic Services Officer, for despatch to the Members)~~

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6. WARD IMPLICATIONS

If only one or a few Wards are affected by the proposals, identify the Ward(s). If there are no implications for specific wards the report should state: "District Wide Implications."

7. BACKGROUND PAPERS

There is a legal requirement that all reports published for Council, Cabinet, Committee and Board meetings include in the report, a list of background papers, i.e. papers which have been relied upon in preparing the report.

Examples are: letters, memoranda, other reports, notes of conversations, plans, etc.

These should be listed under the heading "Background Papers", after the Ward Implications section of the report. The above applies to any report considered in open

End of Report

This should state who the report was prepared by (if written by someone other than Head of Service or Corporate Director) and should give their name, designation and telephone number.

Always put word processing/file reference at bottom of last page.

Report prepared by Name, Post Title

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TELFORD & WREKIN COUNCIL

CABINET/BOARD/COMMITTEE—(DATE)

(TITLE OF REPORT)

REPORT OF CORPORATE DIRECTOR/HEAD OF SERVICE

1. — PURPOSE

2. — RECOMMENDATIONS

3. — SUMMARY

4. — PREVIOUS MINUTES

5. — INFORMATION

5.1 — Background

5.2 — Equality & Diversity

5.3 — Environmental Impact

5.4 — Legal Comment

5.5 — Links with Corporate Priorities

5.6 — Opportunities and Risks

5.7 — Financial Implications

6. — WARD IMPLICATIONS

7. — BACKGROUND PAPERS

Report of Named Head or Corporate Director

or

Report prepared by (if written by other than Head or Corporate Director)

Name, designation and telephone number

|

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GUIDANCE NOTE 3-1-DEFINITIONS OF KEY DECISION

Key decisions are:-

(a) Decisions which have a significant financial impact:

- Decisions which have a significant financial impact of more than £500,000 e.g. the letting of a contract
- Involve a virement between service budgets of more than £50,000.
- Involve a virement between service budgets of between £25,000 and £50,000 where the sum is more than 20% of the budget
- Decisions to participate or lead in collaborative schemes funded (partly or wholly) from external sources, which may expose the Council to contractual risk exceeding £500,000, e.g. schemes carrying repayment penalties or schemes where the Council will carry contractual responsibility for execution of the contract.

(b) Decisions which are likely to be significant in terms of their effects on communities.

The key tests are:

- Does the decision have:
 - A significant impact on more than one ward?
 - A significant impact on terms of delivery of the Council's agreed policy?

Or:

- Is the decision likely to be of significant public interest?
 - if either apply then the decision is deemed to be a Key Decision.

(c) Any decision made by the Leader and Cabinet Executive in the course of developing proposals to the full Council to alter the policy framework would be a key decision.

When considering the financial limits the following guidance should be followed:-

1. Contracts of employment are to be treated as outside the scope of key decisions.
2. The aggregate value of multi-year contracts should be considered e.g. a contract for £500,000 p.a. for two years would be caught under the definition.
3. Reports allocating block capital budgets between specific schemes will be taken to Leader and Cabinet Executive and will be treated as Key Decisions. Changes to these allocations in excess of the virement limits will also be treated as Key Decisions. However the letting of individual contracts funded from these block capital approvals will not be treated as Key Decisions even if they affect more than one ward unless the total value of the contracts exceeds the approved budget for the particular schemes.
4. The letting of contracts for an individual child by Children & Young People or for a vulnerable adult by Adult Social Care in respect of personal care or "specialist placements" will not be treated as Key Decisions regardless of whether those contracts would be covered by approved budgets, due to statutory requirements to ensure that appropriate provision is made for personal social services or education. The cumulative

effects of such commitments will be subject to reporting requirements to [Leader and Cabinet Executive](#) where there is a proposed overspend against budget provision for the year.

5. The nature of Treasury Management decisions is such that decisions to borrow or invest are taken in response to interest rate movements and to the daily cash flow position. These factors cannot be accurately forecast in order to comply with the timetable for key decisions and therefore must be treated as an exclusion to the definition of key decisions.
6. Please remember that Key Decisions can be taken by [the Leader and Cabinet Executive](#) or by officers under delegated powers.

Should you require any clarification relating to the interpretation of this guidance, please contact Legal Services

GUIDANCE NOTE 4.2 – ATTENDANCE AT CABINET MEETINGS (VOLUNTARY PROTOCOL)

- The Constitution requires that the Cabinet meet in public session when making decisions. The Cabinet is also subject to the Access to Information rules set out in the Constitution which require:-
 - that the agenda is made available for public inspection five working days prior to the date of the meeting
 - that all items of business are open to the public unless they meet the requirements of the Access to Information Act and are classified as exempt or confidential.
 - Section 152 - that meetings of the Cabinet can be attended by members of the public and any Member of Council for the public session. Members of the public will be asked to leave following agreement to the appropriate resolution to exclude the press and public (see also Part 4 – Section 4 – Cabinet Decision Procedure Rules paragraph 1.7 and Part 9 – Committee Procedure Rules paragraph 16)
- This Protocol gives additional rights over and above those contained in the Constitution.
- For each meeting of the Cabinet, the Group Leaders (or if unable to attend the Deputy Group Leaders) from all Groups will be invited to attend as a matter of course. In addition to attendance at the meeting each Group Leader (or Deputy Group Leader if substituting for the Leader) will be able to speak on any item on the agenda.
- In addition to Group Leaders (or Deputy Group Leader substituting for a Group Leader), any Councillor who has a significant ward matter on the Cabinet agenda may seek permission from the Leader, prior to the meeting, to speak when the item will be discussed. By permission of the Leader, members may be given the opportunity to speak for significant items/issues within their ward. It will be the Leader who will determine whether or not the item is significant or not. This mirrors the existing arrangements where Chairmen of Boards and Committees have allowed members not on the Board/Committee to speak on ward issues.
- On the Thursday prior to a meeting of the Cabinet, the Opposition Group Leaders (or their deputies) may request a briefing on agenda items.

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GUIDANCE NOTE 5-3 – PUBLICATION OF AGENDAS, MINUTES AND DECISION NOTICES.

There are several elements within the Constitution where documents are required to be “published”. This Guidance Note sets out the minimum requirements in terms of publication.

- The range of documents required to be published are:
 - Forward Plan of Key Decisions
 - Reports of Officers
 - Decision Notices/Minutes of Cabinet and Decision Notices relating to those decisions taken by Officers under delegated powers

The agendas, reports (except those that are confidential/exempt) and Decision Notice/Minutes of Cabinet and minutes of all other meetings.

- These documents will be published on the Council’s web site.
- This Guidance Note is based on the principle that electronic methods will be used to the full and it will be for individual Members to regularly check their own e-mail. In particular there are only 3 working days in which to “Call In” decisions and notifying Members of the decisions quickly is key.

As a minimum requirement, a copy of these documents should be available for inspection at the Council’s main office (Civic Offices).

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FORWARD PLAN OF KEY DECISIONS

- The Constitution requires publication of a Forward Plan covering a four-month period.
- The Plan is rolled forward and updated on a monthly basis. Each time the Plan is rolled forward a new fourth month will be added, and there will be additions, deletions and amendments to the other three months.
- Each municipal year at the start of the cycle of meetings a public advertisement will be placed in the Shropshire Star indicating the dates on which the Forward Plan will be published, the effective date for each edition and where it can be inspected.

Public Access

- Minimum requirement: To make a copy available at the main Council Offices (Civic Offices).
- A copy of the Forward Plan is also available on the Council's web site.

Access for Members

- Minimum requirement: An e-mail will be sent to all Members providing a link to the relevant part of the Council's web site where the Forward Plan is published.
- Minimum requirement: A copy will also be made available in the Members Room.

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DECISION NOTICES

The Constitution requires all decisions by the ~~Leader and Cabinet Executive Cabinet~~ and all Key Decisions taken by officers exercising delegated powers to be published. In respect of ~~Leader and Cabinet Executive~~ decisions combined Decision Notices/Minutes are produced and for officer Key Decisions Decision Notices (hereinafter both are referred to as 'Decision Notices') are produced by ~~Governance Audit & Democracy~~.

- The regulations require a minimum amount of information to be contained in a Decision Notice i.e. record of decision, reasons for decision, details of options considered, record of any conflict of interest, and record of any dispensation granted by the Standards Committee.
- Publication of a Decision Notice must take place within four working days of the decision being taken.

Following publication of a Decision Notice, Members can invoke the "Call-In" process if they so wish (see Part 4, Section 5 Overview & Scrutiny Procedure Rules). It is, therefore, imperative that all Members and the statutory co-optees (in relation to Education matters), receive Decision Notices within the required timescale.

- Decision Notices in respect of officer Key Decisions on matters that are exempt/confidential will not be available for public inspection.

All Decision Notices will be co-ordinated by ~~Audit & Democracy~~**Governance**. Officers making Key Decisions must advise ~~Audit & Democracy~~**Governance** of any Key Decisions they wish to make in order that Decision Notices are published within the requisite timescale

Public Access

- Minimum requirement: A copy will be available at the Council's main offices (Civic Offices).
- Decision Notices will be on the Council's web site.

Access for Members

- Minimum requirement: Decision Notices will be e-mailed to all Members within four working days of the decision(s) being taken.

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CABINET, COMMITTEE & BOARD AGENDAS

All agendas and reports (except those that are exempt/confidential) are published five working days before the date of the meeting.

Members of Cabinet and each Committee or Board will receive a paper copy of the agenda and all reports. Substitute Members of the Plans Board receive a paper copy. All other Members of the Council are sent a hyperlink to the Council's website.

- Copies will also be available in the Members Room.

Public Access

- Minimum requirement: a copy of the Agenda will be made available at the Council's main Offices (Civic Offices) five working days before the date of the meeting.
- Agendas are also available on the Council's web site.

Access for Members

- Minimum requirement: For full Members of the Cabinet (including Group Leaders of the Opposition), Board or Committee a paper copy will be sent.
- Minimum requirement: Substitute Members of the Plans Board receive a paper copy.
- Minimum requirement: A copy will also be made available Members Room.
- A copy (unless exempt/confidential) is published on the Council's web site and all Members of the Council receive a hyperlink to the website.

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Part 10 - Local Functions

LOCAL FUNCTIONS

Local Functions which may be exercisable by the Council and its Committees, or the Cabinet.

The Council, the Leader and the Cabinet have agreed the allocation of these functions in accordance with the split shown below: -

<u>Functions</u>	<u>Decision Making Body</u>
Appeals	
The determination of an appeal against any decision made by or on behalf of the authority	Appeals Committee
Appointments	
The appointment of review boards for the determination of claims and reviews under the Social Security Act 1998. Social Security Act 1998 s.34(4)	Council
Environment	
Environmental Health Refuse Collection	
Any function relating to contaminated land Part IIA Environmental Protection Act 1990	Licensing Committee
The discharge of any function relating to the control of pollution or the management of air quality. Pollution Prevention & Control Act 1999; Part IV Environmental Protection Act 1995; Part I Environmental Protection Act 1990; Clean Air Act 1993	Licensing Committee
The service of an abatement notice in respect of a statutory nuisance s.80(1) Environmental Protection Act 1990	Licensing Committee
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area. S.8 Noise and Statutory Nuisance Act 1993	Licensing Committee
The inspection of the authority's area to detect any statutory nuisance s.79 Environmental Protection Act 1990	Licensing Committee

The investigation of any complaint as to the existence of a statutory nuisance
s.79 Environmental Protection Act 1990

Licensing Committee

Planning

Certificate of Lawfulness of existing use or development and Certificate of Lawfulness of proposed use or development

Plans Board

Enforcement

The obtaining of information as to interests in land. Town and Country Planning Act 1990 s.330

Plans Board

The obtaining of particulars of persons Interested in land Local Government (Miscellaneous Provisions) Act 1976 s.16

Plans Board

Standards in Local Government

The promotion and maintenance of high standards of conduct within the Council

Standards & Audit Committee

Assistance to members and co-opted members of the authority

Standards & Audit Committee

Education

To establish independent committees to which parents appeal if they are dissatisfied with a decision to exclude a pupil. School Standards and Framework Act 1998 s.67(1) and Sch 18

The Leader and Cabinet Executive

To establish independent committees to which parents can appeal if they are dissatisfied with an admission decision. School Standards and Framework Act 1998 s.67 (1) and Sch 18

The Leader and Cabinet Executive

The making of arrangements pursuant to Section 95(2) of and Schedule 25 to the 1998 Act (children to whom section 87 applies; appeals by governing bodies)

The Leader and Cabinet Executive

Environment

DEVELOPMENT PROPOSALS

Agreement between a developer and the Highway authority for the execution of highway

The Leader and Cabinet Executive

Works. Highways Act 1980, s.278.

Miscellaneous

The conduct of best value reviews.

The Leader and Cabinet
Executive Cabinet

Local Government Act 1999, s.5

Police Authority

The making of arrangements under section 20

The Leader and Cabinet
Executive Cabinet

(questions on police matters at Council meetings)
of the Police Act 1996 for enabling questions to
be put on the discharge of a police authority.
Police Act 1996

Appointments

The appointment of any individual:

The Leader and Cabinet
Executive Cabinet

(a) to any office other than an office
in which he is employed by the authority;

(b) to any body other than

(i) the authority
(ii) a joint committee of two or more
authorities; or

to any committee or sub-committee of
such a body

and the revocation of any such appointment

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Part 11 – Responsibility for Functions List of Powers Exercisable by Officers – Council and its Committees Functions and Cabinet Functions

BOROUGH OF TELFORD & WREKIN

LOCAL GOVERNMENT ACT 2000, LOCAL GOVERNMENT ACT 1972, SECTION 100g(2)

Responsibility for Functions List of Powers Exercisable by Officers of the

Borough of Telford & Wrekin Council

- (a) General Power of Delegation: A delegation granted to a specific post may be delegated onwards to an appropriately qualified officer as required for the operational efficiency of the service
- (b) This issue of the 100g(2) List was approved by Council on 28 June, 2007 on the basis that post titles be amended in respect of organisational changes and consolidated legislation
- (c) As a result of ~~the a~~ significant re-structure ~~taking place~~, the delegations rest with the Chief Executive and the responsible Corporate Director and Head of Service rather than as necessarily identified in the Scheme.
- (d) In circumstances where the decision making body for the function is named as the Cabinet it is confirmed that the Leader has delegated those functions rests with the Leader and Cabinet Executive and may be delegated as identified in Part 3 – Responsibility for Functions to the Cabinet (in accordance with section of the Local Government Act 2000 as amended??)

Functions	Decision Making body	Delegation of Functions
Adult Social Care		
Community Care		
Community Care Services National Health Service and Community Care Act 1990, S.46	Cabinet	Corporate Director: Adult & Consumer Care Head of Housing Needs & Community Care, Head of Prevention & Protection Head of Development; Head of Performance & Standards
Assessment of persons who may require community care services and the provision of such a service, if and as appropriate National Health Service & Community Care Act 1990, S.47	Cabinet	Corporate Director: Adult & Consumer Care Head of Housing Needs & Community Care; Head of Prevention & Protection; Head of Service Development; Head of Performance & Standards
To administer central government specific grants for community care services.	Cabinet	

Functions	Decision Making body	Delegation of Functions
The making of payments for community care services Community Care (Direct Payments) Act 1996	Cabinet	Corporate Director: Adult & Consumer Care Head of Housing Needs & Community Care; Head of Prevention & Protection; Head of Service Development; Head of Performance & Standards
Disabilities		
To assess the needs of people with disabilities for welfare services Disabled Person (Services Consultation and Representation) Act 1986 S5 (5). National Health Service & Community Care Act 1990, S.47	Cabinet	Corporate Director: Adult & Consumer Care Head of Housing Needs & Community Care; Head of Prevention & Protection; Head of Service Development; Head of Performance & Standards
Arrangements for the assessment of the need for statutory welfare services for young people with disabilities notified from a LEA as shortly to leave full-time education Disabled Person (Services Consultation and Representation) Act 1986 S.5(5)	Cabinet	Corporate Director: Adult & Consumer Care Head of Housing Needs & Community Care; Head of Prevention & Protection; Head of Service Development; Head of Performance & Standards
To arrange welfare services for disabled people who have been assessed as needing them National Assistance Act 1948	Cabinet	Corporate Director: Adult & Consumer Care Head of Housing Needs & Community Care; Head of Prevention & Protection; Head of Service Development; Head of Performance & Standards
Compilation of a register of disabled people and arrangements for determining the number of disabled people living in the area and their needs for welfare services National Assistance Act 1948, S.29 & 29A Chronically Sick & Disabled Persons Act 1970, S.1	Cabinet	Corporate Director: Adult & Consumer Care Head of Housing Needs & Community Care; Head of Prevention & Protection; Head of Service Development; Head of Performance & Standards

Functions	Decision Making body	Delegation of Functions
Residential Care		
Arrangements for the provision of residential care for adults, who require care and attention otherwise unavailable and to establish charges for residential care in accordance with national regulations National Assistance Act 1948, Part III	Cabinet	Corporate Director: Adult & Consumer Care Head of Housing Needs & Community Care; Head of Prevention & Protection; Head of Service Development; Head of Performance & Standards
Miscellaneous and General		
All powers and duties of the Council relating to Social Services Functions under Section 1A and Schedule 1 of the Local Authority Social Services Act 1970 ("the 1970 Act") and such other functions as the Secretary of State may designate as appropriate under Section 1A(b) of the 1970 Act from time to time (together with guidance under Section 7 of the 1970 Act) as the responsibility of the Director of Adult Social Services appointed under Section 6(A1) of the 1970 Act other than those for which the authority's Director of Children's Services is responsible under Section 18 Children Act 2004 (Cabinet 11 th May 2009 – Minute No. CB-199)	Cabinet	Corporate Director: Adult & Consumer Care/Head of Housing Needs & Community Care/Head of Prevention & Protection/Head of Service Development/Head of Performance & Standards/Corporate Director: Children & Young People/Head of Safeguarding & Corporate Parenting/Head of BSF, Resources & Social Regeneration Head of Locality Services for Children & Families/Head of Commissioning, Performance & Partnerships/Head of Learning & Achievement
Arrangements for service to promote the welfare of older people Health Services and Public Health Act 1968, S.45	Cabinet	Corporate Director: Adult & Consumer Care Head of Housing Needs & Community Care; Head of Prevention & Protection; Head of Service Development; Head of Performance & Standards
To determine requests for requisition of water supplies S.80 Water Industries Act 1991	Cabinet	Head of Prevention & Protection

Functions	Decision Making body	Delegation of Functions
To authorise designated officers to sign contracts for individual social care services Various	Cabinet	Corporate Director: Adult & Consumer Care Head of Housing Needs & Community Care; Head of Prevention & Protection; Head of Service Development; Head of Performance & Standards
To make guardianship applications To make emergency applications for admissions for assessment Mental Health Act 1983, S.2,3,4,7,8,11,13	Cabinet	Approved Social Workers
Asset & Property Management		
Property Negotiations		
All matters relating to property negotiations	Cabinet	Head of Asset & Property Management
Disposal and Acquisition of Assets within Property Investment Portfolio		
Authority to dispose of assets held in the Property Investment Portfolio (General Purposes Sub-Committee 16 December 1996 – Minute No. GP53)	Cabinet	Corporate Director: E&R Head of Asset & Property Management
Authority to acquire appropriate reinvestment properties, subject to funds from relevant disposals (Resources & Assets Board 8 July, 1999 – Minute No. RA8)	Cabinet	Head of Asset & Property Management
Interests in Land		
Service of notice requiring particulars of ownership Local government (Miscellaneous Provisions) Act 1976 Section 16	Cabinet	All Heads of Service Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Traveller Management Officer
Housing Related Projects		

Functions	Decision Making body	Delegation of Functions
Authority to make application for planning permission for housing –related projects Local Government Act 1972 S.101	Cabinet	Corporate Director: Adult & Consumer Care; Head of Housing Needs & Community Care; Head of Prevention & Protection; Head of Service Development; Head of Performance & Standards; Head of Asset & Property Management
Land & Valuation		
Applications for development on council land. Town & Country Planning Act 1971 Part III	Plans Board	Head of Asset & Property Management
Disposal of land up to £10000 value	Cabinet	Head of Asset & Property Management
Disposal of and acquisition of property up to a value of £50,000 (Cabinet 03.11.03 Minute No. CB-104)	Cabinet	Head of Asset & Property Management
Approval of Compensation Claims and Certification of Valuations (Policy & Resources Cttee February 1998 Minute No. PR107)	Cabinet	
Management of Industrial and Commercial Premises including Lease Renewals and Rent Reviews Various (Policy & Resources Cttee February 1998 Minute No. PR107)	Cabinet	Head of Asset & Property Management
Contracts for Sale of Land Various (Policy & Resources Cttee February 1998 Minute No. PR107)	Cabinet	Head of Legal Services
Land and Property Transactions		
Any land and property management matters other than housing land. (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Head of Asset & Property Management In consultation with the Head of Legal Services
Building Control		
Health & Safety		
Issuing General Safety Certificates. Safety of Sports Grounds Act 1975	Licensing Committee	Architecture-Landscape & Building Manager/Group Building Control Surveyor/Senior Building Control Surveyor

Functions	Decision Making body	Delegation of Functions
Issuing General Safety Certificates Fire Safety and Safety of Places of Sports Act 1987	Licensing Committee	Architecture-Landscape & Building Manager/Group Building Control Surveyor/Senior Building Control Surveyor
To consider and resolve any appropriate matter under Building Regulations.	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
Approval and Rejection of plans Building Act 1984 Part I	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
Relaxations – Approvals & Rejections Building Act 1984 Part 1	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
Notice re: Neighbour Consultation on Relaxation Building Act 1984 Part 1	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
Lapse of Deposited Plans Building Act 1984 Part 1	Cabinet	All Building Control Surveyors
Entry on premises Section 95 Building Act 1984 (Cabinet 14 June 2004 Minute Number CB-14)	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor Area Building Control Surveyors Team Leaders Engineering, Design & Advice Structural Engineer

Functions	Decision Making body	Delegation of Functions
Demolition Notices Building Act 1984 Part III	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
Dangerous Buildings or Structures Building Act 1984 Part III (Cabinet 14 June 2004 Minute Number CB-14)	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor Area Building Control Surveyors Team Leaders Engineering, Design & Advice Structural Engineer
Means of Escape in Case of Fire Building Act 1984 Part III	Cabinet	Group Building Control Surveyor Senior Building Control Surveyor Area Building Control Surveyors
Abatement of Nuisance Notice (Mineshafts – Quarries – Wells – Boreholes – etc.) Environmental Protection Act 1990 S.80	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor Team Leaders, Engineering, Design & Advice
Dangerous Excavation Local Government (Miscellaneous Provisions) Act 1976 S.25	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
Notice Requiring removal or alteration of work not complying with Building Regulations Building Act 1984 – S.36	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor

Functions	Decision Making body	Delegation of Functions
Action to address failure to comply with Building Regulations Building Act 1984 Section 35(3)	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
Notice to Open Up Work Regulation 15(6)	Cabinet	Group Building Control Surveyor Senior Building Control Surveyor Area Building Control Surveyors
Giving and Acceptance of Initial Notice, Plans Certificate and Final Certificate Building Act 1984 Part III	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
Unauthorised Building Work Building Regulation 21	Cabinet	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
Building Act Prosecutions		
To exercise and commence prosecutions under the provisions of the Building Act 1984 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Plans Board	Head of Mobility & Street Scene Head of Legal Services
Fire Safety		
To exercise the Council's powers in respect of entry and inspection and request for documents – Regulatory Reform (Fire Safety) Order 2005 Sections 27& 28 (Council 23 November 2006 Minute No. 50)	Licensing Committee	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
To exercise the Council's powers in respect of alternation notices – Regulatory Reform (Fire Safety) Order 2005 – Section 29 (Council 23 November 2006 Minute No. 50)	Licensing Committee	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
To exercise the Council's powers in respect of enforcement notices – Regulatory Reform (Fire Safety) Order 2005 – Section 30 (Council 23 November 2006 Minute No. 50)	Licensing Committee	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor

Functions	Decision Making body	Delegation of Functions
To exercise the Council's powers in respect of prohibition notices – Regulatory Reform (Fire Safety) Order 2005 – Section 31 (Council 23 November 2006 Minute No. 50)	Licensing Committee	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor
Delegated power to prosecute in respect of any breaches in respect of the Order (Council 23 November 2006 Minute No. 50)	Licensing Committee	Architecture-Landscape & Building Manager Group Building Control Surveyor Senior Building Control Surveyor In consultation with the Head of Legal Services
Building Management		
Contracts		
Invite tenders and enter into contracts with suppliers and sub-contractors and issue completion certificates	Cabinet	Architecture-Landscape & Building Manager Group Leader Architects Landscape Architect Group Surveyor Area Surveyor Group Quantity Surveyor Group Environmental Services Engineer Client Agent Manager Client Agent Officers
Children & Young People		
Children's Services		
To maintain a register of children with disabilities Children Act 1989 Schedule 2	Cabinet	Corporate Director: Children & Young People Head of Safeguarding & Corporate Parenting

Functions	Decision Making body	Delegation of Functions
To recruit assess and review foster carers Children Act 1989	Cabinet	Corporate Director: Children & Young People Head of Safeguarding & Corporate Parenting
To visit privately fostered children Children Act 1989	Cabinet	Corporate Director: Children & Young People Head of Safeguarding & Corporate Parenting
To make applications to Court for appropriate Orders Children Act 1989	Cabinet	Corporate Director: Children & Young People Head of Safeguarding & Corporate Parenting Head of Legal Services
To review the cases of children being looked after by the Council Children Act 1989	Cabinet	Corporate Director: Children & Young People Head of Safeguarding & Corporate Parenting
Pupil's Services		
To establish independent panels to which parents appeal if they are dissatisfied with a decision to exclude a pupil Education Act 2002 S.52	Cabinet	Head of Legal Services Head of Audit & Democracy
To establish independent panels to which parents can appeal if they are dissatisfied with an admission appeal	Cabinet	Head of Legal Services Head of Audit & Democracy
The making of arrangements pursuant to Section 95(2) of and Schedule 25 to the School Standards & Framework Act 1989 (children to whom section 87 applies: appeals by governing bodies)	Cabinet	Head of Legal Services Head of Audit & Democracy
To determine whether proposals in relation to County Schools, submitted under Education Act 1996 S.38 should be implemented in circumstances where no valid objections are received or where objections are received and subsequently withdrawn: Education Acts, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of Learning & Achievement Head of BSF, Resources & Social Regeneration

Functions	Decision Making body	Delegation of Functions
To authorise the undertaking of a preliminary investigation into primary school numbers subject to the decision being notified to all members of the Cabinet. Education Act, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of Learning & Achievement Head of BSF, Resources & Social Regeneration
To exercise the functions of the governing body where a governing body resign Education Act, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of Learning & Achievement Head of BSF, Resources & Social Regeneration
To take such steps as may be necessary to constitute a new governing body: Education Acts, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of Learning & Achievement Head of BSF, Resources & Social Regeneration
To allocate pupils to schools Education Acts, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of Learning & Achievement Head of BSF, Resources & Social Regeneration
To authorise legal proceedings for non-registration of pupils Education Acts, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of Learning & Achievement Head of Locality Services for Children & Families Head of BSF, Resources & Social Regeneration
To authorise legal proceedings of non-attendance at school and issue of Fixed Penalty Notices for non-attendance Education Acts, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of Locality Services for Children & Families

Functions	Decision Making body	Delegation of Functions
Within policies approved by the Policy Board to deal with applications for boarding grants Education Acts, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of Learning & Achievement Head of BSF, Resources & Social Regeneration
Within approved schemes to determine contributions to be made by parents Education Acts, Regulations & Circulars & Children Act	Cabinet	Corporate Director: Children & Young People Head of Locality Services for Children & Families
To make Further Education Awards within approved schemes: Education Acts, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of Locality Services for Children & Families
To commission the provision of school transport – including the provision of transport on exceptional road hazard grounds in accordance with criteria established by the Board: Education Acts, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of BSF, Resources & Regeneration
To arrange for the education of children with special educational needs: Education Acts, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of Learning & Achievement Head of Locality Services for Children & Families Head of Safeguarding & Corporate Parenting
To establish temporary Governing Bodies and Interim Executive Boards when and where necessary in accordance with statutory requirements: Education Acts, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of BSF, Resources & Social Regeneration Head of Learning & Achievement
To authorise Education Welfare Officers represent the Council in legal proceedings relating to non-registration of pupils and to non-attendance of pupils at school: Education Acts	Cabinet	Head of Legal Services Head of School & Community Services

Functions	Decision Making body	Delegation of Functions
To commence legal proceedings for nuisance or disturbance on school premises: Education Acts, Regulations & Circulars	Cabinet	Corporate Director: Children & Young People Head of BSF, Resources & Social Regeneration Head of Learning & Achievement Head of Locality Services for Children & Families Head of Legal Services
Parenting Orders		
Anti-Social Behaviour Act 1993 s20-22 where a pupil is excluded from school on discipline grounds (for a fixed period or permanently) (Cabinet 9 th June 2009 – Minute No. CB-9)	Cabinet	Determined by school and/or Local Education Authority
Education and Inspections Act 2006 s24 amending s98-99 where a pupil is causing serious misbehaviour (Cabinet 9 th June 2009 – Minute No. CB-9)	Cabinet	Determined by school and/or Local Education Authority
Police and Justice Act 2006 s24 amending s26 of the Anti-Social Behaviour Act 2003 where Anti-Social Behaviour is the trigger (Cabinet 9 th June 2009 – Minute No. CB-9)	Cabinet	Senior Parenting Practitioner
Civil Contingencies		
Civil Contingencies Act 2004 – all matters relating thereto (Cabinet 11 th May 2009 – Minute No. CB-199)	Cabinet	Chief Executive Corporate Director: Adult & Consumer Care Head of Prevention & Protection Regulation & Resilience Manager Civil Resilience Operations Manager
Electoral Registration Officer/Returning Officer – Appointment		
Appointment of the Council's Chief Executive as Electoral Registration Officer in accordance with Section 8(2)(a) of the Representation of the People Act 1983 (Licensing Committee 24 th June 2009 – Minute No LC-4)	Licensing Committee	Chief Executive
Appointment of the Council's Chief Executive as Returning Officer in accordance with Section 35(1) of the Representation of the People Act 1983. (Licensing Committee 24 th June 2009 – Minute No LC-4)	Licensing Committee	Chief Executive

Functions	Decision Making body	Delegation of Functions
Envirocrime – Environmental Maintenance		
Anti-Social Behaviour		
Anti-Social Behaviour Act 2003 – s.43 Issue of Fixed Penalty Notices for fly-posting and graffiti (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technician Traveller Management Officer Senior Environmental Maintenance Officers Environmental Maintenance Officers
Anti-Social Behaviour Act 2003 – s.55 Exercise of powers under Control of Pollution Act 1989 and Controlled Waste (Regulation of Carriers and Seizure of Vehicles) Regulations 1991 Power to stop, search and seize vehicles (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Traveller Management Officer Environmental Programme Manager
Authority to give the necessary consent required under Section 31(2) of the Anti-Social Behaviour Act 2003 to the Police to authorise the designation of areas of the Borough within which the powers under Sections 30-36 of the Act be exercised (Cabinet 5 April 2004 Minute No. CB-174)	Cabinet	Chief Executive following consultation with the Leader
Parenting Order Functions		
Application of a Parenting Order for the exclusion of a pupil from school on discipline grounds (for a fixed period or permanently) Anti-Social Behaviour Act 2003 – S20-22 (Cabinet 9 June 2009 – Minute Number CB-9)	Cabinet	To be determined by School and/or Local Education Authority
Application of a Parenting Order where a pupil is causing serious misbehaviour Education and Inspections Act 2006 S98-99 (Cabinet 9 June 2009 – Minute Number CB-9)	Cabinet	To be determined by School and/or Local Education Authority

Functions	Decision Making body	Delegation of Functions
Application of a Parenting Order where Anti-Social Behaviour is the trigger Police and Justice Act 2006 S24 amending S26 of the Anti-Social Behaviour Act 2003 (Cabinet 9 June 2009 – Minute Number CB-9)	Cabinet	Senior Parenting Practitioner
High Hedges		
To exercise the Council's power in respect of high hedges Part 8 of Anti-Social Behaviour Act 2003 (Council – 1 March, 2006 – Minute Number 74)	Plans Board	Head of Planning & Environment Manager: Development & Design Area Planning Officers
Enforcement Policy		
Review of Corporate Enforcement Policy and revision as necessary (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Corporate Director: Community Services following consultation with the appropriate Cabinet Member.
Amendment of the Environmental Enforcement Policy (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Head of Mobility & Street Scene following consultation with the Cabinet Member: Environmental Enforcement
Environmental Protection Act 1990 – s.33 Offence of depositing rubbish – all functions and powers except authority to prosecute (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Traveller Management Officer Waste Collection Co-ordinator Team Leader Service & Devl (Waste Services & Customer Services) Environmental Maintenance Officers Environmental Programme Manager
Environmental Protection Act 1990 –s.33 Offence of depositing rubbish – authority to prosecute (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Environmental Programme Manager/Neighbourhood Services Team Leader subject to the Head of Legal Services being satisfied as to the evidence

Functions	Decision Making body	Delegation of Functions
Environmental Protection Act 1990 – s.34 Duty of care – all functions and powers except authority to prosecute (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Traveller Management Officer Environmental Programme Manager
Environmental Protection Act 1990 Part III All powers of entry, inspection and enforcement except authority to prosecute (Licensing Committee – 08.12.09 – Minute No. LC-88)	Licensing Committee	Enforcement Officer
Environmental Protection Act 1990 – s.34 Duty of care – authority to prosecute (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Environmental Programme Manager/Neighbourhood Services Team Leader subject to the Head of Legal Services being satisfied as to the evidence
Environmental Protection Act 1990 – s.71 Obtaining of information (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Head of Mobility & Development Services Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Traveller Management Officer

Functions	Decision Making body	Delegation of Functions
Environmental Protection Act 1990 – s.87 Offence of littering – all functions and powers except authority to prosecute (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Environmental Maintenance Officers Environmental Programme Manager Traveller Management Officer Waste Collection Co-ordinator Environmental Maintenance Officers
Environmental Protection Act 1990- s.87 Offence of littering – authority to prosecute (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Environmental Programme Manager/Neighbourhood Services Team Leader subject to the Head of Legal Services being satisfied as to the evidence
Environmental Protection Act 1990 – s.88 Issue of Fixed Penalty Notice for littering/fly tipping (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technician Traveller Management Officer Senior Environmental Maintenance Officers Environmental Maintenance Officers Environmental Programme Manager

Functions	Decision Making body	Delegation of Functions
Environmental Protection Act 1990 – s.92 Litter abatement notices – all powers and functions (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technician Traveller Management Officer
Environmental Protection Act 1990 –s.92 Litter abatement notices – authority to prosecute (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Environmental Programme Manager/Neighbourhood Services Team Leader subject to the Head of Legal Services being satisfied as to the evidence
Environmental Protection Act 1990 – s.93 Street litter control notices – all functions and powers (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technician Traveller Management Officer
Environmental Protection Act – s.93 Street Litter Control Notices – authority to prosecute (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Environmental Programme Manager/Neighbourhood Services Team Leader subject to the Head of Legal Services being satisfied as to the evidence
All functions and powers in sections 33, 34, 46, 47, 59, 71, 87, 88, 92 and 93 Environmental Protection Act 1990 (Cabinet 1 November 2004 – Minute Number CB-88) as amended by the Clean Neighbourhoods and Environment Act 2005	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers/Environmental Enforcement Technician/Traveller Management Officer

Functions	Decision Making body	Delegation of Functions
Environment Act 1995 – s.108 Power of entry and inspection (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers /Environmental Enforcement Support Officers Traveller Management Officer/ Environmental Enforcement Technician
Local Government (Miscellaneous Provisions) Act 1976 – s.16 Service of notice requiring particulars of ownership (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technician Traveller Management Officer
Criminal Damage Act 1972 – s.1 Authority to prosecute (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Environmental Programme Manager/Neighbourhood Services team Leader subject to the Head of Legal Services being satisfied as to the evidence
Dogs (Fouling of Land) Act 1996- s.4 Anti-Social Behaviour Act 2003 – s.43 Issue of Fixed Penalty Notice for dog fouling (Cabinet 1 November 2004 – Minute Number CB-88)	Cabinet	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Technicians Traveller Management Officer Environmental Maintenance Officers Environmental Programme Manager

Functions	Decision Making body	Delegation of Functions
Abandoned Shopping and Luggage Trolleys		
Authority to enforce the powers requiring trolley owners to remove their trolleys, to take the appropriate enforcement actions, if they fail to do so, and to seek the approved charges for doing so Section 99, Schedule 4 Environmental Protection Act 1990 (Cabinet 10 November 2008 Minute No. CB-87)	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Traveller Management Officer Environmental Client Team Leader Environmental Client Officer
Clean Neighbourhoods and Environment Act 2005		
Authority to amend Fixed Penalty Notice levels and discounts for early payment Clean Neighbourhoods & Environment Act 2005 Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2006 (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Head of Mobility & Street Scene following consultation with the Cabinet Member; Environment
The following sections of the Environmental Protection Act 1990 as amended by the Clean Neighbourhoods and Environment Act 2005: s.87/s.88 – Litter s.90 replaced by 92A/92B/92C – Litter Clearing Notices s.93/s.94 – Street Litter Control Notices s.97/s.98 – Fixed Penalty Notice: Common Provision s.99 and Schedule 4 EPA 1990 – Abandoned Shopping Trolleys (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Traveller Management Officer
Environmental Protection Act 1990 – s.34A (2) Failure to furnish documentation (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Traveller Management Officer

Functions	Decision Making body	Delegation of Functions
Environmental Protection Act 1990 – s.34B as amended by the Clean Neighbourhoods & Environment Act 2005 Power to search and seize vehicles (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Traveller Management Officer
Environmental Protection Act 1990 – s.34A/s.34B as amended by the Clean Neighbourhoods & Environment Act 2005 – Authority to prosecute (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager/Neighbourhood Services Team Leader subject to the Head of Legal Services being satisfied as to the evidence
Environmental Protection Act 1990 – s.60 interference with waste sites and receptacles for waste (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Traveller Management Officer
Environmental Protection Act 1990 – s.60 – Authority to prosecute (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager/Neighbourhood Services Team Leader subject to the Head of Legal Services being satisfied as to the evidence
Environmental Protection Act 1990 – s.92 as amended by the Clean Neighbourhoods & Environment Act 2005: 2.92A/s.92B/s.92C – Authority to prosecute (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager/Neighbourhood Services Team Leader subject to the Head of Legal Services being satisfied as to the evidence

Functions	Decision Making body	Delegation of Functions
The following sections of the Anti-Social Behaviour Act 2003 as amended by the Clean Neighbourhoods & Environment Act 2005: s.43/s.48/s.49 – Graffiti and other defacement (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Support Officers Environmental Enforcement Technicians Traveller Management Officer
Anti-Social Behaviour Act 2003 – s.43 – Authority to prosecute (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager/Neighbourhood Services Team Leader subject to the Head of Legal Services being satisfied as to the evidence.
Dogs (Fouling of Land) Act 1996 – s.4 – Authority to prosecute (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager/Neighbourhood Services Team Leader subject to the Head of Legal Services being satisfied as to the evidence.
Control of Pollution (Amendment) Act 1989 as amended by the Clean Neighbourhoods & Environment Act 2005: s.1/s.2/s.3 – Transport of Waste s.5 – Enforcement Powers (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technicians Traveller Management Officer
Control of Pollution (Amendment) Act 1989 – s.5B (2) – Failure to produce authority (Waste Transfer Note) (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technician Traveller Management Officer

Functions	Decision Making body	Delegation of Functions
Control of Pollution (Amendment) Act 1989 – s.1/s.2/s.3 – Transport of Waste, s.5 – Enforcement Powers, s5B (2) Failure to produce authority – Authority to prosecute (Cabinet 31 March 2008 – Minute No. CB-146)	Cabinet	Environmental Programme Manager/Neighbourhood Services Team Leader subject to the Head of Legal Services being satisfied as to the evidence.
Public Toilets		
To extend practice of closing public toilets overnight with particular regard to toilets in District Centres	Cabinet	Head of Mobility & Street Scene Senior Environmental Maintenance Officers
Control of Stray Dogs		
In respect of failure to comply with the Dogs on Roads Order, authority to consider and authorise prosecutions	Cabinet	Head of Mobility & Street Scene/Neighbourhood Services Team Leader/Senior Environmental Maintenance Officers subject to the Head of Legal Services being satisfied as to the evidence
Abandoned and Nuisance Vehicles		
To authorise the removal and disposal of abandoned and nuisance vehicles Refuse Disposal (Amenity) Act 1978 Removal and Disposal of Vehicles (England) (Amendment) Regulations 2002 Highways Act 1980 (Cabinet 02.12.02 Minute Number CB280)	Cabinet	Head of Mobility & Street Scene/Head of Legal Services/Environmental Programme Manager/Environmental Maintenance Team Leaders/Neighbourhood Services Officers Environmental Maintenance Officers Neighbourhood Services Team Leader /Environmental Enforcement Officers Environmental Enforcement Support Officers/Environmental Enforcement Technicians/Traveller Management Officer

Functions	Decision Making body	Delegation of Functions
To authorise the removal and disposal of abandoned and nuisance vehicles Refuse Disposal (Amenity) Act 1978 Removal and Disposal of Vehicles (England) (Amendment) Regulations 2002 Highways Act 1980 (Cabinet 02.12.02 Minute Number CB280)	Cabinet	Head of Mobility & Street Scene/Head of Legal Services/Environmental Programme Manager/Environmental Maintenance Team Leaders/Neighbourhood Services Officers Environmental Maintenance Officers Neighbourhood Services Team Leader /Environmental Enforcement Officers Environmental Enforcement Support Officers/Environmental Enforcement Technicians/Traveller Management Officer
Drains, W.C.s and Waste Pipes		
Agreements for emptying of cesspools and septic tanks Public Health Act 1936 Part II	Cabinet	Head of Mobility & Street Scene
Rodent Control		
Rodent Control Contracts Prevention of Damage by Pests Act 1949	Cabinet	Head of Mobility & Street Scene
Environmental Health		
Food Safety – Appointment of Authorised Officers		
Authority to appoint Proper Officers under the Act or any regulations or orders Food Safety Act 1990 S.5 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Corporate Director: Adult & Consumer Care Head of Prevention & Protection

Functions	Decision Making body	Delegation of Functions
Food Hygiene		
European Communities Act 1972 and Treaties and Legislation given effect thereunder, as it relates to food hygiene matters (Cabinet 19 December 2005 – Minute No. CB-137)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officer Senior Project Officer Food Safety Officer Pollution Enforcement Officer Senior Administration Officer Administration Officer District Officer
All powers and duties under the Food Hygiene (England) Regulations 2005 except authority to prosecute (Cabinet 19 December 2005 – Minute No. CB-137)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officer Senior Project Officer Food Safety Officer Pollution Enforcement Officer Senior Administration Officer Administration Officer
Authority to appoint Proper Officers under the Food Safety Act 1990 and Regulations/Orders made thereunder (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Head of Prevention & Protection
Authority to prosecute under the provisions of the European Communities Act 1972 and Treaties and Legislation given effect thereunder, as it relates to food hygiene matters (Cabinet 19 December 2005 – Minute No. CB-137)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being
Inspection and seizure of suspected food Food Safety Act 1990 S.9 (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Senior Project Officer Health Promotion Officer Food Safety Officer District Officer

Functions	Decision Making body	Delegation of Functions
Service of Improvement Notices Food Safety Act 1990 S.10 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92) (Social Care & Health Policy Board – Minute No. SCH 52/99) (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Senior Project Officer Health Promotion Officer District Officer
Emergency Prohibition Notices and Orders Food Safety Act 1990 S.12 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92) (Social Care & Health Policy Board – Minute No. SCH 52/99) (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Senior Project Officer Health Promotion Officer District Officer
Selling food not of the nature or substance or quality demanded Food Safety Act 1990 S.14 (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officer Food Safety Officer Health Promotion Officer District Officer

Functions	Decision Making body	Delegation of Functions
Regulations as to Food Safety and Consumer Protection Food Safety Act 1990 S.16 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Social Care & Health Policy Board – Minute No. SCH 52/99) (Cabinet 06.02.06 – Minute No, CB-159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Senior Project Officer Health Promotion Officer District Officer
Enforcement		
Regulations concerning special provisions for particular foods Food Safety Act 1990 S.18 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 06.02.06 – Minute No, CB-159)	Cabinet	Head of Prevention & Protection Business Manager Environmental health & Well-Being Environmental Health Manager Environmental Health Officers Senior Project Officer Health Promotion Officer Food Safety Officer District Officer
Regulations concerning registration and licensing of food premises Food Safety Act 1990 S.19 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Senior Project Officer Health Promotion Officer Food Safety Officer District Officer

Functions	Decision Making body	Delegation of Functions
Provision of food hygiene training Food Safety Act 1990 S.23 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92) (Social Care & Health Policy Board – Minute No. SCH 52/99) (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Health Promotion Officer Senior Administration Officer Senior Project Officer Senior Administration Officer District Officer
Public and Agricultural Analysts		
Appointing of Public and Agricultural Analysts for the authority Section 101 Local Government Act 1972, Food Safety Act 1990, Agriculture Act 1970 (Cabinet 26 February 2007 Minute No. CB-142)	Cabinet	Corporate Director: Adult & Consumer Care Head of Prevention & Protection
Designation of officers (not employed by the authority) as inspectors, sampling officers or authorised officers as the case may be for the enforcement of legislation under regional enforcement schemes Section 101 Local Government Act 1972, Food Safety Act 1990, Agriculture Act 1970 (Cabinet 26 February 2007 Minute No. CB-142)	Cabinet	Corporate Director: Adult & Consumer Care Head of Prevention & Protection
Power to Appoint Public Analyst Food Safety Act 1990 S.27 (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being

Functions	Decision Making body	Delegation of Functions
Procurement of samples Food Safety Act 1990 S.29 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Social Care & Health Policy Board – Minute No. SCH 52/99) (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Senior Project Officer Senior Administration Officer Administration Officer Administrative Assistant Clerical Assistant Scientific Officer Pollution Enforcement Officer District Officer
Analysis of samples Food Safety Act 1990 S.30 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Social Care & Health Policy Board – Minute No. SCH 52/99) (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer/Senior Project Officer/Health Promotion Officer District Officer

Functions	Decision Making body	Delegation of Functions
Powers of entry Food Safety Act 1990 S.32 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92) (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Senior Project Officer Health Education Officer Senior Administration Officer Administration Officer Administrative Assistant Clerical Assistant Scientific Officer Pollution Enforcement Officer District Officer
Authority to Authorise Prosecutions		
Authority to authorise prosecution of offences under The Food Safety Act 1990, Regulations made under the Food Safety Act 1990 (Cabinet 09.02.04 Minute Number CB-145)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager
Health & Safety		
Any Health and Safety Regulations in respect of which the Council is the enforcing authority by virtue of Regulations made under s.18 of the Health and Safety at Work etc. Act 1974 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92) (Cabinet 06.02.06 – Minute No. CB-159)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Manager Environmental Health Team Manager Environmental Health Officer Senior Project Officer Food Safety Officer/District Officer

Functions	Decision Making body	Delegation of Functions
The provisions of the Acts mentioned in Schedule 1 to the Health and Safety at Work etc. Act 1974 which are specified in the third column of that Schedule and the Regulations, Orders or other instruments of a legislative character made, or having effect under, any provisions so specified in respect of which the Council is the enforcing authority by virtue of Regulations made under s.18 of the 1974 Act (Development Control & Licensing Sub-Committee – Minute No. DCL45/92) (Cabinet 06.02.06 – Minute No. CB-159)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officer Senior Project Officer Food Safety Officer District Officer
Registration of outworkers Factories Act 1961 S.133 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Senior Project Officer
Powers of Inspectors Health and Safety at Work etc. Act 1974 S.20 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92) (Cabinet 06.02.06 – Minute No. CB-159)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Senior Project Officer District Officer
Improvement Notices Health and Safety at Work etc. Act 1974 S.21 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92) (Cabinet 06.02.06 – Minute No. CB-159)	Licensing Committee	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer/Senior Project Officer/District Officer

Functions	Decision Making body	Delegation of Functions
Prohibition Notices Health and Safety at Work etc. Act 1974 S.22 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92) (Cabinet 06.02.06 – Minute No. CB-159)	Licensing Committee	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Senior Project Officer District Officer
Imminent Danger Health and Safety at Work etc. Act 1974 S.25 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92) (Cabinet 06.02.06 – Minute No. CB-159)	Licensing Committee	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Senior Project Officer District Officer
Authority to Authorise Prosecutions		
Authority to authorise the prosecution of offences created under the Health and Safety at Work etc Act 1974 (Cabinet 09.02.04 Minute Number CB-145)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being
Noise Pollution		
Prior consent for work on construction sites Control of Pollution Act 1974 S.61 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer

Functions	Decision Making body	Delegation of Functions
Control of noise on construction sites Control of Pollution Act 1974 S.60 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Register of noise levels Control of Pollution Act 1974 S.64 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Reduction of noise levels Control of Pollution Act 1974 S.66 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area Noise and Statutory Nuisance Act 1993 S.8 (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Scientific Officer

Functions	Decision Making body	Delegation of Functions
New buildings etc. Control of Pollution Act 1974 S.67 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Power to serve warning notices, fixed penalty notices and related functions relating to night time noise from domestic and licensed premises (except authority to prosecute) – Noise Act 1996 (Cabinet 08.12.09 – Minute No. CB-120)	Cabinet	Public Protection Business Manager Environmental Health Team Leader Environmental Health Officer Enforcement Officer (with or without prefix) Senior Project Officer
Authority to prosecute Noise Act 1996 (Cabinet 08.12.09 – Minute No. CB-120)	Cabinet	Head of Operations Public Protection Business Manager
Power to serve warning notices, fixed penalty notices and related functions relating to night time noise from domestic and licensed premises (except authority to prosecute) Noise Act 1996 (Cabinet 8 December, 2009 – Minute No. CB-120)	Cabinet	Public Protection Manager Environmental Health Team Leader Environmental Health Officer Enforcement Officer (with or without prefix) Senior Project Officer
Authority to prosecute Noise Act 1006 Cabinet – 8 December, 2009 – Minute No. CB-120	Cabinet	Head of Operations Public Protection Business Manager

Functions	Decision Making body	Delegation of Functions
Public Health		
Buildings having defective closets capable of repair Public Health Act 1936 S.45 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92(Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer Food Safety Officer Health Promotion Officer District Officer
Buildings having defective closets capable of repair Public Health Act 1936 S.48 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer District Officer
Rooms over closets or certain types over ashpits etc. Not to be used as living – sleeping or work rooms Public Health Act 1936 S.49 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer Food Safety Officer Health Promotion Officer District Officer

Functions	Decision Making body	Delegation of Functions
Overflowing or leaking cesspools Public Health Act 1936 S.50 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer Food Safety Officer Health Promotion Officer District Officer
Care of sanitary conveniences used in common Public Health Act 1936 S.52 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer Food Safety Officer/Health Promotion Officer/District Officer
Scavenging of common courts and passages Public Health Act 1936 S.78 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer Food Safety Officer Health Promotion Officer District Officer

Functions	Decision Making body	Delegation of Functions
Removal of noxious matter Public Health Act 1936 S.79 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer Food Safety Officer/Health Promotion Officer/District Officer
Removal of manure from stables Public Health Act 1936 S.80 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer Food Safety Officer/Health Promotion Officer/District Officer
Cleansing of filthy or verminous premises Public Health Act 1936 S.83 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer Food Safety Officer Health Promotion Officer District Officer

Functions	Decision Making body	Delegation of Functions
Cleaning or destruction of filthy or verminous articles Public Health Act 1936 S.84 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer Food Safety Officer/Health Promotion Officer/District Officer
Cleaning of Verminous persons and their clothing Public Health Act 1936 S.85 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer Food Safety Officer/Health Promotion Officer/District Officer
Power to close or restrict use of water from polluted source supply Public Health Act 1936 S.140 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers
Power to deal with insanitary systems etc. Public Health Act 1936 S.141 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer

Functions	Decision Making body	Delegation of Functions
Nuisance in connection with watercourses – ditches – ponds etc. Public Health Act 1936 S.259 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer
Power of Local Authority to execute certain work on behalf of owners or occupiers Public Health Act 1936 S.275 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer
Power to enter premises Public Health Act 1936 S.287 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer/Health Promotion Officer/District Officer

Functions	Decision Making body	Delegation of Functions
Authority to Prosecute		
Authority to prosecute for offences created under the Public Health Acts 1936 and 1961 (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being
Power of Local Authority to require action Prevention of Damage by Pests Act 1949 S.4 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Social Care & Health Policy Board – Minute No. SCH52/99) (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager/Environmental Health Officers Scientific Officer Pollution Enforcement Officer Food Safety Officer Senior Project Officer/Health Promotion Officer/District Officer
Powers of entry require action Prevention of Damage by Pests Act 1949 S.22 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Office Food Safety Officer Senior Project Officer/Health Promotion Officer/District Officer
Summary power to remedy stopped up drains Public Health Act 1961 S.17 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer/Health Promotion Officer/District Officer

Functions	Decision Making body	Delegation of Functions
Accumulation of rubbish Public Health Act 1961 S.34 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer Environmental Programme Manager Senior Environmental Maintenance Officers/District Officer
Prohibition of sale of verminous articles Public Health Act 1961 S.37 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer
Local Government (Miscellaneous Provisions) Act 1976		
Power of Local Authorities to obtain particulars of persons interested in land Local Government (Miscellaneous Provisions) Act 1976 S.16 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Social Care & Health Policy Board – Minute No. SCH52/99) (Cabinet 17.11.03 Minute No. CB-110)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Food Safety Officer Scientific Officer/Senior Project Officer
Local Government (Miscellaneous Provisions) Act 1976 S.20	Cabinet	Senior Project Officer Scientific Officer Health Promotion Officer

Functions	Decision Making body	Delegation of Functions
Local Government (Miscellaneous) Provisions Act 1982 S.17	Licensing Committee	Senior Project Officer Health Promotion Officer District Officer
Provision of sanitary appliances at places of entertainment Local Government (Miscellaneous Provisions) Act 1976 S.20 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92) (Social Care & Health Policy Board – Minute No. SCH52/99) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer/Senior Project Officer/Pollution Enforcement Officer Senior Project Officer/Scientific Officer/Health Promotion Officer
Power to enter premises places of entertainment Local Government (Miscellaneous Provisions) Act 1982 S.17 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92) (Social Care & Health Policy Board – Minute No. SCH52/99) (Cabinet 17.11.03 – Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being/Environmental Health Team Manager/Environmental Health Officers/Pollution Enforcement Officers/Food Safety Officer Scientific Officer/Senior Project Officer Health Promotion Officer
Authority to prosecute for offences created under Local Government (Miscellaneous) Provisions Act 1976 (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being

Functions	Decision Making body	Delegation of Functions
Bye-laws		
Bye-laws for the prevention of certain nuisances Public Health Act 1936 S.81 (Development Control & Licensing Sub-Cttee – Minute No. DCL 45/92) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Senior Project Officer Scientific Officer/Food Safety Officer
Bye-laws as to the removal through streets of offensive matters or liquids Public Health Act 1936 S.82 (Development Control & Licensing Sub-Cttee – Minute No. DCL 45/92) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Senior Project Officer Scientific Officer/Food Safety Officer
Water Supplies		
Service of Notices Water Industries Act 1991 S.80 (Development Control & Licensing Sub-Cttee – Minute No. DCL 45/92) (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Officers Environmental Health Team Manager Scientific Officer Pollution Enforcement Officer Food Safety Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer

Functions	Decision Making body	Delegation of Functions
Power of Entry Water Industries Act 1991 S.84 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officer Scientific Officer Pollution Enforcement Officer Health Promotion Officer Administration Officer Senior Administration Officer Food Safety Officer Senior Project Officer
Power to require information Water Industries Act 1991 S.85 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer Health Education Officer Senior Administrative Assistant Health Promotion Officer
Provision of water supply notice Building Act 1984 S.25 – S.69 (Section 69 – Cabinet 06.02.06 – Minute No. 159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers

Functions	Decision Making body	Delegation of Functions
To consider and resolve any appropriate matter under the Pollution Prevention and Control (England and Wales) Regulations 2000 save for revocation as described in regulation 21. (General Purposes Board 6 December 2005 – Minute No. GP-33) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Environmental Health Officer Senior Project Officer Business Manager Environmental Health & Well-Being Environmental Health Team Manager Scientific Officer Pollution Enforcement Officer
Authority to appoint Inspectors under the Act plus any regulations or orders Health and Safety at Work etc. Act 1974 S.19 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Licensing Committee	Head of Prevention & Protection Environmental Health Team Manager Business Manager Environmental Health & Well-Being
Power of entry, examination and seizure Food and Environment Protection Act 1985 S.19 (Pesticides) (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officer Pollution Enforcement Officer Scientific Officer/Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer
Power of entry, examination and seizure European Communities Act 1972 Imported Food Regulations 1997 Products of Animal Origin (Third Country Imports) (England) Regulations 2002 (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Officer Environmental Health Team Manager Food Safety Officer Senior Project Officer/Health Promotion Officer/District Officer

Functions	Decision Making body	Delegation of Functions
Pollution – General		
To consider and resolve any appropriate matter under the Pollution Prevention and Control (England and Wales) Regulations 2000 save for revocation as described in regulation 21. (General Purposes Board 6 December 2005 – Minute No. GP-33) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Environmental Health Officer Senior Project Officer Business Manager Environmental Health & Well-Being Environmental Health Team Manager Scientific Officer Pollution Enforcement Officer
The discharge of any function relating to the control of pollution or the management of air quality Pollution Prevention & Control Act 1999 Part IV Environment Act 1999 Part 1 Environmental Protection Act 1990 Clean Air Act 1993 (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officer Senior Project Officer Pollution Enforcement Officer Scientific Officer
To revoke any permit issued under the Pollution Prevention and Control Regulations (General Purposes Board 6 December 2005 – Minute No. GP-33) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Business Manager Environmental Health & Well-Being Environmental Health Team Manager
Powers of enforcing authorities and persons authorised by them – powers of entry, etc. Environment Act 1995 S.108 (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Senior Project Officer

Functions	Decision Making body	Delegation of Functions
Pollution Control		
Environmental Protection		
Authorisation Environmental Protection Act 1990 S.6 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92 (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer/Pollution Enforcement Officer/Senior Project Officer-
Variation of Authorisation Environmental Protection Act 1990 S.10 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92 (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Functions	Decision Making Body	Delegation of Functions
Variation of Conditions Environmental Protection Act 1990 S.11 (Development Control & Licensing Sub-Committee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer

Functions	Decision Making body	Delegation of Functions
Revocation of Authorisation Environmental Protection Act 1990 S.12 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Scientific Officer Senior Project Officer Pollution Enforcement Officer
Enforcement		
Enforcement Notices Environmental Protection Act 1990 S.13 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Prohibition Notices Environmental Protection Act 1990 S.14 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Appointment of Inspectors Environmental Protection Act 1990 S.16 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer

Functions	Decision Making body	Delegation of Functions
Receptacles for waste Environmental Protection Act 1990 S.47 (General Purposes Board 6 December 2005 – Minute No. GP-33) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer (E.H. Technician) Food Safety Officer Health Promotion Officer District Officer
Power to require removal of waste Environmental Protection Act 1990 S.59 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officer Scientific Officer/Senior Project Officer Food Safety Officer/Health Promotion Officer/District Officer
Proceedings for Statutory Nuisances Environmental Protection Act 1990 S.80 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	Scientific Officer Senior Project Officer District Officer
Power to require the removal of waste and proceedings for statutory nuisance Environmental Protection Act 1990, Sections 47, 59 & 80 (Development Control & Licensing Sub-Committee 28 August 1991 – Minute No. DCL74)	Licensing Committee	Environmental Technician

Functions	Decision Making body	Delegation of Functions
The service of an abatement notice in respect of a statutory nuisance s.80(1) Environmental Protection Act 1990 (General Purposes & Licensing Board 26.11.03 – Minute No. GP-24) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer
Authorisation of Officers Food and Environment Protection Act 1985 S.19 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers
Power of Entry Refuse Disposal (Amenity) Act 1978 S.8 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer
Powers of enforcing authorities and persons authorised by the Environment Act 1995 Section 108 (General Purposes & Licensing Board 26.11.03 – Minute No. GP-24)	Licensing Committee	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officer Pollution Enforcement Officer Scientific Officer Senior Project Officer

Functions	Decision Making body	Delegation of Functions
The inspection of the authority's area to detect any statutory nuisance Environmental Protection Act 1990 s.79 (General Purposes & Licensing Board 26.11.03 – Minute No. GP-24) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers/Scientific Officer Senior Project Officer Scientific Officer Environmental Health Officer Pollution Enforcement Officer Food Safety Officer Health Promotion Officer/District Officer
The investigation of any complaint as to the existence of a statutory nuisance s.79 Environmental Protection Act 1990 (General Purposes & Licensing Board 26.11.03 – Minute No. GP-24) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer
Authority to authorise prosecution for offences created under Environmental Protection Act 1990, Environment Act 1995, Clean air Act 1993, Noise and Statutory Nuisance Act 1993, the Pollution Prevention Control Act 1999, Control of Pollution Act 1974; and Regulations made thereunder (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being
Authority to Authorise Prosecutions		
Authority to authorise the prosecution of offences created under the Prevention of Damage by Pests Act 1949 (Cabinet 09.02.04 Minute Number CB-145)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being

Functions	Decision Making body	Delegation of Functions
Environmental Health – Contaminated Land		
Any function relating to contaminated land Part IIA Environmental Protection Act 1990 (General Purposes and Licensing Board 22 June 2004 –Minute No. GP7 –Delegation to Scientific Officer) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Senior Project Officer Environmental Health Officers Pollution Enforcement Officers Scientific Officer
Control of Pollution or Management of Air Quality		
The discharge of any function relating to the control of pollution or the management of air quality Pollution Prevention & Control Act 1999; Part IV Environment Act 1995; Clean Air Act 1993 (General Purposes & Licensing Board 26.11.03 – Minute No. GP-24)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officer Scientific Officer Senior Project Officer
Statutory Nuisance		
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area. S.8 Noise and Statutory Nuisance Act 1993 (General Purposes & Licensing Board 26.11.03 – Minute No. GP-24) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer Environmental Health Team

Functions	Decision Making body	Delegation of Functions
Air Pollution		
Regulations about sulphur content of oil fuel for furnaces or engines: Control of Pollution Act 1974 S.76 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Managers Environmental Health Officers
Notices requiring information about air pollution: Control of Pollution Act 1974 S.80 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Managers Environmental Health Officers Senior Project Officer Scientific Officer Pollution Enforcement Officer
Provision of information relating to any function conferred on this Authority by this Act: Control of Pollution Act 1974 S.93 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (General Purposes Board 6 December 2005 – Minute No. GP-33) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Managers Senior Project Officer Environmental Health Officers Scientific Officer Pollution Enforcement Officer
Installation of Furnaces: Clean Air Act 1993 S.4 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Power to approve arrestment plant: Clean Air Act 1993 S.6 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer

Functions	Decision Making body	Delegation of Functions
Power to approve other arrestment plant: Clean Air Act 1993 S.8 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Power to require measurement of grit and fumes: Clean Air Act 1993 S.10 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Power to require information: Clean Air Act 1993 S.12 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Approval of chimney heights: Clean Air Act 1993 S.14 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Refusal of application: Clean Air Act 1993 S.14 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 – Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Adaptation of fireplaces: Clean Air Act 1993 S.24 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer

Functions	Decision Making body	Delegation of Functions
Obtaining information: Clean Air Act 1993 S.35 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board Minute 6 December 2005 No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Service of notices: Clean Air Act 1993 S.36 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Granting of exemption: Clean Air Act 1993 S.45 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Crown premises: Clean Air Act 1993 S.46 (Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Duty to notify occupiers of offences: Clean Air Act 1993 S.51 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Pollution Enforcement Officer Senior Project Officer
Powers of entry: Clean Air Act 1993 S.56 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer

Functions	Decision Making body	Delegation of Functions
Obtaining information: Clean Air Act 1993 S.58 Development Control & Licensing Sub-Cttee – Minute No. DCL47/93 (General Purposes Board 6 December 2005 Minute No. GP-33)	Licensing Committee	All qualified Environmental Health Officers Scientific Officer Senior Project Officer
Authority to prosecute under the provisions of the Clean Air Act 1993	Licensing Committee	Head of Prevention & Protection Business Manager Environmental Health & Well-Being
Powers of entry and inspection, etc. Control of Pollution Act 1974 S.91 (General Purposes Board 6 December 2005 Minute No. GP-33) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Business Manager Environmental Health & Well-Being Environmental Health Officer Scientific Officer Pollution Enforcement Officer Senior Project Officer
Infectious Disease		
Power to require information: Public Health (Control of Disease) Act 1984 S.18 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Social Care & Health Policy Board – Minute No. SCH 52/99) (Cabinet 17.11.03 Minute No. CB-110) (Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Scientific Officer Pollution Enforcement Officer Senior Project Officer Health Promotion Officer Senior Administration Officer Administration Officer Administrative Assistant Clerical Assistant/District Officer

Functions	Decision Making body	Delegation of Functions
Power to enter canal boats: Public Health (Control of Disease) Act 1984 S.50 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Social Care & Health Policy Board – Minute No. SCH 52/99) (Cabinet 17.11.03 Minute No. CB-110) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Scientific Officer Pollution Enforcement Officer Senior Project Officer/District Officer
Power to enter premises: Public Health (Control of Disease) Act 1984 S.61 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92) (Social Care & Health Policy Board – Minute No. SCH 52/99) (Cabinet 17.11.03 Minute No. CB-110) (General Purposes Board – 31.01.06 – Minute No. GP-46) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Technician Environmental Health Team Manager Environmental Health Officers Food Safety Officer Scientific Officer Pollution Enforcement Officer Senior Project Officer Health Promotion Officer Senior Administrative Officer Administration Officer Administrative Assistant Clerical Assistant/District Officer

Functions	Decision Making body	Delegation of Functions
Supplementary provisions as to entry: Public Health (Control of Disease) Act 1984 S.62 (Cabinet 17.11.03 Minute No. CB-110) (General Purposes Board – 31.01.06 – Minute No. GP-46) (Cabinet 06.02.06 – Minute No. 159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Food Safety Officer Scientific Officer Pollution Enforcement Officer Senior Project Officer Health Promotion Officer Senior Administration Officer Administration Officer Administrative Assistant Clerical Assistant/District Officer
Notifiable and Infectious Diseases		
Functions relating to letting of houses or rooms in hotels following recent case of notifiable disease: Public Health (Control of Disease) Act 1984 S.29 Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Proper Officer as appointed by the Health Protection Agency
Notice to owner and occupier of house recently occupied by person with notifiable disease: Public Health (Control of Disease) Act 1984 S.30 Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Proper Officer as appointed by the Health Protection Agency
Certificate requisite for removal of persons from infected house etc: Public Health (Control of Disease) Act 1984 S.32 Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Proper Officer as appointed by the Health Protection Agency
Functions relating to removal of dead bodies to mortuary or burial forthwith: Public Health (Control of Disease) Act 1984 SS.43 and 48 Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Proper Officer as appointed by the Health Protection Agency

Functions	Decision Making body	Delegation of Functions
Certificate that disinfection of premises would prevent spread of infectious disease: Public Health (Control of Disease) Act 1984 S.31 Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Proper Officer as appointed by the Health Protection Agency
Receipt of certificate that person suffering from notifiable disease or food poisoning: Public Health (Control of Disease) Act 1984 S.11 Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Proper Officer as appointed by the Health Protection Agency
Requiring information to be furnished by occupier of premises in cases of notifiable disease or food poisoning: Public Health (Control of Disease) Act 1984 S.18	Cabinet	Community Physician and Head of Prevention & Protection
Disposal of bodies of people who have died and where it appears no suitable arrangements have been made for disposal: Public Health (Control of Disease) Act 1984 S.46	Cabinet	Corporate Director: Community Services Head of Leisure & Culture
To appoint Proper Officers for Environmental Health: Public Health (Control of Diseases) Act 1984 National Assistance Act 1948 National Assistance (Amendment) Act 1957 – and Regulations made thereunder Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Head of Prevention & Protection
Private Drainage		
Drainage of building: Building Act 1984 S.59 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92(Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer

Functions	Decision Making body	Delegation of Functions
Use and ventilation of soil pipes: Building Act 1984 S.60 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer
Repair – etc. of drain Building Act 1984 S.61 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer
Disconnection of drain Building Act 1984 S.62 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer

Functions	Decision Making body	Delegation of Functions
Improper construction or repair of water closet or drain Building Act 1984 S.63 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer
Provision of closet in a building Building Act 1984 S.64 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer
Provision of sanitary convenience in workplace Building Act 1984 S.65 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer

Functions	Decision Making body	Delegation of Functions
Replacement of earth closets etc. Building Act 1984 S.66 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer
Loan of temporary sanitary conveniences Building Act 1984 S.67 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer
Defective premises Building Act 1984 S.76 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer District Officer

Functions	Decision Making body	Delegation of Functions
Paving and drainage of yards and passages Building Act 1984 S.84 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer
Maintenance of entrances to courtyards and passages Building Act 1984 S.85 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer
Power to enter premises Building Act 1984 S.95 (Development Control & Licensing Sub-Cttee – Minute No. DCL45/92 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being Environmental Health Team Manager Environmental Health Officers Pollution Enforcement Officers Scientific Officer Senior Project Officer Food Safety Officer Health Promotion Officer/District Officer

Functions	Decision Making body	Delegation of Functions
Obstructed drains or sewers Local Government (Miscellaneous Provisions) Act 1976 S.35 (Cabinet 17.11.03 Minute No. CB-110) Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Business Manager Environmental Health & Well-Being/Environmental Health Team Manager/Environmental Health Officer/Pollution Enforcement Officer/Scientific Officer/Senior Project Officer/Food Safety Officer
Authority to prosecute under the Building Act 1984 Cabinet 06.02.06 – Minute No. CB-159)	Cabinet	Head of Prevention & Protection Business Manager Environmental Health & Well-Being
Drains, W.C.s and Waste Pipes		
Agreements for emptying of cesspools and septic tanks Public Health Act 1936 Part II	Cabinet	Head of Mobility & Street Scene
Rodent Control		
Rodent Control Contracts Prevention of Damage by Pests Act 1949	Cabinet	Head of Mobility & Street Scene
Waste Management		
Authority to serve notices and related powers Environmental Protection Act 1990 s.46, s.47, s.59 Refuse Disposal (Amenity) Act 1978 s.6 (Cabinet 17 May 2004 Minute Number CB-196)	Cabinet	Environmental Programme Manager Environment & Sustainability Manager Environmental Enforcement Officers Environmental Maintenance Officers Principal Officer Environment & Waste Technical Officer (Waste) Environmental Maintenance Team Leaders Waste Project Team Leader Environmental Client Officer Waste Collection Co-ordinator Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technician

Functions	Decision Making body	Delegation of Functions
Authority to prosecute for offences Environmental Protection Act 1990 s.46, s.47, s.59 Refuse Disposal (Amenity) Act 1978 s.2 (Cabinet 17 May 2004 Minute Number CB-196)	Cabinet	Environmental Programme Manager/ Environment & Sustainability Manager /Neighbourhood Services Team Leader(in consultation with Head of Legal Services)
Enter into agreements for removal of trade refuse Public Health Act 1936 Part II	Cabinet	Environmental Contract Manager
To manage the collection of domestic refuse Public Health Act 1936 Part II	Cabinet	Environmental Contract Manager Environmental Programme Manager
To arrange the siting and resiting of bottle banks Public Health Act 1936 Part II	Cabinet	Environmental & Sustainability Manager and/or Principal Officer (Waste)
Landfill Allowance Trading Scheme – To take decisions to trade as advised by the Waste Disposal Board (Cabinet 20 June 2005 – Minute Number CB-27)	Cabinet	Corporate Director: Environment & Regeneration Corporate Director: Resources
Authority to Authorise Prosecutions		
Authority to authorise the prosecution of offences created under The Food Safety Act 1990, Regulations made under the Food Safety Act 1990, the Prevention of Damage by Pests Act 1949 and the Health and Safety at Work etc Act 1974 (Cabinet 09.02.04 Minute Number CB-145)	Cabinet	Head of Prevention & Protection Environmental Health Manager

Functions	Decision Making body	Delegation of Functions
Health Act 2006		
All powers and duties under the Health Act 2006 Part 1 Chapter 1 and legislation given effect thereunder except authority to prosecute (Council 28 June 2007 – Minute No. 28)	Cabinet	Business Manager Environmental Health & Well-Being/Environmental Health Team Manager/Environmental Health Officer/Senior Project Officer Food Safety Officer/Pollution Enforcement Officer/Project Officer (Health Act)/Senior Admin Officer Admin Officer/District Officer Housing Enforcement Manager Housing Enforcement Technical Officers/Tenancy Relations Officers Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Technicians/Traveller Management Officer/Environmental Programme Manager/Principal Licensing Officer Licensing Enforcement Officer Licensing Officer/Manager Design & Development/Area Planning Officers Planning Enforcement Officers Business Manager Regulation and Resilience/Trading Standards Operations Manager, staff designated as 'Trading Standards Officer', 'Fair Trading Officer' or 'Enforcement Officer' with or without prefix (as appropriate)
Authority to prosecute under the provisions of the Health Act 2006 Part 1 Chapter 1 and legislation given effect thereunder, as it relates to smoking matters (Council 28 June 2007 – Minute No. 28)	Cabinet	Head of Prevention and Protection Business Manager Environmental Health and Well-Being

Functions	Decision Making body	Delegation of Functions
Environmental Damage		
All powers and functions except authority to prosecute Environmental Damage (Prevention and Remediation) Regulations 2009 (Licensing Committee 08.12.09 – Minute No. LC-88)	Licensing Committee	Business Manager Public Protection Environmental Health Team Leader Environmental Health Officer Pollution Enforcement Officer Scientific Officer Senior Project Officer
Authority to prosecute – Environmental Damage (Prevention and Remediation) Regulations 2009 (Licensing Committee 08.12.09 – Minute No. LC-88)	Licensing Committee	Business Manager Public Protection Head of Operations
Financial		
Emergency Fund/Planning		
Responsibility for administering the fund	Cabinet	Head of Finance
Appeals, Rebates and Allowances		
Dealings with the Valuation Officer and Local Valuation Court in matters relating to Council Tax and N.N.D.R. Local Government Act 1972 S.151	Cabinet	Head of Finance
Award discounts, exemptions and reliefs in respect of Council Tax and Non-Domestic Rates	Cabinet	Head of Finance
Determination of rebates within the statutory provisions of the Social Security and Housing Benefits Act Local Government Act 1972 S.151	Cabinet	Head of Finance
To allocate to the revenue and capital budgets for the forthcoming year in the light of the resources available to the Council and the priorities allocated to the individual programme areas	Council	
The writing off of bad debts for amounts exceeding those laid down in the Financial Regulations	Council	
The functions of the Council as Council Tax levying authority	Council	
All matters relating to Members Remuneration	Council	
Arrangements for the payment of Members Remuneration in accordance with nationally agreed criteria. Local Government Act 1972. S. 151	Council	Payroll & HR Support Manager

Functions	Decision Making body	Delegation of Functions
Grant Claims		
Authorised signatory for Grant Claims/Other financial returns (subject to the requirements of the grant awarding body)	Cabinet	Section 151 Officer, Head of Finance, Corporate Finance Manager, Finance Manager (C&YP), Finance Manager (Adult& Consumer Care), Finance Manager (Environment & Regeneration)
Banking		
Approval of all arrangements with Council's bankers and operation of appropriate bank accounts Local Government Act 1972 S.151	Cabinet	Corporate Director: Resources
Ordering Council's cheques. Ensuring safe and efficient arrangements for their control, custody and issue Local Government Act 1972 S.151	Cabinet	Head of Finance
Issue of all cheques appropriately signed for:- cheques below £50,000 bearing facsimile signature cheques in excess of £50,000 bearing an autograph signature Local Government Act 1972 S.151 Local Government Act 1972 S.151	Cabinet	Head of Finance Head of Finance
Borrowing		
Undertaking all borrowing of monies, financial leasing of vehicles, equipment and other assets and the making of all arrangements concerning the investment or utilising of capital monies and other funds Local Government Act 1972 S.151	Cabinet	Corporate Director: Resources
Contracts		
To enter into any contract or series of contracts for goods or services or a combination of these not exceeding in total value the sum specified in the Contracts Procedures Rules and provision has been made in the Annual Budget and the necessary financial approvals given	Cabinet	All Heads of Service
Signing contracts for the acquisition and disposal of land and interests in land	Cabinet	Head of Legal Services

Functions	Decision Making body	Delegation of Functions
Approval to the financial clearance of a contractor undertaking a contract which exceeds £50,000 Local Government Act 1972 S.151	Cabinet	Head of Finance
Approval and certification of final certificate payment Local Government Act 1972 S.151	Cabinet	Head of Finance
Control of Expenditure/Income		
Approval of a virement for any one purpose within a given service budget	Cabinet	Relevant Corporate Director/Head of Service/Finance Manager
Approval of a virement of up to £50,000 total between service budgets	Cabinet	Head of Finance/relevant Corporate Director/Head of Service & Finance Manager
Council Tax		
Publishing of the making of the Council Tax in the manner required Local Government Act 1972 S.151	Cabinet	Head of Finance
Calculation and issue of Council Tax demands in the manner prescribed Local Government Act 1972 S.151	Cabinet	Head of Finance
Supervision, collection, control and recovery procedures relating to local taxation Local Government Act 1972 S.151	Cabinet	Head of Finance
Payment of Accounts Local Government Act 1972 S.151	Cabinet	Corporate Finance Manager
Framework Agreements		
Authority to enter into and bind the Council into any Framework Agreements which can be proved to provide value for money. (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	All Heads of Service
Functions	Decision Making Body	Delegation of Functions
External Resources/Collaborative Working		
Authority to bid for external resources or agree collaborative working where it is in accordance with the Council's policies and priorities (Council 28 September 2005 – Minute No. 40)	Cabinet/Board or Committee as appropriate	All Corporate Directors following consultation with the appropriate Cabinet Member or Chairman

Functions	Decision Making body	Delegation of Functions
Income		
Co-ordination, control and supervision of all monies due to the Council Local Government Act 1972 S.151	Cabinet	Head of Finance
Approval to the write-off of income due to the Council which is considered irrecoverable if: amount is £25,000 or less debtor has been declared insolvent or bankrupt debtor being a company which has ceased to trade Local Government Act 1972 S.151	Cabinet	Head of Service and Head of Finance
Insurances		
Effecting and maintenance of adequate insurance cover and dealing with claims in accordance with Financial Regulation 22.1 Local Government Act 1972, S.140 and 151	Cabinet	Head of Finance
Conduct of the annual insurance renewal process (Cabinet 15 November 2004 – CB-100)	Cabinet	Head of Finance following consultation with Cabinet Member: Resources
Recovery Procedures		
Authority to deal with the recovery of Council Tax, N.N.D.R., overpaid Housing & Council Tax Benefit and Miscellaneous Income (Sales Ledger)	Cabinet	Head of Finance
Other		
Approval of all petty cash floats and imprests to officers Local Government Act 1972 S.151	Cabinet	Head of Finance
Agreeing form in which stores and stock records are kept, vetting of stocktakes and agreement to adjustments to accounts if less than £10,000 in any one year Local Government Act 1972 S.151	Cabinet	Head of Finance
Receipt of money due from officers Local Government Act 1972 S.151	Cabinet	Head of Finance
Preparation of annual final accounts and abstract of accounts Local Government Act 1972 S.151	Cabinet	Head of Finance
Administration of Housing & Council Tax Benefits, Free School Meals and Blue Badge Applications	Cabinet	Head of Finance

Functions	Decision Making body	Delegation of Functions
Housing Benefit/Council Tax Benefit		
Authorisation of prosecutions subject to the evidential check as outlined within the Benefits Prosecution Policy being satisfied (Resources & Assets Board 14 December 1999 – Minute Number RA.47)	Cabinet	Revenues & Benefits Manager
Authority to exercise the Council's powers to authorise prosecution under the Social Security Administration Act 1992, Theft Act 1998, Welfare Reform Act 2007 and Fraud Act 2006 (Cabinet 26 January 2010 – Minute No. CB-142)	Cabinet	Benefits Manager subject to the Head of Governance being satisfied that there is sufficient evidence to prosecute and the public interest test being satisfied as outlined in the Code of Practice for Crown Prosecutors
Authority to exercise the Council's powers to authorise applications for Confiscation Orders under the Criminal Justice Act 1988 or the Proceeds of Crime Act 2002 and Restraint Orders under the Proceeds of Crime Act 2002 (Cabinet 26 January 2010 – Minute No. CB-142)	Cabinet	Benefits Manager
Authority to authorise officers investigating and detecting Housing and Council Tax Benefit Fraud to use the powers contained within Sections 109 and 110A of the Social Security Administration Act 1992 (as amended) (Cabinet 12 February 2007 – Minute No. CB132)	Cabinet	Chief Executive
Annual Accounts		
Determination of accounting procedures and the form and extent of financial records Accounts & Audit Regulations 2003 (as amended 2006) (Policy & Resources Cttee February 1998 Minute No. PR107)	Cabinet	Head of Finance
Production and distribution of financial management information Accounts & Audit Regulations 2003 (as amended 2006) (Policy & Resources Cttee February 1998 Minute No. PR107)	Cabinet	Head of Finance
Financial negotiations with external bodies Accounts & Audit Regulations 2003 (as amended 2006) (Policy & Resources Cttee February 1998 Minute No. PR107)	Cabinet	Corporate Director: Resources

Functions	Decision Making body	Delegation of Functions
National Non-Domestic Rate Relief – Discretionary Rate Relief		
Authority to determine all applications for non-mandatory rate relief Rating (Former Agricultural Premises and Rural Shops) Act 2001 Local Government Finance Act 1988 Authority to review decisions of Head of Finance (Cabinet 11.02.02 – Minute Number CB96)	Cabinet	Head of Finance Corporate Director: Resources
Internal Audit		
Arrangements for the continuous audit of the Council's activities Accounts & Audit Regulations 2003 (as amended)	Cabinet	Corporate Director: Resources
Highways		
Development Proposals		
Agreement between a developer and the highway authority for the execution of highway works Highways Act, 1980 S.278, Town and Country Planning Act, 1990 S.106, Planning & Compensation Act 1991, S.1	Plans Board	Manager Network Management & Policy, Team Leader Highways Management following consultation with the Chairman and Vice-Chairman of the Plans Board
To exercise the Council's powers to the modification and continuous review of the Wildlife and Countryside Act, 1981 S.53, to S.58 and associated Schedules and Regulations Definitive Map and Statement	Plans Board	Team Leader Highways Management after consultation with the Head of Legal Services
Footpath Gating Orders		
To make, vary and revoke Gating Orders and to exercise the Council's other powers under the Highways Act 1980 and the Highways Act (Gating Orders)(England) Regulations 2006 in respect of Gating Orders (Cabinet 10 December 2007 – Minute No. CB-85)	Cabinet	Business Manager (Network Policy & Management) following consultation with the Cabinet Members for Environment and for Community Safety
Footpath/Bridleway Creation Agreements		
To enter into Public Path Creation Agreements with relevant landowners and other interested parties Section 25 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Plans Board	Team Leader Highways Management
Obstructions on Footpaths		
Serve enforcement notices on landowners to facilitate the removal of obstructions Highways Act 1980 S.134, S.137, S.149, S.154 and S.164	Plans Board	Rights of Way Officer (Highways Management)

Functions	Decision Making body	Delegation of Functions
Obstructions on Public Paths		
To take required enforcement action on unauthorised obstructions and to authorise erection of stiles etc on Public Paths Highways Act 1980 S.131A, S.143, S.147, S.149 and S.154 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Plans Board	Rights of Way Officer (Highways Management)
Public Path Orders		
The making of Public Path Orders and in the event of there being no objections to the Orders, confirmation of those Orders. Highways Act 1980 Section 26, 118, 118A, 119, & 119A ,Town & Country Planning Act 1990 Section 257, 258, 259, 261 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Plans Board	Team Leader Highways Management
Protection of Public Rights		
To exercise the Council's powers regarding its duty to assert and protect the rights of the public to use and enjoy any highway for which the Council is the Highway Authority including powers not only to authorise obstructions but also prosecute and serve Notices and take any further required enforcement action regarding unauthorised obstructions. Sections 130 – 133, Sections 136 to 146, 147A to 183 Highways Act 1980. (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Plans Board	Head of Mobility & Street Team Leader Highways Management, Highways Maintenance Manager, after consultation with the Head of Legal Services
Obstructions on the Highway		
Obliterating/affixing things on the highway – all functions and powers except authority to prosecute. Sections 131-132 Highways Act 1980 (Plans Board 27.10.04 Minute No. PB-47)	Plans Board	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Technicians/Traveller Management Officer/Environmental Maintenance Officers/Environmental Programme Manager
Authority to prosecute Sections 131-132 Highways Act 1980 (Plans Board 27.10.04 Minute No. PB-47)	Plans Board	Environmental Programme Manager subject to the Head of Legal Services being satisfied as to the evidence

Functions	Decision Making body	Delegation of Functions
Unlawful obstruction of the highway – all functions and powers except authority to prosecute Sections 137; Section 137ZA Highways Act 1980 (Plans Board 27.10.04 Minute No. PB-47)	Plans Board	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Technicians Traveller Management Officer Environmental Maintenance Officers Environmental Programme Manager
Unlawful obstruction of the highway – authority to prosecute Section 137 Highways Act 1980 (Plans Board 27.10.04 Minute No. PB-47)	Plans Board	Environmental Programme Manager subject to the Head of Legal Services being satisfied as to the evidence
Removal of structures from the highway – all functions and powers Section 143 Highways Act 1980 (Plans Board 27.10.04 Minute No. PB-47)	Plans Board	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Technicians Traveller Management Officers Environmental Maintenance Officers Environmental Programme Manager
Removal of deposit from highway Section 149 Highways Act 1980 (Plans Board 27.10.04 Minute No. PB-47) (Council 28.06.07 Minute No. 26)	Plans Board	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Technicians Traveller Management Officer Environmental Maintenance Officers Environmental Programme Manager Highways Maintenance Manager and/or Team Leader (Response Maintenance)

Functions	Decision Making body	Delegation of Functions
Removal of placards/posters illegally displayed (Plans Board 27.10.04 Minute No. PB-47)	Plans Board	Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Technicians Traveller Management Officer Environmental Maintenance Officers Environmental Programme Manager
Stopping Up and Diversion of Highways		
In response to an application or otherwise to apply to the Magistrates Court for the stopping up or diversion of a highway Highways Act 1980 Sections 116 and 117 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Plans Board	Team Leader Highways Management
Skips		
To licence skips and the erection of scaffolding Highways Act 1980 Part IX	Licensing Committee	Highways Maintenance Manager
Dangerous Trees		
The powers of the Council to deal with dangerous trees Local Government (Miscellaneous Provisions) Act 1976 s.23 (Council 28.06.07 Minute No. 26)	Licensing Committee	Head of Mobility & Street Scene Environmental Programme Manager Neighbourhood Services Team Leader Senior Environmental Maintenance Officers/Arboricultural Officer
Functions	Decision Making Body	Delegation of Functions
Highways Adoptions		
New highways adopted as “highways maintainable at public expense” through agreements between developers and highway authority. Authorisation to carry out Section 38 default procedures Highways Act 1980 S.38, S.219, S.228	Cabinet	Team Leader Highways Management
Advance Payments Code Prosecutions		
Serve on developers who do not make deposits or enter into a Section 38 agreement for the cost of making up roadworks on a new estate before building work commences Highways Act, 1980 S.38, S.219	Cabinet	Team Leader Highways Management after consultation with the Head of Legal Services

Functions	Decision Making body	Delegation of Functions
Advance Payments Code Procedures		
To exercise the Council's powers under the Advance Payments Code i.e. requirement of money/security before new buildings are erected in private streets to ensure that the street will be properly constructed Highways Act 1980 Sections 219 to 237 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Highways Management Business Unit Manager Network Management & Policy
Provision of Amenity		
To provide services and amenity in the Highway e.g. lawns, trees, shrubs, flower baskets. Also extends to cover Neighbourhood Watch signs Highways Act 1980 Sections 115A to 115I Agreement for works in Highway (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23) (Council 28.06.07 Minute No. 26)	Cabinet	Team Leader Highways Management Team Leader Traffic Management Environmental Programme Manager Senior Environmental Maintenance Officers
Development Proposals		
Agreement between a developer and the highway authority for the execution of highway works. Highways Act 1980, S.278	Cabinet	Team Leader Highways Management
Agreements for Works in the Highway		
Agreements with any person relating to the execution of works in the highway Section 278 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Highways Management
Bridges		
The Power to construct, reconstruct, improve, etc., bridges Including provisions relating to improving grass verges, lighting, metalling, drainage, filling in roadside ditches, protecting highways against hazards of nature, etc.: Highways Act 1980 Sections 91 to 95 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Head of Mobility and Street Scene
Bus Stops		
Provision and Relocation of Bus Stops and Bus Shelters: Local Government (Miscellaneous Provisions) Act 1953	Cabinet	Team Leader Transport Contracts
Closure of roads for public processions, street parties		

Functions	Decision Making body	Delegation of Functions
The making of orders to close streets to traffic: Town Police Clauses Act 1847 S.21 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Traffic Management following consultation with the Cabinet Member: Environment in the event of objections being received
Crossings		
Arrangements for pedestrian and School crossings: Part III Road Traffic Regulation Act 1984 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Traffic Management
Facilities for Cyclists		
Provision of cycle facilities, cycle lanes, etc.: Road Traffic Regulation Act, 1984 S.65, Cycle Tracks Act 1984 Highways Act 1980 and associated Regulations	Cabinet	Team Leader Traffic Management
Emergency Erection of Barriers in Streets		
Erection of barriers, etc., to ensure public safety or prevent congestion of traffic in cases of emergency: Section 287 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Highways Maintenance Manager
Powers of Entry		
Powers of entry for duly authorised officers for the purposes of survey, maintenance works, etc.: Sections 289 to 294 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Head of Mobility & Street Scene
Recovery of Expenses		
The mechanism and options for recovery of expenses by Council: Section 305 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Head of Mobility & Street Scene
Fencing		
The Council's power to fence and erect highway boundary posts: Sections 80 & 81 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Traffic Management

Functions	Decision Making body	Delegation of Functions
Footways & Guard-rails		
Provision of footways/guard-rails/other safety measures on public highways: Section 66 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Traffic Management
List of Streets		
Making and keeping corrected and up to date the list of Highways maintainable at the public expense: Section 36 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Highways Management
Maintenance and Improvement		
To exercise the Council's general powers of maintenance and improvement of public highways: Highways Act 1980 (as amended) (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Head of Mobility and Street Scene
Misleading Notices		
To take appropriate action within legal powers against any person who places or maintains a false or misleading notice next to a public right of way: Section 57, National Parks & Access to the Countryside Act 1949 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23) (Council 28.06.07 Minute No. 26)	Cabinet	Rights of Way Officer Highways Management Environmental Programme Manager Senior Environmental Maintenance Officers Neighbourhood Services Team Leader Environmental Enforcement Officers Environmental Enforcement Support Officers Environmental Enforcement Technician Traveller Management Officer
Obstructions of Highways		
Control road opening and reinstatement: New Roads and Street Works Act 1991	Cabinet	Highways Maintenance Manager.
Off-Street Parking Places		
To deal with the short-term letting and control of car parks for special events: Road Traffic Regulation Act 1984 Part IV	Cabinet	Head of Mobility & Street Scene

Functions	Decision Making body	Delegation of Functions
Parking Places		
Provision and control of off-street parking and parking on roads without payment and parking on roads for payment: Road Traffic Regulation Act 1984 Part IV (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Traffic Management
Signposting of Footpaths and Bridleways		
The Council's general powers relating to the signposting of footpaths and bridleways: Countryside Act 1968 S.27 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Rights of Way Officer Highways Management
Local Authority Vehicles		
The right of Local Authorities to use vehicles on footways & bridleways: Section 300 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Head of Mobility & Street Scene
Use of Motor Vehicles on Footpaths/Bridleways		
Control of use of footpaths and bridleways for motor vehicle trials: Section 33 Road Traffic Act 1988 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Highways Management
Ploughing on Public Paths		
To authorise ploughing or other works on agricultural land over which public paths run: Highways Act 1980 Sections 134 and 135 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Rights of Way Officer Highways Management
Enforce provision of footpath carriage crossings: Highways Act 1980 Part IX	Cabinet	Highways Maintenance Manager.

Functions	Decision Making body	Delegation of Functions
Power to Require Information		
Power of Highway Authority to require information as to ownership of land – service of Notices and prosecution for failure to respond Section 297 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23) (Council 28.06.07 Minute No. 26)	Cabinet	Head of Mobility & Street Scene Head of Legal Services/Environmental Programme Manager Senior Environmental Maintenance Officers/Neighbourhood Services Team Leader/Environmental Enforcement Officers/Environmental Enforcement Support Officers/Environmental Enforcement Support Officers Environmental Enforcement Technician Traveller Management Officer
Highway Repairs (Proceedings)		
To respond to Notices served on the Council by persons alleging a highway out of repair: Section 56 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Highways Maintenance Manager.
Road Humps and Traffic Calming		
Powers relating the provision of road humps together with other means of controlling vehicle speeds, reducing accident risks and improving the environment: Sections 90A to 90I Highways Act, 1980 (and amendments) Highways (Road Humps) Regulations 1996, Traffic Signs Regulations General Directions 1994, Road Traffic Regulation Act 1984, The Highways (Traffic Calming) Regulations 1999, The Road Traffic Act, 1991 Traffic Calming Act 1992 The Highways (Traffic Calming) Regulations, 1993	Cabinet	Business Manager – Network Management & Policy
Roadside Levels, Corners, Margins and Widening of Highways		
Provision of roadside margins for horses, livestock and alterations of levels, cutting corners and widening of highways: Sections 71 to 78 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Traffic Management

Functions	Decision Making body	Delegation of Functions
Stopping Up and Diversion of Highways		
Stopping Up and diverting highways and footpaths to enable development to be carried out in accordance with planning permission: Town and Country Planning Act, 1990 S.247, S.248, S.257 Highways Act 1980, S.116	Cabinet	Team Leader Highways Management
Traffic Bollards and Other Obstructions		
Power to erect bollards or other obstructions as the Council considers appropriate for preventing the passage of vehicles prohibited by order/notice: Road Traffic Regulation Act 1984 Part VII (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Traffic Management
Speed Limits		
To exercise the Council's powers regarding the making of orders and issue notices restricting the speed on highways Road Traffic Regulation Act 1984 Parts I, II and VI (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Traffic Management
Traffic Regulation Orders and Notices		
Authority to make all Traffic Regulation Orders and issue Notices relating to Traffic Regulation: Road Traffic Regulations Act, 1984 Road Traffic (Temporary Restrictions) Act, 1991	Cabinet	Team Leader Traffic Management
Traffic Signs		
Placing and replacing etc. of traffic signs Road Traffic Regulation Act 1984 Part V and Sections 65, 66, 68, 69, 71, and 92 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Team Leader Traffic Management
Vehicular Crossings		
Provision of vehicle crossings over an existing footway or verge that is part of the existing highway Highways Act, 1980 S.184 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Highways Maintenance Manager

Functions	Decision Making body	Delegation of Functions
Refuse/Storage Bins in Streets		
Power to provide litter/grit/sand etc. bins in streets S.185 Highways Act 1980 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23) (Council 28.06.07 Minute No. 26)	Cabinet	Engineering Manager Environmental Programme Manager Senior Environmental Maintenance Officers
Bulls		
Power to take proceedings relating to prohibition on keeping bulls on land crossed by public rights of way Section 59 Wildlife & Countryside Act 1981 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Rights of Way Officer Highways Management
Emergencies		
To attend to emergency works out of hours: Various powers	Cabinet	Head of Mobility & Street Scene
Lighting		
Adoption of footway lighting Highways Act 1980 Part V	Cabinet	Team Leader (Street Lighting)
Markets		
To let market stalls: Food Act 1984 Part III	Cabinet	Head of Mobility & Street Scene
Works on Apparatus in the Highway		
To operate all aspects of control regarding opening and reinstatement of highways to enable works e.g. repairs of statutory undertakers apparatus: New Roads and Street Works Act 1991 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Cabinet	Highways Maintenance Manager

Functions	Decision Making body	Delegation of Functions
Housing		
Housing Appeals		
To determine Housing Appeals where an appellant has exceptional personal circumstances. Housing Act 1996 Parts VI and VII (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)	Appeals Committee	Head of Housing Needs & Community Care
Accommodation Agencies		
All powers – except authority to prosecute Accommodation Agencies Act 1953	Cabinet	Housing Enforcement Officer Empty Property/Tenancy Relations Officer
Area Improvement		
All powers except declaration of Housing Action Areas and General Improvement Areas Housing Act 1985 Part VIII	Cabinet	Head of Prevention & Protection
Common Lodging Houses		
Control of Disease Public Health (Control of Disease) Act 1984 S.42	Cabinet	Head of Prevention & Protection
Defective Housing		
Service of Notice as to Management Housing Act 1985 – S.372 The Housing (Enforcement Procedures for Houses in Multiple Occupation) Order 1977	Cabinet	Head of Prevention & Protection Private Sector Housing Manager Housing Enforcement Officers
Functions	Decision Making Body	Delegation of Functions
Defective Premises		
Service of notice – Intention to Remedy Defect Building Act 1984	Cabinet	Private Sector Housing Manager Housing Enforcement Officer
Defective and Unsanitary Premises		
Cleansing of Filthy or Verminous Premises Notice Public Health Act 1936	Cabinet	Private Sector Housing Manager Housing Enforcement Officer
House in Disrepair		
Repair Notices in respect of a property in a state of disrepair but not unfit for human habitation Housing Act 1985 S.190	Cabinet	Head of Prevention & Protection Private Sector Housing Manager Housing Enforcement Officers

Functions	Decision Making body	Delegation of Functions
Drainage		
Repairs Notice/Default Notice Building Act 1984	Cabinet	Head of Prevention & Protection
Housing Grants		
Approval of Renovation Grants The Housing Grants, Construction and Regeneration Act 1996 S.13	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Approval of Common Parts Grants The Housing Grants, Construction and Regeneration Act 1996 S.18	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Approval of Disabled Facilities Grants The Housing Grants, Construction and Regeneration Act 1996 S.24	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Approval of HMO Grants The Housing Grants, Construction and Regeneration Act 1996 S.28	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Recalculation – withholding or repayment of Grant The Housing Grants, Construction and Regeneration Act 1996 S.42	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Repayment of grant where the applicant is not entitled to grant The Housing Grants, Construction and Regeneration Act 1996 S.43	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Repayment of grant on disposal of property The Housing Grants, Construction and Regeneration Act 1996 S.45	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Repayment of grant on disposal of property The Housing Grants, Construction and Regeneration Act 1996 S.46	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Repayment of grant on disposal of property The Housing Grants, Construction and Regeneration Act 1996 S.47	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Repayment of grant in other cases The Housing Grants, Construction and Regeneration Act 1996 S.51	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Payments relating to the death of the applicant The Housing Grants, Construction and Regeneration Act 1996 S.56	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Approval of application for Home Repair Assistance The Housing Grants, Construction and Regeneration Act 1996 S.76	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Service of a Deferred Action Notice The Housing Grants, Construction and Regeneration Act 1996 S.81 The Housing (Fitness Enforcement Procedures) Order 1996	Cabinet	Head of Prevention & Protection Private Sector Housing Manager Housing Enforcement Officers

Functions	Decision Making body	Delegation of Functions
Renewal of a Deferred Action Notice The Housing Grants, Construction and Regeneration Act 1996 S.84	Cabinet	Head of Prevention & Protection Private Sector Housing Manager Housing Enforcement Officers
Determination of charges for Deferred Action Notices The Housing Grants, Construction and Regeneration Act 1996	Cabinet	Head of Prevention & Protection Private Sector Housing Manager
Determination of charges in respect of registered Houses in Multiple Occupation Schemes The Housing Grants, Construction and Regeneration Act 1996 S.87	Cabinet	Head of Prevention & Protection
Approval of introduction of registered schemes for Houses in Multiple Occupation The Housing Grants, Construction and Regeneration Act 1996 S.87	Cabinet	Head of Prevention & Protection
All statutory duties and powers conferred on the Council re: Private Sector Housing (on interim basis) The Housing Grants, Construction and Regeneration Act 1996 S.87	Cabinet	Head of Prevention & Protection
Recovery of Charges for Enforcement Action The Housing Grants, Construction and Regeneration Act 1996 S.88	Cabinet	Head of Prevention & Protection Private Sector Housing Manager Housing Enforcement Officers
Houses in Multiple Occupation		
All powers except making of Control Order and authorising legal proceedings Housing Act 1985 Part XI	Cabinet	Head of Prevention & Protection
Service of Notice as to Fitness Housing Act 1985 – S.352 The Housing (Enforcement Procedures for Houses in Multiple Occupation) Order 1997	Cabinet	Head of Prevention & Protection Private Sector Housing Manager Housing Enforcement Officers
Recovery of Expenses for Services of Notices Housing Act 1985 S.352A	Cabinet	Head of Prevention & Protection Private Sector Housing Manager Housing Enforcement Officers
Authorisation to receive representations in respect of “minded to” notices and to vary the terms of a notice. The Housing (Enforcement Procedures for Houses in Multiple Occupation) Order 1997	Cabinet	Head of Prevention & Protection Private Sector Housing Manager

Functions	Decision Making body	Delegation of Functions
Power to declare a property a House in Multiple Occupation Housing Act 2004 Section 255 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to revoke a HMO declaration Housing Act 2004 Section 256 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to grant a Temporary Exemption from Licensing Housing Act 2004 Section 62 & Schedule 5 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to grant HMO licences Housing Act 2004 Section 63 & Schedule 5 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to determine whether licence holder Fit and Proper Person Housing Act 2004 Section 66 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to refuse a HMO Licence Housing Act 2004 Section 64 & Schedule 5 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to vary or Revoke a HMO Licence Housing Act 2004 Sections 69 and 70 & Schedule 5 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to determine HMO Licence contents and conditions Housing Act 2004 Section 67 & Schedule 4 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer

Functions	Decision Making body	Delegation of Functions
Power to make and operate an Interim Management Order Housing Act 2004 Sections 102, 127 and 131 & Schedule 6 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to make and operate a Final Management Order Housing Act 2004 Sections 113, 127 and 131 and Schedule 6 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to vary or revoke an Interim Management Order Housing Act 2004 Sections 111 and 112 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to vary or revoke a Final Management Order Housing Act 2004 Sections 121 and 122 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to seek a Rent Repayment Order Housing Act 2004 Sections 73 and 74 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to serve an Overcrowding Notice Housing Act 2004 Section 139 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to revoke or vary an Overcrowding Notice Housing Act 2004 Section 144 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to make and operate an Interim Empty Dwelling Management Order Housing Act 2004 Sections 133, 134 and 135 & Schedule 7 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer

Functions	Decision Making body	Delegation of Functions
Power to make and operate a Final Empty Dwelling Order Housing Act 2004 Section 136 and 137 & Schedule 7 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Selective Licensing		
Power to designate the district or an area within the district to be subject to selective licensing Housing Act 2004 Section 80 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection
Power to revoke designation of area of special licensing	Cabinet	Head of Prevention & Protection
Other Powers		
Power to require documents to be produced Housing Act 2004 Section 235 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality & Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to charge for enforcement action Housing Act 2004 Sections 49 and 50 & Schedule 3 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality & Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power of Entry Housing Act 2004 Section 239 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality & Renewal Manager Housing Enforcement Manager Environmental Health Officer
Authority to authorise prosecutions for non-compliance with the provisions contained within the Housing Act 2004 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection
Interests in Land		
To institute court proceedings for the failure to return a requisition for information under the provisions of Section 16 Local Government (Miscellaneous Provisions) Act 1976 (Policy & Resources Cttee – 18 July 2000 – Minute No. PR23)		Head of Legal Services

Functions	Decision Making body	Delegation of Functions
Homeless Persons		
Housing Act 1996 Part VII	Cabinet	Head of Housing Needs & Community Care
Homelessness		
Authority to negotiate with private landlords to lease empty properties Local Government Act 1972 S.120	Cabinet	Head of Housing Needs & Community Care
Housing Standards		
Power to make and enforce an Improvement Notice Housing Act 2004 Section 11 and 12 & Schedules 1 and 3 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to Suspend an Improvement Notice Housing Act 2004 Section 14 & Schedule 1 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to vary or revoke an Improvement Notice Housing Act 2004 Section 16 and Schedule 1 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to make and enforce a Prohibition Notice Housing Act 2004 Section 20 and 21 and Schedules 1 and 2 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to suspend a Prohibition Notice Housing Act 2004 Section 23 and Schedule 2 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to vary or revoke a Prohibition Notice Housing Act 2004 Section 25 & Schedule 2 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer

Functions	Decision Making body	Delegation of Functions
Power to make a Hazard Awareness Notice Housing Act 2004 Section 28 and 29 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to take Emergency Remedial Action Housing Act 2004 Section 40 & Schedule 3 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to take Emergency Prohibition Action Housing Act 2004 Section 43 & Schedule 2 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to make a Demolition Order Housing Act 1985 Section 265 Housing Act 2004 Schedule 9 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Power to make a Special Interim Management Order Housing Act 2004 Section 103 & Schedule 6 (Cabinet 24 April, 2006 – Minute No. CB-209)	Cabinet	Head of Prevention & Protection Housing Quality and Renewal Manager Housing Enforcement Manager Environmental Health Officer
Infestation of Rats or Mice		
Service of notice – Works in Default Prevention of Damage by Pests Act 1949	Cabinet	Private Sector Housing Manager Housing Enforcement Officer Technical Support Officer
Legal Proceedings		
Notice to Quit Local Government Act 1972 – S.222	Cabinet	Head of Housing Needs & Community Care
Authorisation of legal proceedings Local Government Act 1972 – S.222	Cabinet	Head of Housing Needs & Community Care
Decision to evict Local Government Act 1972 – S.222	Cabinet	Head of Housing Needs & Community Care

Functions	Decision Making body	Delegation of Functions
Removal of Squatters Local Government Act 1972 – S.222	Cabinet	Head of Housing Needs & Community Care
Issue of Formal Caution All powers relating to private sector housing landlords and tenants – except authority to prosecute H/O Circular 18/94 – Various	Cabinet	Housing Enforcement Officer – subject to the prior approval of the Private Sector Housing Manager
Authority to Prosecute All powers relating to private sector housing	Cabinet	Head of Prevention & Protection
Housing Maintenance		
Issue and delete job instructions Raising and cancelling invoices for recharges Issue and delete job tickets Ordering work to be repeated without recharge S.111 Local Government Act 1972 (re: Housing Act 1996 Part VII)	Cabinet	Head of Prevention & Protection
Statutory Nuisance		
Service of Notices under Section 80 and Section 81A of the Environmental Protection Act 1990 Environmental Protection Act 1990	Cabinet	Private Sector Housing Manager Housing Enforcement Officer
Recovery of Expenses Environmental Protection Act 1990	Cabinet	Head of Prevention & Protection
Overcrowding		
All powers except authorising prosecutions Housing Act 1985 Part VIII	Cabinet	Head of Prevention & Protection
Protection of Buildings		
Service of notice – Works in Default Recovers Expenses Local Government (Miscellaneous Provisions) Act 1982 S.29	Cabinet	Head of Prevention & Protection
Reconnection of Utilities		
Power to reconnect gas – electricity and water in case of private tenant disconnection Local Government (Miscellaneous Provisions) Act 1976 S.33	Cabinet	Head of Prevention & Protection

Functions	Decision Making body	Delegation of Functions
Housing Register		
Maintenance of the Register Housing Act 1996 SS.161 to 166	Cabinet	Head of Housing Needs & Community Care
Determination of Priority Cases Housing Act 1996 SS.161 to 166	Cabinet	Head of Housing Needs & Community Care
Refusal to register/removal from the Register including High Risk Offenders Housing Act 1996 S.163	Cabinet	Head of Housing Needs & Community Care
Repair Notices		
All powers except authorising prosecutions Housing Act 1985 Part VI	Cabinet	Head of Prevention Protection
Slum Clearance		
Closing Order Housing Act 1985 S.264	Cabinet	Head of Prevention & Protection Private Sector Housing Manager Housing Enforcement Officers
Demolition Order Housing Act 1985 S.265	Cabinet	Head of Prevention & Protection Private Sector Housing Manager Housing Enforcement Officers
The making of demolition, closing and clearance orders and the exercise of slum clearance powers generally.	Cabinet	Head of Prevention & Protection Private Sector Housing Manager Housing Enforcement Officers

Functions	Decision Making body	Delegation of Functions
Tenancy Relations		
Carrying out criminal investigations – unlawful eviction and harassment All powers – except authority to prosecute Protection from Eviction Act 1977	Cabinet	Housing Enforcement Officer Empty Property/Tenancy Relations Officer
Unfit Housing		
All powers except declaration of a Clearance Area – making of a Compulsory Purchase Order and making of Obstructive Building Order Housing Act 1985 Part IX	Cabinet	Head of Prevention & Protection
Repair Notice in respect of a property which is unfit for human habitation Housing Act 1985 S.189	Cabinet	Head of Prevention & Protection Private Sector Housing Manager Housing Enforcement Officers
Ruinous & Dilapidated Buildings		
Section 79 of the Building Act 1984 – Ruinous and dilapidated buildings and neglected sites (relating to empty domestic dwellings) (Cabinet 11 th May 2009 – Minute No. CB-199)	Cabinet	Business Manager: Housing Quality & Renewal Team Manager – Housing Enforcement Environmental Health Officers
Loans and Equity Release Products		
To approve loans and equity release products under the Regulatory Reform (Housing Assistance)(England and Wales) Order 2002 and the Housing Grants, Construction and Regeneration Act 1996 (Cabinet 9 th June 2009 – Minute No. CB-5)	Cabinet	Head of Prevention & Protection
Human Resources		
Contracts of Employment		
To issue Statements of the terms of contracts of employment to employees Trade Union and Employment Rights (Consolidation) Act	Cabinet	Head of Human Resources
Politically Restricted Posts		
Maintenance of a register of politically restricted posts	Cabinet	Head of Human Resources
Protection of Children Pre-Employment Police Checks		
Authority to sign the form of indemnity in respect of any claims which may arise as a result of information given by the Police	Cabinet	Head of Legal Services

Functions	Decision Making body	Delegation of Functions
Salaries and Wages		
Payment of all salaries and wages Local Government Act 1972 S.151	Cabinet	Head of Human Resources
Implementation of all salaries and wage awards Local Government Act 1972 S.151	Cabinet	Head of Human Resources
Implementation of necessary statutory and non-statutory deductions, maintenance of appropriate records and procedures and accountability to appropriate recipient Local Government Act 1972 S.151	Cabinet	Head of Human Resources
Commissioning and managing a regular review of the Chief Executive and Directors' salaries (Council 28 June 2007 Minute No.26)	Personnel Board	Head of Human Resources
Approving the results of the review of the Chief Executive and Directors' salaries (Council 28 June 2007 Minute No.26)	Personnel Board	
Managing the reviews of Heads of Service salaries (Council 28 June 2007 Minute No.26)	Personnel Board	Corporate Director: Resources
Approving the results of reviews of Heads of Service salaries (Council 28 June 2007 Minute No.26)	Personnel Board	
Appointment & Dismissal of Heads of Service		
To appoint and dismiss Heads of Service (Council – 26 June 2008 – Minute No. 27)	Council	Head of Paid Service
Relocation Allowances		
Authority to pay relocation allowances in accordance with the Council's scheme	Cabinet	Head of Human Resources
Early Retirement		
To approve applications for early retirement below Head of Service level (Policy & Resources Committee 30.09.99 Minute Number PR30)	Personnel Board	Head of Human Resources following consultation with Cabinet Member for Resources and relevant service area
Legal Services		
Certificates of Authorisation		
Preparation of certificates of authorisation for named officers to enter premises Various	Cabinet	Head of Legal Services
Parishes		
Parish Trustee – power to seal documents. Local Government Act 1972, S.13	Cabinet	Head of Legal Services

Functions	Decision Making body	Delegation of Functions
Police Authority		
The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of a police authority. Police Act 1996	Cabinet	
Council Meetings		
Issue, service and signature of Summons in relation to attendance at Council Meetings. Local Government Act 1972, Schedule 12. Part 1	Cabinet	Head of Audit & Democracy
Taking and custody of minutes of Council and committee meetings Local Government Act 1972, Schedule 12. Part VI	Cabinet	Head of Audit & Democracy
Documents		
Authentication of documents Local Government Act 1972, S.234	Cabinet	Head of Legal Services
Certification of photographic copies of documents Local Government Act 1972, S.229	Cabinet	Head of Legal Services
Deposit of documents Local Government Act 1972, S.225	Cabinet	Head of Legal Services
Custody of documents Local Government Act 1972, S.224	Cabinet	Head of Legal Services
Attestation of Common Seal	Cabinet	Head of Legal Services
Certification of copies of resolutions relating to adoptive Acts Local Government Act 1972, Schedule 14	Cabinet	Head of Legal Services
To act as deputy to Electoral Registration Officer Representation of the People Act 1983. S.206. Schedule 9. Part II	Cabinet	Head of Audit & Democracy
Legal Proceedings		
The institution and defence of any proceedings in the High Court, County Court, Magistrates' Court, Crown Court or Lands Tribunal or to pursue by way of appeal any action already commenced with due authority in any of these Courts. (Cabinet 24.06.02 Minute Number CB198)	Cabinet	Head of Legal Services
To institute court proceedings for the failure to return a requisition for information under the provisions of Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Cabinet	Head of Legal Services
Signature of all legal proceedings	Cabinet	Head of Legal Services

Functions	Decision Making body	Delegation of Functions
To arrange representation in court for the Council	Cabinet	Head of Legal Services
To settle legal proceedings in the best interests of the Council	Cabinet	Head of Legal Services
To sign any authority required by the Police to prosecute on the Council's behalf in any Magistrates Court	Cabinet	Head of Legal Services
To arrange representation for the Council at any local public inquiry	Cabinet	Head of Legal Services
To institute any necessary proceedings in County Court to recover possession of any council land which is being occupied by trespassers	Cabinet	Head of Legal Services
Court Representation		
To authorise trainee solicitors, legal assistants and education welfare officers to appear in court on behalf of the Council. (Policy & Resources Committee – 14 May 2001 Minute No. PR107)	Cabinet	Head of Legal Services, subject to him/her being satisfied as to their competence
Land Charges		
To act as registrar of Local Land Charge Searches The Local Land Charges Act 1975 The Local Land Charges Rules 1977	Cabinet	Head of Legal Services
To make charges for Land Charge Searches The Local Land Charges Act 1975 The Local Land Charges Rules 1977 (Policy & Resources Cttee February 1998 Minute No. PR107 and Cabinet 24.06.02 Minute No. CB-198)	Cabinet	Head of Legal Services
Commons Registration		
The registration of common land or town and village greens and to register the variation of rights of common as set out in Schedule Commons Registration Act 1 to the Functions Regulations	Licensing Committee	Head of Legal Services
Witness and Receipt of Declarations of Acceptance of Office Local Government Act 1972, S.83	Licensing Committee	Chief Executive All Solicitors
Receipt of Notice of Resignation of Office Local Government Act 1972, S.84	Licensing Committee	Chief Executive or Head of Audit & Democracy
Declaration of vacancy in office of Councillor Local Government Act 1972, S.86	Licensing Committee	Chief Executive or Head of Audit & Democracy

Functions	Decision Making body	Delegation of Functions
Constitution		
To make amendments to the Constitution to reflect minor legislative changes (Council 28 September 2005 (Minute No. 40)	Council	Head of Legal Services following consultation with the Speaker of the Council
To agree future administrative amendments to the 100g(2) List (Council 28 June 2007 Minute No.26)	Council	Head of Audit & Democracy
Leisure & Culture		
Buildings, Plant & Equipment		
Routine maintenance and repair, disposal of worn out or obsolete plant or equipment (within approved estimates and financial regulations) Various	Cabinet	Corporate Director: Community Services Head of Leisure & Culture
Charges		
To amend and approve fees, charges and concessions within Leisure & Culture	Cabinet	Corporate Director: Community Services Head of Leisure & Culture
Cemeteries, Burial Grounds		
Management and regulation Local Government Act 1972 (Council 28.06.07 Minute No. 26)	Cabinet	Corporate Director: Community Services/Head of Leisure & Culture Head of Mobility & Street Scene Environmental Programme Manager/Senior Environmental Maintenance Officers
Grants of exclusive rights of burial, approval of headstones, maintenance of graves, maintenance of closed churchyards and burial grounds Local Government Act 1972 Local Authorities Cemeteries Order 1974	Cabinet	Corporate Director: Community Services Head of Leisure & Culture Head of Mobility & Street Scene

Functions	Decision Making body	Delegation of Functions
Circuses & Fairs		
To hiring out sites for use by circuses and fairs Public Health Act 1875 Open Spaces Act 1906 (Council 28.06.07 Minute No. 26)	Cabinet	Corporate Director: Community Services/Head of Leisure & Culture Head of Mobility & Street Scene Environmental Programme Manager/Senior Environmental Maintenance Officers
Concessionary Charges		
Authority to take action against any person who may be found to be abusing the scheme, including authorisation of prosecution, if necessary	Cabinet	Corporate Director: Community Services Head of Leisure & Culture
Charges		
To amend and approve any fines, charges and concessions by way of overdue items or for the loan of other items and admission to museums	Cabinet	Corporate Director: Community Services Head of Leisure & Culture
Arts		
To amend and approve fees, charges and concessions within the arts and cultural facilities	Cabinet	Corporate Director: Community Services Head of Leisure & Culture
Private Housing Estates – Open Spaces		
The adoption of play areas and open space on private developments Public Health Act 1875 Open Spaces Act 1906 Town & Country Planning Act 1971	Cabinet	Corporate Director: Community Services Head of Leisure & Culture Head of Mobility & Street Scene Environmental Programme Manager Senior Environmental Maintenance Officers
Parks, Recreation Grounds, Allotments, etc.		
Carrying out works in accordance with approved schemes Public Health Act 1875	Cabinet	Corporate Director: Community Services Head of Leisure & Culture

Functions	Decision Making body	Delegation of Functions
Sporting and Recreational Facilities		
Management and regulation of allotments, bowling greens, civic halls, community centres, open spaces, recreation grounds, sports centres, squash courts, swimming pools, tennis courts, golf courses, ice rink, parks, play facilities, letting land and buildings for any term not exceeding three years.	Cabinet	Corporate Director: Community Services Head of Leisure & Culture Head of Community Services and Neighbourhood Management
Licensing		
Various		
Carrying out of police searches for unspent convictions	Cabinet	Principal Licensing Officer
Animal Boarding Establishments Animal Boarding Establishments Act 1963 (General Purposes and Licensing Board – 24.09.03 – Minute Number GP-17)	Licensing Committee	Principal Licensing Officer Licensing Officer
Licensing and inspection – all powers Caravan Sites and Control of Development Act 1960 Caravan Sites Act 1968, Mobile Homes Act 1983	Licensing Committee	Head of Prevention & Protection
Powers in connection with the provision and management of sites for the accommodation of “gipsies” Caravan Sites and Control of Development Act 1960	Licensing Committee	Head of Mobility & Street Scene Manager – Engineering Management Manager – Transport Policy & Management
Dangerous Wild Animals –Dangerous Wild Animals Act 1976 (General Purposes & Licensing Board – 24.09.03 – Minute Number GP-17)	Licensing Committee	Principal Licensing Officer Licensing Officer
Dog Breeders Breeding of Dogs Act 1973 & 1991/Breeding and Sale of Dogs (Welfare) Act 1999 (General Purposes & Licensing Board – 24.09.03 – Minute Number GP-17)	Licensing Committee	Principal Licensing Officer Licensing Officer
Game Dealers Licence Game Dealers Act 1831 (General Purposes & Licensing Board 21.03.02 Minute Number GP25) (General Purposes Board – 31.01.06 – Minute No. GP-46)	Licensing Committee	Environmental Health Manager Environmental Health Team Manager
All powers of entry, inspection and enforcement in relation to hackney carriage and private hire vehicles, drivers and operators (except authority to prosecute) Hackney Carriages and Private Hire Vehicles and Drivers Town Police Clauses Act 1847; Local Government (Miscellaneous) Provisions Act 1976 (Policy & Resources Committee 24.02.77– Minute No. 945 and Council 09.03.77 Minute No. 983	Licensing Committee	Principal Licensing Officer

Functions	Decision Making body	Delegation of Functions
Power of entry and inspection Local Government (Miscellaneous Provisions) Act 1976, s.68 and Part II, and 1982 s.14 Public Health (Control of Disease) Act 1984, s. 50 and s.51 (General Purposes & Licensing Board – 24.09.03 – Minute Number GP-17)	Licensing Committee	Principal Licensing Officer Licensing Officer
Issue of hackney carriage and private hire licences – Local Government (Miscellaneous Provisions) Act 1976	Licensing Committee	Principal Licensing Officer
Refusal of hackney carriage or private hire licences – Local Government (Miscellaneous Provisions) Act 1976 (General Purposes & Licensing Board 21.03.02 Minute Number GP25)	Licensing Committee	Principal Licensing Officer
Authority to revoke private hire drivers' licences and hackney carriage drivers' licences when the holders have been disqualified from driving by the appropriate court – Local Government (Miscellaneous Provisions) Act 1976	Licensing Committee	Head of Prevention & Protection
Revocation of hackney carriage or private hire licences – Local Government (Miscellaneous Provisions) Act 1976 (General Purposes & Licensing Board 21.03.02 Minute Number GP25)	Licensing Committee	Principal Licensing Officer following consultation with Chairman of the Licensing Committee
Suspension of hackney carriage and private hire licences – Local Government (Miscellaneous Provisions) Act 1976 (General Purposes & Licensing Board 21.03.02 Minute Number GP25)	Licensing Committee	Principal Licensing Officer
To instruct Legal Services to apply for bail conditions in appropriate cases following the suspension of a private hire and hackney carriage licence (General Purposes & Licensing Board 5 October 2004 – Minute No. GP34)	Licensing Committee	Principal Licensing Officer
Authority to prosecute hackney carriage and private hire licence holders (General Purposes & Licensing Board 21.03.02 Minute Number GP25)	Licensing Committee	Principal Licensing Officer in consultation with the Head of Legal Services
To undertake such tests and inspections of vehicles as are necessary and to serve such notices or suspensions of vehicle licences as are necessary Section 68, Local Government (Miscellaneous Provisions) Act 1976	Licensing Committee	Principal Licensing Officer Licensing Officer
Performing Animals (Regulation) Act 1925 (General Purposes & Licensing Board – 24.09.03 – Minute Number GP-17)	Licensing Committee	Principal Licensing Officer Licensing Officer
House to House Collections – House to House Collections Act 1939	Licensing Committee	Head of Prevention and Protection

Functions	Decision Making body	Delegation of Functions
Pet Shops Pet Animals Act 1951 (General Purposes & Licensing Board – 24.09.03 – Minute Number GP-17)	Licensing Committee	Principal Licensing Officer Licensing Officer
To licence Private Hire Operators Local Government (Miscellaneous Provisions) Act 1976	Licensing Committee	Principal Licensing Officer Licensing Officer
Riding Establishments Riding Establishments Acts 1964 & 1970 (General Purposes & Licensing Board – 24.09.03 – Minute Number GP-17)	Licensing Committee	Principal Licensing Officer Licensing Officer
Scrap Metal Dealers Licence Scrap Metal Dealers Act 1964 (General Purposes & Licensing Board – 24.09.03 – Minute Number GP-17)	Licensing Committee	Principal Licensing Officer Licensing Officer
Street Collections Police, Factories, etc., (Miscellaneous Provisions) Act 1916 and Local Government Act 1972	Licensing Committee	Head of Prevention and Protection
Street Trading Consents Local Government (Miscellaneous Provisions) Act 1982 (General Purposes & Licensing Board 21.03.02 Minute Number GP25)	Licensing Committee	Principal Licensing Officer Licensing Officer
Authority to deal with any ad hoc applications for street collection permits which may be received	Licensing Committee	Head of Prevention and Protection
Street Naming & Numbering Town Improvement Clauses Act 1847 Public Health Act 1925	Licensing Committee	Head of Mobility & Street Scene (following consultation with Chairman & Vice-Chairman of Licensing Committee)
Sex Establishment Licence – Local Government (Miscellaneous Provisions) Act 1982 (General Purposes & Licensing Board 21.03.02 Minute Number GP25)	Licensing Committee	Principal Licensing Officer
Canal Boats – Canal Boats Regulations 1878 (General Purposes & Licensing Board 21.03.02 Minute Number GP25)	Licensing Committee	Principal Licensing Officer
Pleasure Boats- Public Health Amendment Act 1907 (General Purposes & Licensing Board 21.03.02 Minute Number GP25)	Licensing Committee	Principal Licensing Officer
Pool Promoters – Betting, Gaming & Lotteries Act 1963 (General Purposes & Licensing Board 21.03.02 Minute Number GP25)	Licensing Committee	Principal Licensing Officer
Zoo Licensing Zoo Licensing Act 1981 (General Purposes & Licensing Board – 24.09.03 – Minute Number GP-17)	Licensing Committee	Principal Licensing Officer Licensing Officer

Functions	Decision Making body	Delegation of Functions
Power to grant licences under the Motor Salvage Operators Registration Scheme Power to issue a Notice of Proposed Refusal of Application Vehicle Crimes Act 2001 Motor Salvage Operators Regulations 2002 (General Purposes & Licensing Board 11.03.03 Minute Number GP56)	Licensing Committee	Principal Licensing Officer
To send copies of byelaws for parish records and to the County Council Local Government Act 1972, S.236	Licensing Committee	Head of Legal Services
Certification of Byelaws Local Government Act 1972, S.238	Licensing Committee	Head of Legal Services
Licensing Act 2003		
Application for Personal Licence where no representations have been made (Licensing Committee – 8 February 2005 –Minute No. LC3)	Licensing Committee	Principal Licensing Officer
Application for Premises Licence/Club Premises Certificate where no representations have been made (Licensing Committee – 8 February 2005 –Minute No. LC3)	Licensing Committee	Principal Licensing Officer
Application for Provisional Statement where no representations have been made (Licensing Committee – 8 February 2005 –Minute No. LC3)	Licensing Committee	Principal Licensing Officer
Application to vary Premises Licence/Club Registration Certificate where no representations have been made (Licensing Committee – 8 February 2005 –Minute No. LC3)	Licensing Committee	Principal Licensing Officer
Application to vary Designated Personal Licence Holder where no representations have been made by the Police (Licensing Committee – 8 February 2005 –Minute No. LC3)	Licensing Committee	Principal Licensing Officer
Request to be removed as Designated Personal Licence Holder (Licensing Committee – 8 February 2005 –Minute No. LC3)	Licensing Committee	Principal Licensing Officer
Application for transfer of Premises Licence where no representations have been made by the Police (Licensing Committee – 8 February 2005 –Minute No. LC3)	Licensing Committee	Principal Licensing Officer
Application for Interim Authorities where no representations have been made by the Police (Licensing Committee – 8 February 2005 –Minute No. LC3)	Licensing Committee	Principal Licensing Officer
Decision on whether a complaint is repetitious, frivolous, vexatious, etc. (Licensing Committee – 8 February 2005 –Minute No. LC3)	Licensing Committee	Principal Licensing Officer

Functions	Decision Making body	Delegation of Functions
Decision to object when local authority is a consultee and not the lead authority (Licensing Committee – 8 February 2005 –Minute No. LC3)	Licensing Committee	Principal Licensing Officer
All powers of entry, inspection and enforcement under Licensing Act 2003 except authority to prosecute (Licensing Committee – 4 October 2005 – Minute No. LC8) Licensing Committee – Licensing Committee – 8 December 2010 –Minute No. LC-88	Licensing Committee	Principal Licensing Officer Licensing Officer Enforcement Officer Senior Project Officer
Authority to Prosecute (Licensing Committee – 4 October 2005 – Minute No. LC8)	Licensing Committee	Principal Licensing Officer
Approval and determination of applications for minor variations Licensing Act 2003 (Premises Licences and Club Premises Certificates)(Miscellaneous Amendments) Regulations 2009 (Licensing Committee – 3 August 2009 – Minute No. LC-37)	Licensing Committee	Licensing Operations Manager
Closure Notices		
Section 19 of the Criminal Justice & Police Act 2001 – authority to issue and cancel closure notices relating to the unlicensed sale of intoxicating liquor (Cabinet 11 th May 2009 – Minute No. CB-199)	Cabinet	Licensing Officers Licensing Enforcement Officers Environmental Health Officers Environmental Health Enforcement Officers Trading Standards Officers Trading Standards Enforcement Officers
Gambling Act 2005		
Application for premises licence where no representations received/representations have been withdrawn (Licensing Committee 17 April 2007 – Minute No. LC8)	Licensing Committee	Regulation & Resilience Manager Principal Licensing Officer Licensing Officer
Application for a variation to a licence where no representations received/representations have been withdrawn (Licensing Committee 17 April 2007 – Minute No. LC8)	Licensing Committee	Regulation & Resilience Manager Principal Licensing Officer Licensing Officer
Application for a transfer of a licence where no representations received from Gambling Commission (Licensing Committee 17 April 2007 – Minute No. LC8)	Licensing Committee	Regulation & Resilience Manager Principal Licensing Officer Licensing Officer

Functions	Decision Making body	Delegation of Functions
Application for a provisional statement where no representations received/representations have been withdrawn (Licensing Committee 17 April 2007 – Minute No. LC8)	Licensing Committee	Regulation & Resilience Manager Principal Licensing Officer Licensing Officer
Application for Reinstatement where no representations received/representations have been withdrawn (Licensing Committee 17 April 2007 – Minute No. LC8)	Licensing Committee	Regulation & Resilience Manager Principal Licensing Officer Licensing Officer
Application for club gaming/club machine permits where no objections made representations have been withdrawn (Licensing Committee 17 April 2007 – Minute No. LC8)	Licensing Committee	Regulation & Resilience Manager Principal Licensing Officer Licensing Officer
Applications for other permits (Licensing Committee 17 April 2007 – Minute No. LC8)	Licensing Committee	Regulation & Resilience Manager Principal Licensing Officer Licensing Officer
Cancellation of licensed premises gaming machine permits (Licensing Committee 17 April 2007 – Minute No. LC8)	Licensing Committee	Regulation & Resilience Manager Principal Licensing Officer Licensing Officer
Consideration of temporary use notice (Licensing Committee 17 April 2007 – Minute No. LC8)	Licensing Committee	Regulation & Resilience Manager Principal Licensing Officer Licensing Officer
Public Protection		
Power to serve unauthorised sales closure notices on any premises being used or have been used within the last twenty-four hours for the sale of alcohol on or in the vicinity of the premises without a licence; or any premises that have not acted in accordance with the conditions of their licence for the sale of alcohol by retail (except authority to prosecute) Criminal Justice & Police Act 2001 Licensing Committee 29 th March 2010 – Minute No. LC-135	Licensing Committee	Service Delivery Manager Public Protection Licensing Operations Manager Environmental Health Team Leader Environmental Health Officer Enforcement Officer (with or without prefix) Night Time Economy Officer Trading Standards Officer Trading Standards Operations Manager

Functions	Decision Making body	Delegation of Functions
Authority to prosecute and/or seek a closure order from a Magistrates Court Criminal Justice & Police Act 2001	Licensing Committee	Head of Service Delivery Community Protection Service Delivery Manager Public Protection
Members and Local Democracy		
Appointments		
The appointment of any individual- (a) to any office other than an office in which he is employed by the authority; (b) to any body other than (i) the authority, (ii) a joint committee of two or more authorities; or to any committee or sub-committee of such a body, and the revocation of any such appointment	Cabinet	
Notices of Interests		
Receipt of notices of interests Local Government Act 2000, Section 81	Council	Head of Legal Services (Monitoring Officer)
Keeping records of disclosures and notices of interests Local Government Act 2000, Section 81	Council	Head of Legal Services (Monitoring Officer)
Attendance Allowance/Financial Loss Allowance		
Receipt of notice from member to be treated as eligible for attendance allowance rather than financial loss allowance Local Government Act 1972, S.173	Cabinet	Head of Finance
Vacancies		
Date of casual vacancies Local Government Act 1972, S.87	Licensing Committee	Chief Executive or Head of Audit & Democracy
Filling of casual vacancy in the case of Chair, etc. Local Government Act 1972, S.88	Licensing Committee	Chief Executive or Head Audit & Democracy

Functions	Decision Making body	Delegation of Functions
Filling of casual vacancies in the case of Councillors Local Government Act 1972, S.89	Licensing Committee	Chief Executive or Head of Audit & Democracy
Miscellaneous Functions		
Appeals		
To hear and determine any appeals by an employee of the Council against dismissal.	Appeals Committee	
To hear and determine any appeals arising out of the Council's function as a housing authority.	Appeals Committee	
To hear and determine matters in relation to employee grievances	Appeals Committee	
To hear and determine appeals against decisions relating to school transport	Appeals Committee	
Appointments		
The appointment of review boards for the determination of claims and reviews under the Social Security Act 1998 Social Security Act 1998 s.34 (4)	Council	
The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996. Police Act 1996 sch.2	Council	
Access to Information		
(a) Appointment of proper officers Local Government (Access to Information) Act 1981	Cabinet	Chief Executive All Corporate Directors All Heads of Service
(b) Authority to do all things necessary to give effect to the provisions of the Act and appointment as proper officers for the purposes of interpreting the Act	Cabinet	Chief Executive Corporate Director: Resources
The Conduct of Best Value Reviews. Local Government Act 1999,s.5	Cabinet	
Public Relations		
Issue of press statements, briefing notices etc.	Cabinet	Corporate Communications Manager
Head of Paid Service and Monitoring Officer		
(a) Role of Head of Paid Service of the Council Local Government and Housing Act 1989	Cabinet	Chief Executive
(b) Role of the Council's Monitoring Officer	Cabinet	Head of Legal Services

Functions	Decision Making body	Delegation of Functions
Allocation and Control of Resources		
To be responsible for allocating and controlling the financial, employee, real property, intellectual property and other resources of the Council. (Cabinet 24.06.02 Minute Number 198)	Cabinet	Section 151 Officer, Head of Human Resources, Head of Asset & Property Management and Head of Information & Computer Technology
Organised and Systematic Management Process		
To secure the development and operation of an organised and systematic management process, designed to ensure that the corporate vision adopted by the Council is attained in the most efficient manner. (Cabinet 24.06.02 Minute Number 198)	Cabinet	Chief Executive
Employment Business Grants		
To approve submissions and to approve the awarding of a business grant	Cabinet	Head of Economic Development
Preservation of Local Partnership		
Authority to take all steps necessary or desirable (within the powers of the Council) to prevent an adverse change in control or management of Telford United and/or the Trust and to preserve the current relationships between the Council, Telford United and the Trust. Approval for the Chief Executive to act as Trustee of any body established to represent the interests of the local partnership. (Cabinet 10 December 2007 – Minute No. CB-91)	Cabinet	Chief Executive
Regeneration		
Renewal Area		
Exercise of those powers granted to the Council as a result of the declaration of a Renewal Area Local Government & Housing Act 1989 s.89 and powers contained in s.93 & 94	Cabinet	Head of Economic Development Head of Prevention & Protection Head of Asset & Property Management
Heritage Economic Regeneration Scheme, Ironbridge Gorge World Heritage Site		
Authority to determine Heritage Economic Regeneration Scheme (HERS) in accordance with the scheme drawn up in conjunction with Cabinet Member: Regeneration and Cabinet Member: Community Services (Cabinet 16.06.03 Minute No. CB-8)	Cabinet	Head of Planning & Environment

Functions	Decision Making body	Delegation of Functions
Planning		
Appeals		
Responding to appeals against refusal of planning applications or against conditions Town & Country Planning Act 1990 Part III	Plans Board	Head of Planning & Environment Manager – Development & Design Area Planning Officers, Head of Legal Services
Determination of Applications		
Determination of planning applications, deemed planning applications, Listed Building applications, Advertisement applications, Conservation Area consents Town & Country Planning Act 1990 Part III Planning (Listed Buildings and Conservation Areas) Act 1990 Town & Country Planning (Control of Advertisements) Regulations 1992	Plans Board	Head of Planning & Environment Manager – Development & Design Area Planning Officers
Planning & Conservation		
Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (“the Functions Regulations”) (as amended).	Plans Board	Head of Planning & Environment/ Manager Development & Design/ Head of Legal Services/Area Planning Officers
Determination of Hedgerows		
Determination of Hedgerows The Hedgerows Regulations 1997 Removal and Retention Notices	Plans Board	Manager – Development & Design Area Planning Officers
Powers in respect of High Hedges See under Corporate Enforcement Policy	Plans Board	
Certificate of Alternative Development		
Certificate of Alternative Development Land Compensation Act 1961	Plans Board	Head of Planning & Environment Manager – Development & Design

Functions	Decision Making body	Delegation of Functions
Certificate of Lawfulness		
Certificate of Lawfulness of existing use or development and Certificate of Lawfulness of proposed use or development Approval for issue and refusal to issue Town & Country Planning Act 1990	Plans Board	Head of Legal Services
Enforcement		
The obtaining of information as to interests in land Town and Country Planning Act 1990 s.330	Plans Board	Manager Design & Development, Area Planning Officers, Planning Enforcement Officers
The obtaining of particulars of persons interested in land Local Government (Miscellaneous Provisions) Act 1976 s.16	Plans Board	Manager Design & Development, Area Planning Officer, Planning Enforcement Officers
The issuing and serving of a Stop Notice in respect of unauthorised development Town & Country Planning Act 1990	Plans Board	Head of Planning & Environment
The issue and serving of a Hazardous Substance Contravention Notice Section 24 Planning (Hazardous Substances) Act 1990 (Policy & Resources Cttee – 02.11.95 Minute No. 248)	Plans Board	Head of Planning & Environment Head of Legal Services
To issue and serve a Discontinuance Notice Regulation 8 Town & Country Planning (Control of Advertisements) Regulations 1989 (Policy & Resources Cttee – 02.11.95 Minute No. 248)	Plans Board	Head of Planning & Environment Head of Legal Services
To authorise the undertaking of Works In Default (Policy & Resources Cttee – 02.11.95 Minute No. 248)	Plans Board	Head of Planning & Environment Head of Legal Services

Functions	Decision Making body	Delegation of Functions
To authorise prosecution proceedings in respect of; Unauthorised works to Listed Buildings and Conservation Areas; Flyposting Unauthorised Works to TPO trees and trees in Conservation Areas Unauthorised advertisements Failure to supply information Breach of Enforcement Notice Breach of Stop Notice Breach of Breach of Condition Notice Breach of Section 215 (Untidy Land) Notice Breach of Hazardous Substance Contravention Notice Breach of Listed Building Enforcement Notice Breach of Conservation Area Enforcement Notice (Policy & Resources Cttee – 02.11.95 Minute No. 248)	Plans Board	Head of Planning & Environment Head of Legal Services
Historic Buildings		
Historic building grants	Plans Board	Manager Development & Design Conservation Officers
Town scheme grants	Plans Board	Manager Development & Design Conservation Officers
Receipt on deposit of lists of buildings of special historic or architectural interest Planning (Listed Buildings and Conservation Areas) Act 1990	Plans Board	Head of Planning & Environment
Repairs Notice Planning (Listed Buildings and Conservation Areas) Act 1990	Plans Board	Head of Planning & Environment Manager-Development & Design Head of Legal Services
Trees – Protection		
The making of Provisional (Emergency) Tree Preservation Orders and, in the event of there being no objections to the Orders, confirmation of those Orders Town & Country Planning Act 1990	Plans Board	Head of Planning & Environment Manager-Development & Design Head of Legal Services
Notice of intent to undertake tree work in conservation area Town & Country Planning Act 1990	Plans Board	Head of Planning & Environment Manager-Development & Design Area Planning Officers

Functions	Decision Making body	Delegation of Functions
Application for consent to the cutting down, topping, lopping or uprooting of any tree in respect of a Tree Preservation Order	Plans Board	Head of Planning & Environment Manager - Development & Design Area Planning Officers
Tree Replacement Notice Town & Country Planning Act 1990	Plans Board	Head of Planning & Environment Principal Planning Officer Manager - Development & Design Area Planning Officers/ Head of Legal Services
Confirmation of Revocations and Variations in respect of Tree Preservation Orders subject to no objections having been received. (Plans Board 16 November 2005 – Minute No.52)	Plans Board	Head of Audit & Democracy
Ordnance Survey		
Licensee for the reproduction of Ordnance Survey Maps	Cabinet	Corporate Director: Environment & Regeneration
Receipt of applications for verification of reputed boundaries Ordnance Survey Act 1841 S.1 (as amended)	Cabinet	Head of Legal Services
Pastoral Measure		
Authority to deal with proposals - which have no planning implications Pastoral Measures Act 1983	Cabinet	Head of Legal Services
Highways use and regulation		
The exercise of powers relating to the regulation of the use of highways as set out in Schedule 1 to the Functions regulations	Plans Board	Head of Mobility & Street Scene/ Engineering Manager/Manager Network Management & Policy/Team Leader Highways Management
Various		
To exercise the powers and duties of the Council in relation to the preparation, approval, review and monitoring of Local Plans, the Minerals Local Plan and the Waste Local Plan.	Plans Board	Head of Planning & Environment
To authorise agreements and arrangements under Section 106 of the Town and Country Planning Act 1990 and Section 1 of the Planning and Compensation Act 1991 and/or Section 126 of the Housing Act 1974	Plans Board	Head of Planning & Environment Manager Development & Design Area Planning Officers

Functions	Decision Making body	Delegation of Functions
The granting of planning permission under Regulations 3 and 4 of the Town and Country Planning Regulations 1992 for developments by the Council.	Plans Board	Head of Planning & Environment Manager - Development & Design Area Planning Officers
To consider and resolve any appropriate matter under Building Regulations	Plans Board	Architecture, Landscape and Building Manager, Group Building Control Officer/Senior Building Control Officer
To deal with all matters relating to tree Preservation Orders, Building Preservation Notices and Listed Building Consents	Plans Board	Head of Planning & Environment/ Manager Development & Design/Area planning Officers Head of Legal Services
To create and monitor the Council's corporate environmental policy and support its Agenda 21 Programme of action in the wider community. This would involve devising a comprehensive strategy for implementation:- (a) To raise public awareness of the various environmental issues, proposals and developments affecting the area and its citizens; (b) To encourage a positive caring attitude towards the environment generally and to ensure that the Council fulfils its obligations in the global environmental context. (c) To support and encourage the principles and practice of environmental education, in close liaison with the Cabinet	Plans Board	Head of Planning & Environment Manager Development & Design Area planning Officers/ Head of Legal Services
To deal with all planning and building control matters pertaining to wasteland and derelict land and residual action to dangerous buildings.	Plans Board	Head of Planning & Environment Manager Development & design/Architecture, Landscape & Building Manager/Group Building Control Officer
The functions of the council in relation to safety in mines and reservoirs.	Plans Board	Head of Mobility & Street Scene
The functions of the Council in relation to public conveniences.	Plans Board	Head of Mobility & Street Scene
The operation of gully, cesspit and septic tank emptying services.	Plans Board	Head of Mobility & Street Scene
The management and control of all markets and market sites operated by the Council.	Plans Board	Head of Mobility & Street Scene

Functions	Decision Making body	Delegation of Functions
Registration Services		
Marriage and Civil Partnership Premises		
To determine applications from new premises to be approved as a venue for marriage and Civil Partnerships Marriage Act 1949 (as amended by the Marriage Act 1994) and Civil Partnerships Act 2004	Licensing Committee	Proper Officer for Registration Services
Standards in Local Government		
The promotion and maintenance of high standards of conduct within the Council		
To advise the council on the adoption or revision of its Code of Conduct	Standards Committee	
To monitor and advise the council about the operation of its Code of Conduct in the light of best practice, changes in the law, guidance from the Standards Board for England and recommendations of case tribunals under section 80 of the Local Government Act 2000	Standards Committee	
Assistance to members and co-opted members of the authority		
To ensure that all members of the Council and co-optees have access to training in all aspects of the member Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected from local councillors under the Code	Standards Committee	
Other functions		
Functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Local Government Act 2000	Standards Committee	
[List] other functions delegated to the Committee by the Council in accordance with section 54(3) of the Local Government Act 2000, in accordance with any regulations made under that Act	Standards Committee	
Trading Standards		
Petroleum Licensing		
To grant, refuse, suspend and transfer licenses pursuant to the provisions of the Explosives Acts 1875 – 1976 and the Poisons Act 1972 and the Petroleum Consolidation Act 1928 (Cabinet 11 th May 2009 – Minute No. CB-199)	Cabinet	Head of Protection & Prevention Regulation & Resilience Manager Business Manager: Environmental Health & Well-Being

Functions	Decision Making body	Delegation of Functions
To act as Inspectors/Authorised Officers under the Petroleum (Regulations) Act 1928 and 1936 (including any re-enactments and secondary legislation). Petroleum (Regulation) Act 1928/Petroleum (Consolidation) Act 1928 Petroleum (Regulation) Act 1936 Dangerous Substance & Explosives Atmospheres Regulations 2002 Health & Safety At Work ACT 1974 (Cabinet 11 th May 2009 – Minute No. CB-199)	Cabinet	Officers appointed under S.19 Health & Safety at Work. Etc. Act 1974
Animal Welfare		
All matters relating thereto except authorisation to prosecute Animal Welfare Act 2006 (Cabinet 11 th May 2009 – Minute No. CB-199)	Cabinet	Trading Standards Operations Manager Principal Licensing Officer Licensing Officer
Authorisation to prosecute Animal Welfare Act 2006 (Cabinet 11 th May 2009 – Minute No. CB-199)	Cabinet	Head of Prevention & Protection
To grant, refuse, suspend and transfer licences pursuant to the provisions of the Animal Health Act (1981), Agriculture (Miscellaneous Provisions) Act (1976), Agriculture Act (1970), European Communities Act (1972)	Licensing Committee	Head of Prevention & Protection Regulation & Resilience Manager
To act as inspectors, authorised officer, sampling officer, Licensing Officer, authorised officer as the case may be for carrying out the duties of the Council under the legislation set out in the attached Schedule	Cabinet	Regulation & Resilience Manager Trading Standards Operations Manager, staff designated as 'Trading Standards Officer', 'Fair Trading Officer' or 'Enforcement Officer' with or without prefix (as appropriate))
To authorise the institution and defence of proceedings brought under the legislation set out in the attached Schedule	Cabinet	Head of Regulation & Resilience
To designate officers in the programme area as inspectors, sampling officers or authorised officers as the case may be for the purposes of the legislation set out in the attached Schedule	Cabinet	Head of Prevention & Protection
Chief Inspector of Weights and Measures s.72 Weights and Measures Act 1985 (Cabinet 19 November 2009 Minute No. 100)	Licensing Committee	Trading Standards Operations Manager

Functions	Decision Making body	Delegation of Functions
Use of Directed Surveillance and Covert Human Intelligence Sources		
Regulation of Investigatory Powers Act 2000 (to authorise the undertaking of directed surveillance and to make use of covert human intelligence sources subject to certain controls.) (Cabinet 10.02.03 Minute No. CB-318)	Cabinet	Chief Executive/Corporate Director: Environment & Regeneration/Head of Planning & Environment//Head of Mobility Street Scene/Environmental Programme Manager/Highways & Transport Maintenance Manager/ Corporate Director: Community Services/Head of Leisure & Culture/Head of Community & Neighbourhood Services/Community Safety Manager/ Corporate Director: Children & Young People/Head of Safeguarding & Corporate Parenting/Head of School & Community Services/Head of Learning & School Improvement

Functions	Decision Making body	Delegation of Functions
		Head of Asset & Property Management/Environmental Health Team Managers/Corporate Director: Resources/Head of Finance/Head of Audit & Democracy/Audit & Risk Manager/Revenues & Benefits Services Manager/ Head of Human Resources/Human Resources Manager/Head of Legal Services/Corporate Director: Adult & Consumer Care/Head of Prevention & Protection/Business Manager Environmental Health & Well-Being/ Head of Resources & Business Development/Head of Adult Social Care/Private Sector Housing Managers/ Trading Standards Manager/Regulation & Resilience Manager See over

Functions	Decision Making body	Delegation of Functions
	Cabinet	<u>N.B.</u> (i) An officer should not authorise themselves and, if the surveillance is to be undertaken by one of the named officers, the authorisation must be signed by an officer of a higher rank than themselves; (ii) If the operation is likely to result in the obtaining of confidential information (as defined in the Codes of Practice) or the source used is a vulnerable individual or a juvenile, then the authorisation must be from the Head of Paid Service (Chief Executive) or, in their absence, a Corporate Director..
Enforcement of Part III of the Consumer Credit Act 1974 by virtue of Section 101 of the Local Government Act 1972 and Section 13(7) of the Local Government Act 2000 (Cabinet 28 February 2005 – CB-163	Cabinet	Trading Standards Service of Birmingham City Council subject to the terms and conditions contained in the agreement to be entered into with Birmingham City Council relating to said delegated function

Trading Standards – The Schedule

Accommodation Agencies Act 1953
Administration of Justice Acts 1970 and 1985
Agricultural Produce (Grading and Marking) Acts 1928 and 1931
Agriculture (Miscellaneous Provisions) Acts 1954, 1968 and 1978
Agriculture Act 1970
Animal Health Acts 1981 and 2002
Animal Health and Welfare Acts 1984
Animal Welfare Act 2006
Anti-Social Behaviour Act 2003

Business Names Act 1985
Cancer Act 1939
Children and Young Persons (Protection from Tobacco) Act 1991
Children and Young Persons Act 1933

Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Companies Act 1985
Companies Act 2006

Construction Products Regulations 1991
Consumer Credit Act 1974
Consumer Credit Act 2006
Consumer, Estate Agents and Redress Act 2007
Consumer Protection Acts 1961 - 1987
Consumer Safety (Amendment) Act 1986
Control of Pollution Act 1974
Copyright etc. and Trade marks (Offences and Enforcement) Act 2002
Copyright, Designs and Patents Act 1988
Courts and Legal Services Act 1990
Criminal Attempts Act 1981
Criminal Justice Act 1988
Criminal Justice and Public Order Act 1994

Malicious Communications Act 1988
Markets and Fairs (Weighing of Cattle) Acts 1887 to 1926
Medicines Act 1961, 1968 and 1971

Motorcycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991

National Lottery Act 1993
Offensive Weapons Act 1996
Olympic Symbol etc. (Protection) Act 1995
Performing Animals (Regulations) Act 1925
Petroleum (Consolidation) Act 1928

Petroleum (Transfer of Licenses) Act 1936
Plant Health Act 1967
Poisons Act 1972

Prices Act 1974
Property Misdescriptions Act 1991

Protection against Cruel Tethering Act 1988
Protection of Animals (Amendment) Act 1954
Protection of Animals Act 1911
Protection of Children (Tobacco) Act 1986
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic Act 1988
Road Traffic Act 1991

Road Traffic (Offenders) Act 1988

Criminal Justice and Police Act 2001
Criminal Law Act 1977
Crossbows Act 1987

Development of Tourism Act 1969
Dogs Act 1906

Education Reform Act 1988
Energy Act 1976
Enterprise Act 2002
Environmental Protection Act 1990
Estate Agents Act 1979
Explosives Acts 1875, 1923 and 1976
Explosives (Age of Purchase) Act 1976
European Communities Act 1972 and Treaties and Legislation given effect thereunder.

Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Firearms Act 1968
Fireworks Act 2003
Food Act 1984 - Part III

Food and Environment Protection Act 1985

Food Safety Act 1990
Forgery and Counterfeiting Act 1981
Fraud Act 2006
Hallmarking Act 1973

Health and Safety at Work etc. Act 1974
Health Act 2006
Housing Act 2004
Insurance Brokers (Registration) Act 1977

Road Traffic Regulation Act 1984
Road Vehicles (Construction and Use) Regulations 1986
Solicitors Act 1974
Telecommunications Act 1984
Theft Acts 1968
Timeshare Act 1992
Tourism (Sleeping Accommodation Price Display) Orders 1977
Trade Descriptions Act 1968
Trade Marks Acts 1938 and 1994
Trading Representations (Disabled Persons) Acts 1958 - 72
Tobacco Advertising and Promotion Act 2002

Transport Act 1978

Unsolicited Goods and Services Acts 1971 – 75
Unsolicited Goods and Services (Amendment) Act 1975
Video Recordings Acts 1984 and 1993

Weights and Measures Act 1985
Vehicle Crime Act 2001
Violent Crime Reduction Act 2006

Insurance Companies Act 1982
Intoxicating Substances (Supply) Act 1985
Knives Act 1997

Law of Property (Miscellaneous Provisions) Act 1989

FUNCTIONS POWERS AND DUTIES OF

PERSONNEL BOARD

Non-Delegated Matters (i.e. matters to be referred to Council for decision)

1. To make recommendations on the organisational structure for employees, insofar as they are not delegated to the Head of Human Resources
2. To consider and make recommendations on the Human Resources implications of service matters.

Delegated Matters (i.e. matters which can be decided)

1. To advise upon **all** policies dealing with all aspects of the employment of people by the Council and proposals relating to nationally and locally negotiated conditions of service.
2. To consider and approve strategic employment reviews, for example the review under the National Agreement on Pay and Conditions of Service 1997 (Single Status).
3. Power to **deal with all matters relating to the employment of Chief Executive including recruitment, grievance and disciplinary action and dismissals and all related matters, in so far as they are not reserved by law or resolution of Council to Council and are not inconsistent with the Officer Procedure Rules contained in Part 4, Section 8 of the Constitution).**
4. To agree at a strategic level all matters relating to the Council's employees, including:

Terms and conditions

Training and development

Employee relations

Equality of opportunity in employment

5. All functions relating to the local government pension scheme

6. **As and when required to establish a complaints sub committees to consider allegations against Chief Officers and, if not Chief Officers, those officers designated by Council as the Head of Paid Service, Chief Finance Officer or Monitoring Officer and decide whether there is a case to answer, to consider whether suspension of a Chief Officer is appropriate, whether an allegation can be dismissed or whether it requires more detailed investigation and decide, in appropriate circumstances whether or not a Designated Independent Person should be appointed.**

7. Annually review their effectiveness and their terms of reference.

NOTE: The appointment of all staff below the level of Head of Service and day to day interpretation and implementation of all staffing matters and individual terms and conditions are delegated to the Head of Human Resources

Part 4 – Rules of Procedure

Section 6 – Financial Regulations

Index

<u>Point</u>	<u>Description</u>
1	Status of Financial Regulations
2	Responsibilities
3	Financial Planning
4	Accounting Systems, Financial Records and Returns
5	Financial Management and Control – Revenue
6	Financial Management – Capital
7	Taxation and Leasing
8	Controlled Stationery and Authorised Signatories
9	Internal Audit
10	Public Accountability – Responsibilities
11	Purchasing Arrangements
12	Works/Goods/Services - Requisitions, Authorisation, Goods Received and Payments
13	Corporate Credit Cards and the Government Procurement Card (GPC)
14	Cash Income and Debtors
15	Banking Arrangements
16	Payments to Employees
17	Travel and Subsistence
18	Imprests
19	Risk Management
20	Insurance
21	Security and Control of Assets
22	Treasury Management
23	Unofficial and Voluntary Funds

1. Status of Financial Regulations

- 1.1 Financial Regulations are part of the Council's control environment providing a framework for managing the authority's financial affairs and contributing to good corporate governance, internal control and the management of risks.
- 1.2 The Financial Regulations apply to all officers and members of the Council and anyone acting on behalf of the Council. They also apply to any partnerships that the Council is a member of and for which the Council is the accountable body¹.
- 1.3 It is the responsibility of Heads of Service to ensure that all staff in their delivery units are aware of their responsibilities according to the Financial Regulations and comply with them.
- 1.4 Specific positions and/or officers are named in the regulations and it is their responsibility to ensure compliance. However, named officers can delegate their authority to another appropriate officer as long as this delegation has been recorded.
- 1.5 Where the Cabinet has been named in Regulations it will be their responsibility to ensure compliance. The Cabinet can delegate such responsibility to one of its Cabinet members as set out in the Constitution.
- 1.6 All members and officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised and provides value for money.

¹ Where the Council is not the accountable body then the lead Council officer is responsible for ensuring propriety and proper processes are followed so that the Council's reputation is not at risk.

- 1.7 Financial Regulations are set out in self-contained sections, each covering a specific area of control. Each section provides a contact point for further information or clarification. Where appropriate the Regulations are supported by detailed procedure notes and links to these are provided in the document.
- 1.8 Any financial values are summarised in **Appendix A** to allow ease of update.
- 1.9 These Financial Regulations cover all areas of Council activity with the exception of schools which have their own set of regulations as part of the Local Management of schools (LMS) Scheme.
- 1.10 Failure to comply with Financial Regulations, or procedures issued under them, may lead to disciplinary action for employees and an investigation by the section 151/Monitoring Officer for Members.

2 Responsibilities

2.1 Section 151 of the Local Government Act (LGA) 1972 places a duty on the Council to make arrangements for the proper administration of its financial affairs, including the appointment of a Chief Finance Officer.

2.2 Section 114 of the Local Government Finance Act (LGFA) 1988 requires the Chief Finance Officer to report to the Council if the authority, one of its committees, the Cabinet or one of its officers:

- Has made – or is about to make – a decision which has or would result in unlawful expenditure;
- Has taken, or is about to take, an unlawful action which has or would result in a loss or deficiency to the authority; or
- Is about to make an unlawful entry in the Council's accounts.

Section 114 of the LGFA 1988 also requires the Chief Finance Officer to nominate a properly qualified member of staff to deputise, should the Chief Finance Officer be unable to perform the duties under Section 114 personally.

* **The Council** – means the full Council who provide the political and strategic direction of the authority. They approve the policies of the authority, including those for strategy and the budget.

* **The Cabinet** – means the Leader of the Council and the Cabinet members, who propose to Council policy and budget strategies.

* **Chief Finance Officer Responsibilities (s151/s114)** – these have been allocated to an appropriately qualified Corporate Director. and include:

- provision of financial advice for service delivery, strategic planning and policy making across the authority;
- provision of advice on the optimum use of available resources on the management of capital and revenue budgets;
- provision of financial management information;
- preparation of statutory and other accounts, associated grant claims and supporting records;
- provision of an effective internal audit function and assistance to management in providing safe and efficient financial arrangements;
- provision of effective financial management systems and procedures
- provision of effective income collection and payments systems;
- advising on treasury, investment and cash-flow management; and
- advising on the safe custody of assets and insurance.

* **The Head of Governance** has delegated responsibility under the Accounts and Audit Regulations 2003² to maintain an adequate and effective Internal Audit service and has direct responsibility for the operation and support of the Council's Scrutiny function. The Head of

² As updated by the Accounts and Audit (Amendment)(England) Regulations 2006 (SI2006/564)

Governance has the ability to report directly, without fear or favour, to any level within the organisation or to the External Auditor.

- * **Corporate Management Team (Chief Executive, Directors and Assistant Chief Executive)** are responsible for ensuring that Heads of Service provide services that meet the Council's overall policy objectives. This includes ensuring compliance by Heads of Service with the Council's governance arrangements including Financial Regulations and Contract Procedure Rules.
- * **The Chief Executive** is responsible for leading on corporate governance issues throughout the Council.
- * **The Head of Finance** will act as deputy Section 151 Officer
- * **Heads of Service** are responsible for ensuring the delivery of services by their respective Delivery Units. This includes ensuring compliance by Delivery Managers with Financial Regulations and Contract Procedure Rules within their service areas.
- * **Delivery Managers³** are responsible for the day to day provision of services and the management of the associated budget. This includes ensuring that all staff comply with Financial Regulations and Contract Procedure Rules in performance of their duties.

2.3 Financial Training

The Chief Financial Officer should ensure members of the Cabinet and Corporate Management Team have the financial capabilities or facilitate the development of specific skills to enable their roles to be carried out effectively.

The Head of Finance should through senior finance staff identify financial competencies for managers and members and provide adequate financial training to enable them to undertake their roles effectively and understand the financial requirements of the Constitution and associated financial policies and procedures.

3. Financial Planning

3.1 Introduction

The Council is responsible for approving the budget, various plans and policies, which will be proposed by the Cabinet. This will include the policy framework, the budget (including the capital programme) and the Council Plan. See Budget and Policy Framework Procedure Rules within the Constitution.

3.2 Financial Forecasting

The Chief Finance Officer shall, within the general direction of the Cabinet, produce forecasts of financial resources and advise upon the financial and economic implications of medium and long term service development plans and programmes and budget strategies. In exercising this duty he/she shall be mindful of the Accounts and Audit Regulations 2003 (as amended 2006), the Code of Practice on a Prudential Approach to Local Government Commitments and current accepted local government accounting codes and will review levels of reserves and balances and ensure that a robust budget process has been undertaken. The Chief Finance Officer is responsible for the Council's arrangements for under and overspendings to be carried forward to the following year.

- 3.3 The forecasts will indicate the likely changes to the Council's budget for the specified period both in terms of commitments arising out of statutory variations and Council policy and also the likely variations to funding from central or local sources.

³ 'Delivery Managers' also includes managers and/or team leaders with budget and staff responsibilities.

- 3.4 The Cabinet, having considered the forecasts and options for the specified period shall, propose the overall budget strategy to the Council for approval after the consultation process as outlined in the Budget and Policy Framework Procedures Rules within the Constitution.
- 3.5 All matters relating to the financial administration of the authority shall be kept under review by the member of the Cabinet responsible for resources.
- 3.6 The full Council is also responsible for approving procedures and for agreeing variations to approved budgets, plans and strategies forming the policy framework.

CONTACT: Head of Finance

4. Accounting Systems, Financial Records and Returns

- 4.1 Proper accounting records are one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year. These are subject to internal and external audit. This provides assurance that the accounts are properly prepared and proper accounting practices have been followed and that arrangements have been made for securing economy, efficiency and effectiveness in the use of the authority's resource.
- 4.2 The Chief Finance Officer should ensure that there is a proper retention policy for financial documents. The periods for which documents are to be retained is specified in the [retention of records procedure note \(including the Destruction and Retention Schedule\)](#).
- 4.3 The Head of Finance is responsible for determining the accounting systems and procedures adopted by the Council. No variations shall be made to accounting records and procedures without the written agreement of the Head of Finance. In particular Heads of Service should confer with the Head of Finance before introducing or amending any books, forms, records, administrative procedures or computerised systems used in conjunction with accounting for cash, income, expenditure, stores and financial transactions generally.
- 4.4 Heads of Service must maintain through their officers full and accurate records as agreed with the Head of Finance to ensure the availability of all financial, costing and statistical and other information as may be required to fully and accurately maintain the accounts of the Council, and report on its finances. This includes the correct coding of expenditure in line with the CIPFA standard classifications. All accounting records will be maintained in accordance with current CIPFA Codes of Practice,
- 4.5 Heads of Service are responsible for ensuring the completion and submission of Grant applications and financial returns. The Chief Finance Officer/Chief Executive/Audit & Assurance Manager are entitled to such explanations or information as may be required prior to signing and forwarding to the relevant government department or agency. No bid for external funding shall be submitted without approval from the relevant CMT Priority lead and relevant Finance Manager.
- 4.6 Heads of Service are responsible for ensuring adequate records, financial and otherwise, have been maintained for all externally funded schemes subject to audit by the European Commission or grant awarding bodies

CONTACT: Corporate Finance Manager

5. Financial Management and Control – Revenue

- 5.1 The Council is responsible for setting and monitoring compliance with the authority's overall framework of accountability and control via the scrutiny and audit committee processes set out in the constitution. This section of the regulations deals with the preparation and approval of budgets,

budgetary control and variations from budget provision. It applies to all areas of the Council's activities except schools. No expenditure is to be incurred or reduction in income authorised unless covered by these regulations.

5.2 Preparation and Approval of Budget

5.2.1 The Council will approve the overall spending plans of the Council.

5.2.2 The form of revenue estimates shall be determined by the Head of Finance in consultation with Heads of Service within the general guidelines of the Cabinet and relevant professional requirements. Estimates shall be prepared annually before the start of the financial year and revised during the course of the year.

5.2.3 Prior to the commencement of each financial year each Service Delivery Unit should prepare a Service Delivery Plan setting out the Service Delivery Unit's aims and objectives and expenditure and income projections within corporately agreed allocations of resources. These should be agreed with Corporate Management Team (CMT).

5.2.4 Once the council's budget for the year has been approved the Heads of Service and Delivery Managers can authorise expenditure within the limits agreed subject to the separate rules on virement.

5.2.5 The Delivery Managers must exercise appropriate financial control including monitoring income and expenditure on a regular basis.

5.3 Budgetary Control (see also para 4.4 above)

5.3.1 The corporate finance information system determined by the Head of Finance is the Council's prime accounting record. It provides the mechanism for Heads of Service and Delivery Managers to monitor and control budgets.

5.3.2 Heads of Service and Delivery Managers are required to monitor their budgets regularly during the year and take immediate action as necessary. If it is considered that a particular budget head requires increasing, virement must be sought before any overspending occurs (see Virement section). Under no circumstances should expenditure be incurred without appropriate provision being put in place first.

5.3.3 Regular financial updates will be taken to Cabinet.

5.3.4 Generally all Council budgets are prepared on a cash limited (outturn) price base. This means that no supplementary estimates will be provided for inflation increases once budgets have been approved, except in exceptional circumstances.

5.3.5 Unavoidable cost increase, e.g. public utilities, increments etc, for which insufficient allowance has been made at budget time will need to be met by equivalent reductions elsewhere.

5.3.6 All reports to CMT or Members must be cleared by finance staff for financial implications and should be made available to those staff in reasonable time before due for submission.

5.3.7 No Head of Service or Delivery Manager should plan to overspend his/her budget. All expenditure plans should be consistent with Service Delivery Plans. Potential overspends on particular budget heads will have been addressed during the year and, in some cases, virement will have been exercised.

5.4 Supplementary Estimates

5.4.1 The Council sets budgets for gross expenditure and income in the context of a cash limit. Therefore it is important that any additional commitments not covered in Service Delivery Unit budgets, (including where the net budget requirement of the Council is not increased), are funded

by savings elsewhere or additional grant funding and do not increase the net budget requirement of the Council (see Virement section). In exceptional circumstances this may not be possible and if this is the case, approval should be sought from the Council for additional funding.

5.5 Grants

5.5.1 All grant bids must be approved by the relevant CMT Priority lead and a Finance Manager prior to submission.

5.5.2 Acceptance of grant terms must also be approved by the relevant Head of Service and a Finance Manager.

5.5.3 All grant claims must be certified by a Finance Manager subject to the conditions of the grant awarding body.

5.6 Virement

5.6.1 Virement between budget heads is an integral and important feature of budgetary control. It provides Senior Managers with the flexibility to adapt expenditure patterns which they consider appropriate in meeting changing locally determined service needs and objectives consistent with Council policy. The ability to exercise virement applies to all controllable budgets.

5.6.2 Virement may be necessary for several reasons. For example:

- * unforeseen cost increases,
- * demand for a particular service, in line with existing policies, exceeding estimates,
- * a local requirement to provide a different service from that anticipated at budget time for a particular client or to meet a particular situation, or
- * utilising efficiency or other savings.

5.6.3 Except where allowed under the scheme of virement only the Council can approve changes to the budget it has previously agreed.

5.6.4 Heads of Service, in consultation with the relevant Finance Manager, shall have the authority to make virements **within** each approved service delivery unit budget provided:

- It is within the overall policy framework;
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.

5.6.5 The Head of Finance, in consultation with the relevant Finance Manager and relevant Heads of Service, shall have the authority to make virements **between** service delivery units provided:

- The amount does not exceed £50,000 (**LIMIT G**)
- It is within the overall policy framework
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.

For amounts over £50,000 Heads of Service and the Chief Finance Officer, shall have the authority to make virements **between** service delivery units with Cabinet approval provided that

- It is within the policy framework
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.
- The amount does not exceed £250,000

For amounts above £250,000s approval by full Council is required.

- 5.6.6 All virement decisions must be notified to the relevant Finance Manager (and the financial information system updated) before expenditure is incurred.

CONTACT: Corporate Finance Manager

5.7 Reserves & Balances and the Robustness of Estimates

- 5.7.1 The budget report will contain a comment by the CFO (Chief Finance Officer) on the robustness of the estimates and the adequacy of reserves, in accordance with the requirements of the Local Government Act 2003 and CIPFA guidance. The CFO must also be satisfied that the decisions taken on balances and reserves represent proper stewardship of public funds.
- 5.7.2 Specifically, the budget report will include a statement on the adequacy of general reserves and provisions for the forthcoming year, linked to the medium term financial strategy.
- 5.7.3 An annual review of earmarked reserves will be undertaken as part of the budget preparation process and a statement will be presented to Council alongside the budget report.
- 5.7.4 The level and purpose of reserves and balances held must be clearly defined and justified by Heads of Service. Further regular reviews should be undertaken to ensure continuing relevance and adequacy.
- 5.7.5 There is no statutory minimum level of reserves required. This will be a matter of local judgement determined by the CFO but following relevant national guidance.

CONTACT: Corporate Finance Manager

6. Financial Management – Capital

- 6.1 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings and major items of plant and equipment or vehicles. Capital assets shape the way services are delivered for the long-term and create financial commitments for the future in the form of financing costs and revenue running costs.
- 6.2 The Council will comply with the requirements of CIPFA's Prudential Code for Capital Finance in Local Authorities and will set and monitor a range of Prudential Indicators accordingly to ensure that borrowing is affordable, prudent and sustainable.
- 6.3 The Council will determine the capital programme for the Authority in line with overall Corporate Priorities, the Council's Asset Management Plan, Capital Strategy and availability of funding.
- 6.4 The capital programme shall focus on the medium term service & financial planning period but reflect the total cost and phasing of each approved scheme along with the proposed source(s) of funding.
- 6.5 The capital programme will demonstrate:
- the original and revised total estimated cost of each scheme
 - actual expenditure to the end of the previous financial year
 - forecast phased expenditure for the current and subsequent years
 - the revenue budget implications of the proposed programme
- 6.6 The Head of Finance shall determine the method of funding for each capital scheme, having consulted with the relevant Head of Service and working within the context of the various capital

resources available. All proposed investments should be subject to an appropriate level of analysis/appraisal by the relevant service area before commitment.

- 6.7 The Head of Finance shall ensure that an effective monitoring system is in place during the year to control capital expenditure. Heads of Service will be responsible for notifying the Head of Finance if it seems likely that there will be a significant variation in spending on a scheme. Variations may be permitted only if they can be accommodated by virement within the total capital resources available.
- 6.8 Variations, subject to the following limits, can be approved by those designated below if there is no significant impact on the delivery of individual elements of the capital programme and/or on the overall capital strategy.
- (a) Up to £50,000 (**LIMIT G**) – Head of Finance in consultation with the relevant Head of Service
 - (b) Over £50,000 up to £250,000 (**LIMIT K**) – Cabinet approval required
 - (c) Over £250,000 (**LIMIT R**) – the Council.
- 6.9 Any capital expenditure over £50,000 even if entirely covered by additional external funding but outside the approved capital programme, must be approved by Council.

CONTACT: Corporate Finance Manager

7. Taxation and Leasing

Taxation

- 7.1 Like all organisations, the Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers and members to be aware of their roles and responsibilities.
- 7.2 It is the responsibility of Heads of Services to ensure compliance with all tax regulations relating to their Delivery Units. This will include Income Tax, National Insurance, V.A.T. and tax accounted for under C.I.S. If in doubt, Heads of Services should consult with the Head of Finance. Delivery Units will be liable for any costs, including any penalties and interest charged for incorrect tax treatment.
- 7.3 Detailed [guidance on taxation issues is incorporated within specific procedure notes](#).

Leasing

- 7.4 Leasing is a method of financing the acquisition of certain types of capital assets and allows the cost to be spread over several financial years through annual rentals. It is a specialised area of finance with complex legal and financial agreements. Leasing arrangements may only therefore, be entered into by the Head of Finance or his designated officer. Normal contract procedures should be followed in relation to leasing arrangements. [See Part 4, Section 7, Contracts Procedure Rules]
- 7.5 Detailed guidance on leasing issues are incorporated within specific procedure notes on the Intranet.

CONTACT: Corporate Finance Manager

8. Controlled Stationery and Authorised Signatories

- 8.1 All cheques and other controlled stationery, including receipt books, invoices, and Electronic Fund Transfer (E.F.T.) forms may only be ordered by the Head of Finance or an authorised representative who shall make proper arrangements for their safekeeping.

- 8.2 Heads of Service are responsible for maintaining a listing of authorised signatories in the form prescribed by the Head of Finance.
- 8.3 Only authorised signatories may commit the Council to expenditure, including electronically, in line with [relevant procedure notes](#) by:
- Authorising Orders
 - Certifying expenses claims
 - Authorising petty cash purchase
 - Certifying timesheets and overtime claims
 - Signing and awarding contracts (see also Section 7, Contract Procedure Rules)

More than one officer should be involved in the authorising process.

- 8.4 A financial limit shall be prescribed for all officers. The Head of Finance in consultation with the Head of Governance shall be responsible for establishing a consistent framework for financial limits across the Council based on the roles and the responsibilities of officers.
- 8.5 Heads of Service are responsible for informing the Head of Finance of any changes to authorised signatories and the responsibilities of officers.

CONTACT:

For authorised signatories: Finance Officers

For controlled stationery: Property & ICT Administration

9. Internal Audit

- 9.1 The Chief Financial Officer under section 114 of the LGFA 1988 and the Accounts and Audit Regulations 2003 (as amended 2006) has a statutory responsibility for the overall financial administration of the Council's affairs. Section 6 of the Accounts and Audit Regulations 2003 (as amended 2006), says that the authority "shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with proper practices in relation to internal control,..". The Chief Financial Officer shall, therefore, in accordance with relevant legislation arrange for a continuous and current internal audit of all areas of Council activities.

- 9.2 "Proper internal control practices" are defined in the guidance on the Accounts and Audit Regulations 2003 (as amended 2006)⁴ as the CIPFA publication – "Code of Practice for Internal Audit in Local Government in the United Kingdom". Internal Audit will operate to this Code and any other relevant guidance. The definition of Internal Audit within the Code is:

Internal Audit is an assurance function that provides an independent and objective opinion to the organisation on the control environment⁵ by evaluating its effectiveness in achieving the organisation's objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.

- 9.3 As the definition outlines Internal Audit has a key role to play in independently reviewing the Council's⁶ arrangements for corporate governance, risk management and internal control. It contributes an objective opinion to the Council's Annual Governance Statement (including the Statement on Internal Control).
- 9.4 The existence of a continuous internal audit service does not in any way diminish the responsibility of Corporate Directors for the delivery of priorities and Heads of Service for the management of the

⁴ Department for Communities and Local Government Circular 03/2006 dated 18/08/06

⁵ The control environment comprises the systems of governance, risk management and internal control.

⁶ Internal Audit's remit extends to the entire control environment of the Council

Delivery Units under their control and their responsibilities in respect to risk management and the systems of internal control.

- 9.5 The Audit & Assurance Manager should ensure that Internal Audit remains independent in its planning and operation. The Audit & Assurance Manager should be responsible for maintaining periodic audit plans which have due regard for the key strategic risks of the authority, the risks involved for each service area in delivering their services and the requirements of the external auditor. The plan will deliver work to provide reasonable assurance to the Council based on the resources available. The Audit & Assurance Manager must report to the s151 officer or the Audit Committee if there are insufficient resources or limitations in the scope of their work to provide reasonable assurance or a service consistent with the definition of Internal Audit in paragraph 9.2.
- 9.6 It is the responsibility of Audit & Assurance to review, evaluate and report upon
- the soundness and adequacy of accounting records and the system of internal controls to provide their assurance for the Annual Governance Statement;
 - the extent to which the Council's assets and interests are accounted for and safeguarded from losses of all kinds arising from:
 - fraud and other offences
 - waste extravagance and inefficient administration, poor value for money or other cause
 - the suitability and reliability of financial and other management data developed within the organisation.
 - The soundness and adequacy of the data quality systems operating to collect and report on performance information
 - The corporate governance arrangements of the Council
 - The risk management processes of the Council both at Strategic and Service Delivery level
- 9.7 The Chief Finance Officer's authorised Audit & Assurance representatives shall be empowered to:
- enter at all reasonable times any Council premises or land
 - have access to all Council and partner records⁷, documentation and correspondence relating to any financial and/or other transactions or other business of the Council, its employees or members, as considered necessary by the CFO, Head of Governance or Audit & Assurance Manager.
 - have access to records belonging to third parties such as contractors or partners when required⁸
 - require and receive such explanations as are regarded necessary concerning any matter under examination from any employee, member, partner or third party.
 - require any employee or member of the Council or any partner/third party to account for cash, stores or any other Council property which is under his/her control or possession on behalf of the Council.
- 9.8 All work carried out shall have due regard for the requirements of the access to information legislation (e.g. Data Protection Act 1998, Freedom of Information Act 2000, etc.) and the Human Rights Act 1998, together with any other relevant legislation current at the time of the audit.

⁷ Records include business e-mail and internet records

⁸ As defined in the articles of association/memorandum, SLA, grant conditions or contract

- 9.9 Corporate Directors, Heads of Service and Delivery Managers are responsible for responding to Audit & Assurance reports and the implementation of agreed recommendations within an appropriate timescale. Delivery Managers should indicate the actions they propose within one month of agreeing the draft report.
- 9.10 Failure to implement statutory, policy or financial regulation recommendations within the agreed timetables may be referred to the Chief Finance Officer and the appropriate members, following consultation with the appropriate Head of Service.
- 9.11 Internal Audit has specific fraud related responsibilities which are set out in the corporate Anti-Fraud & Corruption Policy. Within the scope of their work Internal Audit also provide advice and consultancy in respect to issues around controls and governance, based on their professional knowledge and expertise.
- 9.12 It is the duty of any Officer or Member to follow the corporate Anti-Fraud and Corruption Policy. Any officer or member who suspects that an irregularity involving cash, materials or any other property of the Council may have occurred must inform the Head of Service or report the matter directly to the Audit & Assurance Manager or Section 151 Officer. Confidentiality, wherever possible, will be respected in any dealings on such matters.
- 9.13 The Section 151 Officer shall report to the Chief Executive, the relevant Head of Service, Corporate Director and Cabinet⁹, if appropriate, any matter of a significant nature.
- 9.14 Any decision to refer a matter as outlined in paragraph 9.12 to the Police is to be taken by the Audit & Assurance Manager after informing the Head of Governance or the Council's Section 151 Officer or their representative. Where a Member is involved the Chief Executive, Monitoring Officer and where appropriate, the External Auditor, will be consulted. Where Police advice is sought but it is not intended that any criminal prosecution shall take place, the Audit & Assurance Manager shall ensure that the anonymity of the individual(s) concerned shall be maintained at all times.
- 9.15 Internal Audit should report to a body of members the following information:
- a) the Internal Audit plan and strategy;
 - b) quarterly reports summarising the internal audit work undertaken and any key findings;
 - and
 - c) an Annual Report which provides Internal Audit assurance for the Annual Governance Statement.
- 9.16 The Audit & Assurance Manager and Head of Governance have the authority to report, as appropriate, on any matter, without fear or favour, to all levels of the Council. This can include reporting directly to the Chief Executive, the Leader, the lead Cabinet Member for Governance, Chairman of the Audit Committee, s151 Officer, CMT, the Monitoring Officer or the Council's External Auditors.

CONTACT: Audit & Assurance Manager

10. Public Accountability – Responsibilities

10.1 General

- 10.1.1 Members should ensure that they follow the Members Local Code of Conduct and have read the Members Handbook, taking any guidance into account including the declaration of any interest.
- 10.1.2 Employees should ensure that they follow the Employee Code of Conduct.
- 10.1.3 The corporate Anti-Fraud and Corruption Policy applies to all Members and Officers of the Council and they should be aware of its contents whilst representing and working for the Council.

⁹ This should be the Cabinet or a specific Cabinet member and the Leader.

- 10.1.4 An officer of the Council must not, under cover of his/her position or office of employment, accept any fee or reward, other than his/her proper remuneration without the express permission of the Human Resources Manager/Corporate Director.
- 10.1.5 A member or officer must not accept any bribe or personal inducement in connection with the Council's business.
- 10.1.6 A member or officer must not use Council property, assets, materials or information for other than the purposes of the Council.
- 10.1.7 A member or officer must not subordinate his/her duty to the Council to his/her private interest or put himself/herself in a position where his/her duty and private interests conflict.
- 10.1.8 Employees must ensure that they declare any private interest they may have in any of the Council's activities. Such a declaration should be made where the employee could benefit in the form of a financial or other pecuniary gain. The interest should be recorded in the Register of Interests held in Democratic Services.

10.2 The Cashing of Cheques

- 10.2.1 The cashing of cheques (whether Council or otherwise) by a member or officer is prohibited except in line with the Imprest [Procedures..](#)

10.3 Gifts

- 10.3.1 Officers and Members should follow the advice given in the guidance note on gifts and hospitality (see the Guidance Note on the Intranet). The receipt of personal gifts should be discouraged. If an officer, during the course of, or as a result of, official duties, receives or is offered any personal gift, other than one of only token value, the matter must be reported to the Head of Service. The Head of Service will decide if the item is to be returned, or forwarded to some charitable cause. The Head of Service should inform the donor of what has happened to the gift, and explain the reason why gifts should not be sent in the future. A record should be made of all gifts accepted, refused and / or returned.
- 10.3.2 The CMT PA's team and Heads of Service PA team must maintain a record for employees of all gifts offered, received, refused and any actions taken as outlined in the guidance.
- 10.3.3 Members should take equal care in receiving gifts whilst in office. Members Services will hold the records provided by members for all gifts offered, received, refused and any actions taken.

10.4 Hospitality and Services

- 10.4.1 Members and officers should follow the advice given in the guidance note on Gifts and Hospitality available on the Intranet. Hospitality must only be given or accepted when it is on a scale appropriate to the circumstances, reasonably incidental to the occasion, not extravagant and justifiable as in the public interest. It must be apparent that no cause could reasonably arise for adverse criticism or suggestions of improper influence by the acceptance of the hospitality. The circumstances and the type of hospitality should be agreed by the appropriate Head of Service and a record should be kept of all hospitality offered, accepted or refused as in 10.3.2.
- 10.4.2 Members and Officers should not accept services. Any approach should be politely but firmly refused and if required an explanation made. The offer and rejection should also be recorded.

10.5 Private Work / Relations with Clients and Contractors

- 10.5.1 Officers who are, in accordance with the conditions of service and the procedure note on Business Activities and Private Work, permitted to carry out private or other paid work must not

do so during Council time. Officers must declare to their Head of Service in writing the nature and duration of such private work.

- 10.5.2 Members or Officers must not use any Council premises, resources or facilities for the execution of private work. No stationery or publicity material is to indicate that the person is a Member or Council employee nor should the address or any telephone number of the Council be stated. Members and Officers should pay due notice to the relevant section of the Local Government Act 1972.
- 10.5.3 Officers must not work for any current or prospective supplier or contractor to the Council where they have influence over the selection process or could provide information about the contract to the supplier.
- 10.5.4 Officers and Members must respect the confidentiality of information and must not use information received for personal gain.
- 10.5.5 Officers and Members should avoid any arrangements which might prevent fair competition.

CONTACT: Audit & Assurance Manager

11. Purchasing Arrangements

General:

- 11.1 These Financial Regulations should be considered in conjunction with the relevant parts of Contract Procedure Rules relating to contracts. Heads of Service must ensure that any purchasing contracts comply with Contract Procedure Rules, related guidance, statutory requirements and European directives.

Financial Thresholds & Limits

- 11.2 All contracts must adhere to the contract thresholds set out in the Contract Procedure Rules in Conducting a Purchase.

Works/Goods/Services

12. Requisitions, Authorisation, Goods Received, Payments

- 12.1 Every officer and member of the authority has a responsibility to declare any links or personal interests which they may have with purchasers or suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council. Officers should declare any such interest to their Head of Service or relevant Corporate Director as soon as they become aware of such an interest. Members are responsible for amending their own entries in the Register of Interests held by Member Services as soon as they become aware of such an interest.
- 12.2 Official Orders are to be issued only by officers authorised by Heads of Service. Authorised officers are responsible for authorising orders within their control and in particular for ensuring that the expenditure is necessary, legal and within the approved estimates or covered by a special financial provision.
- 12.3 The Head of Finance should be notified of all officers authorised by Heads of Service to authorise official orders.
- 12.4 Official orders shall be issued for all work, goods or services to be supplied to the Council; this must be in the form of an electronic order generated by the approved Corporate Procurement System, unless the Government Procurement card is used (see section 13 below). Authorising officers must be able to demonstrate that the work, goods or services are required in order to provide Council Services. Orders should not be raised for supplies of utilities, periodic payments such as rent or rates, or for purchases made through imprest accounts.

- 12.5 Telephone orders may be used in exceptional circumstances but when this happens they must be confirmed using an electronic emergency order.
- 12.6 All orders must be governed by the Authority's standard terms and conditions; these must not be varied without the prior approval of the Head of Governance.
- 12.7 Official orders must not be raised for any personal or private purchases, nor should personal or private use be made of Council contracts.
- 12.8 Heads of Service and Service Delivery Managers shall separate the responsibilities for raising requisitions, authorisation of requisitions and receipt of goods, but at least 2 different officers should be involved.
- 12.9 Goods and services should be checked on receipt to ensure they are in accordance with the order and a Goods Receipt Note raised on the FMS system. Discrepancies should be dealt with as agreed procedures.
- 12.10 All payments, apart from the authorised use of imprest accounts (see Financial Regulation 18), due from Service Delivery Units and chargeable against their budgets shall be made in such manner as outlined by the Head of Finance. Apart from payments from cheque imprest accounts the normal method of payment of money due from the Council shall be by BACS or other instrument drawn on the Council's bank account by the Head of Finance. The use of direct debit and credit shall require the prior agreement of the Head of Finance.
- 12.11 All invoices will be received by the Purchase Ledger team unless otherwise agreed. Once received the invoices will be scanned into the system and matched to the order and goods received note, where they exist. Mismatches will be resolved as per the agreed procedures.
- 12.12 Payments to construction contractors on account of contracts shall be made only on a certificate issued by the Head of Service or other officer or external consultant nominated in writing for this purpose. This certificate shall show the total amount of the contract, the value of the work executed to date, retention money, amount paid to date and the amount now certified.
- 12.13 Any interest charged to the Council in respect of late payment under the Late Payment of Commercial Debts (Interest) Act 1998 will be passed on to the Delivery Unit that ordered the goods/services.
- 12.14 The Audit & Assurance Manager and Employment Services Manager shall examine accounts to the extent considered necessary and shall be entitled to make such enquiries and to receive such explanations as may be required.
- 12.15 Detailed guidance on Requisitions, authorisation, orders, good received notes and payments can be found within specific procedure notes on the Intranet.

CONTACT: Procurement Manager or Employment Services Manager

13. Corporate Credit Cards and the Government Procurement Card (GPC)

- 13.1 Usage is restricted to the following
- Corporate Credit Cards: The Leader and Corporate Directors have corporate credit cards. The CFO also has a card which can be used by other Council officers following strict guidance and authorisation procedures.
 - Government Procurement-Cards – as part of the process operated by Purchase Ledger and the Corporate Procurement Unit
- 13.2 Corporate Credit Cards: there are strict guidelines and procedures associated with the use of corporate credit cards which clearly state card holder responsibilities and allowed expenditure.

The cardholder is responsible to account for all expenditure that is incurred on their card. Expenditure must be for business purposes only and VAT receipts must be provided for each transaction. There are set limits for expenditure against the Corporate Credit Card Account which must not be exceeded. The Head of Finance will approve any additional cardholders.

- 13.3 GPC – the GPC process is in place to enable purchases by telephone, face-to-face or via the internet to streamline the procurement of low value, high volume transactions. Users will be authorised by their Delivery Manager and the process controlled by the GPC coordinator in the Corporate Procurement Team. Each card will have set limits for expenditure which must not be exceeded. Each user receives specific guidance on usage and their responsibilities. The GPC process negates the need for a traditional order; instead the user maintains a monthly log of expenditure, which is validated against the statement issued by the supplying bank. The cardholder is responsible for all expenditure on their card, which is set out in an acceptable use policy. The account will be settled by Direct Debit on a monthly basis.

Contact: Corporate Finance for further advice and guidance on the Corporate Credit Cards
Corporate Procurement for further advice on the Government Procurement Cards

14. Cash Income and Debtors

- 14.1 Income can be a vulnerable asset and the Head of Finance shall ensure that effective income collection systems are in place to ensure that all of the income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services.
- 14.2 Heads of Service and Delivery Managers in conjunction with the Finance team are responsible for ensuring that all income due to the Council is received at the right time using the correct and most cost effective procedures and the appropriate stationery. Effective action shall be taken to pursue non-payment within defined timescales.
- 14.3 Effective monitoring of outstanding debts and regular reporting of outstanding debt provision will be provided to the Head of Finance.
- 14.4 Heads of Service and Delivery Managers shall, wherever possible, separate the responsibility for identifying amount due and responsibility for collection as far as is practicable. They should also ensure that any un-banked income is retained securely to safeguard against loss or theft and that receipts, tickets and other records of income are held securely for an appropriate period.
- 14.5 No debit in respect of an amount due to the Council once established shall be discharged otherwise than by payment in full except where write-off has been properly authorised as below:
- 14.6 Where the amount involved is £25,000 or less (**LIMIT C**) or the debtor has been declared insolvent or bankrupt and all monies due in dividends have been received, or the debtor being a company that has ceased to trade or is insolvent the writing off of the debt can be undertaken with the agreement of the Head of Service concerned and the Head of Finance. The Head of Finance shall have the right to inspect any documentation or evidence deemed necessary. Write-offs above £25,000 must be approved by the Cabinet. [Detailed guidance on write-offs](#)
- 14.7 The cost of all write-offs will be borne by the Delivery Unit, which originally benefited from the credit.
- 14.8 Heads of Service and Delivery Unit Managers shall promptly notify the Head of Finance of any monies of £100,000 or more (**LIMIT J**) due to the council and of contracts, leases and other arrangements entered into which involve the receipt of money of this value by the Council. The Head of Finance shall have the right to inspect any documentation or evidence deemed necessary.
- 14.9 All receipts, tickets and other acknowledgements for payments received shall be vetted by the Head of Finance, and Internal Audit shall be satisfied as to the arrangements.

- 14.10 Each officer who receives money on behalf of the Council, or for which they are accountable to the Council, shall keep such records as from time to time be required by the Head of Finance.
- 14.11 All money received by an officer on behalf of the Council shall be paid promptly and completely to the Head of Finance, or as he/she may direct, to the Council's bankers. This should be preferably on the same day or if this is not possible at the earliest opportunity. In the interim the money should be kept securely. No deductions may be made from such money other than as may be approved by the Head of Finance. When money is banked information as to the reason for its receipt, or its origin, shall be supplied.
- 14.12 Money held on behalf of the Council shall not be used to cash cheques for members, staff or third parties.
- 14.13 Heads of Service shall review charges made for services under their control at least annually, in line with the Council's Income and Charging Policy.

CONTACT: Head of Finance

15. Banking Arrangements

- 15.1 All arrangements with the Council's bankers must be made or approved by the Chief Finance Officer and the Head of Finance, who shall be authorised to operate such bank accounts, including giro bank accounts as required.
- 15.2 Cheques drawn on the Council's banking account shall bear the facsimile signature of the Chief Finance Officer or be signed by him/her or such other identified senior officers as he/she may from time to time designate in writing.
- 15.3 The Head of Finance, or such other identified senior officers must countersign cheques for amounts of £50,000 or more (LIMIT F) as he/she may from time to time designate in writing.
- 15.4 Standing order and direct debit payments may only be established by the Head of Finance or such other identified senior officers as he/she may from time to time designate in writing.
- 15.5 The Head of Finance shall maintain a list of identified senior officers who may on his/her behalf give instructions to the Council's banker and countersign cheques.

CONTACT: Corporate Finance Manager

16. Payments to Employees

- 16.1 The payment of all amounts to employees shall be the responsibility of the Head of Finance. Such payments will include wages, salaries, travel and subsistence and other allowances due under a contract of employment.
- 16.2 Heads of Service shall, promptly notify the Head of Finance in a form agreed of all matters affecting the payment to employees and in particular of:
- appointments, resignations, dismissals, suspensions, secondments and transfers;
 - absences from duty, apart from normal annual leave;
 - changes in remuneration, other than normal increments and pay awards and agreements of general application.
 - information necessary to maintain records of service for superannuation, income tax, national insurance etc.
- 16.3 Appointments shall be made only in accordance with approved structures, grades and evaluated rates of pay, unless agreed otherwise with the Assistant Chief Executive or an officer nominated by him and a Finance Manager.

- 16.4 Any pay records, shall be in a form agreed by the Head of Finance and shall be certified by or on behalf of the Head of Service. A list of officers authorised to sign such records shall be sent to the Head of Finance together with specimen signatures and any amendments to the list shall be notified in advance to the Head of Finance in writing.
- 16.5 No payment shall be made to a person deemed to be an employee other than through the normal payroll procedure. Heads of Service and Delivery Managers should give careful consideration to the employment status of individuals employed on a 'self-employed consultant or sub-contract' basis as these may well be employees and should be paid through the payroll.
- 16.6 There shall be frequent reconciliation of payroll expenditure against approved budgets by the Finance team. Arrangements shall be made to ensure that appropriate payroll documents are retained and stored for the defined period.

CONTACT: Employment Services Manager or Human Resources Manager

17. Travel and Subsistence

- 17.1 Heads of Service (or their nominated officers) are responsible for the verification of their officers' travel and subsistence claims.

Heads of Service must ensure compliance with the Council's Car Allowance Regulations, Car Leasing Scheme, Car Loan Scheme and other decisions of the Council that may be deemed appropriate. Standard mileages must be used where given and subsistence only reimbursed when supported by a receipt (within the limits stated in the guidance).

- Claims from Heads of Service must be authorised by a Corporate Director/Assistant Chief Executive,
 - Claims from Corporate Directors and Assistant Chief Executive must be authorised by The Chief Executive,
 - Claims from the Chief Executive must be authorised by the Monitoring Officer or his/her representative.
- 17.2 The Head of Finance will reimburse members' claims on receipt of the completed claim form certified by the Member concerned. The Head of Governance will ensure that claims comply with the relevant section of the Members' Allowance Scheme.
- 17.3 All claims should be completed in full, appropriately authorised and must be submitted within three months of undertaking the journey or incurring the expenses, to qualify for reimbursement.
- 17.4 All foreign travel must be approved in advance in line with the [Council's Overseas Visits procedure note](#).
- 17.5 [Detailed guidance on Business Mileage and Expenses Reimbursement](#).

CONTACT: Employment Services Manager

18. Imprests

- 18.1 The Head of Finance in consultation with appropriate Heads of Service may make imprest advances to officers for the purposes of paying minor items of expenditure and any other items as may be approved by him/her.
- 18.2 The Head of Finance reserves the right to withdraw imprest facilities from officers if it is deemed that they are being used inappropriately, the expenditure limit is exceeded, or the facility is rarely used.

- 18.3 The accounts should be maintained on an imprest basis using standard Council imprest stationery and recording procedures for this purpose. All officers should maintain a record of their receipts and payments in a form and manner prescribed by the Head of Finance.
- 18.4 No income received on behalf of the Council may be paid into an imprest account but must be banked or paid into the Council as in section 15 of these regulations.
- 18.5 The imprest account should be continually kept in balance and records submitted as required by the Head of Finance at regular intervals for examination and the reimbursement of expenditure.
- 18.6 The officer responsible for an imprest account shall, if requested, give the Head of Finance a certificate confirming the amount held. Upon leaving the Council or at the request of the Head of Finance the responsible officer shall repay to the Council the balance of the imprest held.
- 18.7 In no circumstances shall cheque imprest accounts be allowed to go overdrawn. The Delivery Unit concerned will be responsible for all bank charges, interest payments and administration charges if this occurs as a result of failure to submit reimbursement claims or if they are submitted too late in order that timely processing can take place.
- 18.8 Detailed guidance on Imprest and Petty Cash Accounts is incorporated within specific procedure notes which are included on the Intranet.

CONTACT: Corporate Finance Manager

19. Risk Management

- 19.1 The lead Cabinet Member for Governance is the lead member on risk management for the Council.
- 19.2 The Chief Executive is the lead officer in respect to risk management and is responsible for the corporate risk management processes of the Council. The Chief Executive is responsible for the development, co-ordination and maintenance of the Council's Corporate Risk management strategy. However it is the responsibility of all employees and members to ensure that the Council's risks are properly managed.
- 19.3 CMT will:
- (a) regularly review the Council's strategic risks
 - (b) report at least annually to Cabinet and by exception when significant changes occur
 - (c) keep the lead Cabinet member for Governance updated on their reviews of the strategic risks
 - (d) annually review the risk management strategy
 - (e) approve an annual report on the Council's risk management activities
- 19.4 The Cabinet will:
- a. receive at least annually a report on the Council's key strategic risks and by exception when there are significant changes
 - b. annually review and approve the risk management strategy
 - c. approve an annual report on the Council's risk management activities
- 19.5 The Audit & Assurance Manager will keep the Audit Committee informed of the reviews of the Council's strategic risks, the annual review of the risk management strategy and the annual report on the Council's risk management activities. This will enable the Audit Committee to independently review the Cabinet's and Council's risk management processes as set out in their terms of reference.
- 19.6 Corporate Directors are responsible for the implementation of the Corporate Risk Management strategy within the priorities that they lead.

19.7 Heads of Service are responsible for implementation of the Corporate Risk Management strategy within their service delivery units. Heads of Service are also responsible for ensuring that a proper risk assessment is undertaken for all new activities, projects, changes to services or partnership arrangements and that where required controls are implemented or revised to manage these new/revised risks.

19.8 Each Head of Service submitting a report to Cabinet, the Council or one of the Council's committees must ensure that any opportunities or risks arising from the proposed action or decision are clearly included in the impact assessment contained in the report.

CONTACT: Audit & Assurance Manager

20. Insurance

20.1 The Head of Finance will be responsible for the Council's insurance. Only the officer identified by the Head of Finance may obtain insurance cover on behalf of the Council.

20.2 Heads of Service are responsible for ensuring that all new activities or assets that may introduce an insurable risk to the Council are notified to the Insurance Manager.

20.3 Each year Heads of Service must check that the risk-financing strategies in place are sufficient for their risk exposures and notify any changes required to the Insurance Manager.

20.4 As soon as officers are aware of any loss, liability or damage-causing event that may give rise to a claim of any kind against the Council they must notify the Insurance Manager who will take the appropriate action to safeguard the Council's position.

20.5 Appropriate officers will co-operate at all times with the investigations of the Insurance Manager into any claims and will supply all information upon request. It is imperative that officers comply with the timescales for investigating claims. Failure could directly affect the authority's ability to defend a claim or could result in financial penalties being imposed on the authority/Delivery Unit.

20.6 The appropriate officer will make an annual declaration of any claims or events likely to give rise to a claim not yet reported to the Head of Finance.

20.7 It is the responsibility of the Delivery Manager to ensure that all third parties using the Council's buildings are appropriately insured.

CONTACT: Insurance Manager

21. Security and Control of Assets

21.1 Stocks and Stores

21.1.1 Heads of Service are responsible for determining an efficient stock holding policy to ensure stock levels are not in excess of normal requirements.

21.1.2 The Head of Service shall supply the Head of Finance with such information relating to stores as may be required for the accounting, costing and financial records of the Council.

21.1.3 Heads of Service shall ensure periodic test examinations of stocks and shall ensure that all stocks are checked at least twice a year, and that a return of stocks in hand at the 31st March is certified.

21.1.4 After each stock check a return should be completed indicating any differences between actual and recorded stock. Where, after thorough investigation, differences cannot be reconciled, then the necessary adjustment should be made to the stores accounts. Adjustments to the accounts should be clearly identified and appropriately authorised.

Copies of all adjustments should be available for inspection by Audit & Assurance Services. If the adjustments account exceeds £10,000 (LIMIT B) in any year, the Head of Finance shall report the circumstances to the lead member on the Cabinet responsible for Governance, together with explanations for the surplus/deficit.

- 21.1.5 Heads of Service should ensure that any material surpluses or obsolete stock are disposed of in line with [agreed Council procedure](#). All disposals should be recorded and the records should be available for inspection.

21.2 Inventories

- 21.2.1 Inventories shall be maintained by all Delivery Units of all Council assets, including ICT (see 23.2.2). The Head of Finance shall define the extent to which the assets of the Council shall be recorded and the form in which inventories shall be kept.
- 21.2.2 A corporate inventory for all ICT assets shall be maintained by the Head of Property & ICT and as such all items will be clearly identified and labelled. Delivery Managers should not arrange relocation or disposal without appropriate notification to the Head of Property & ICT.
- 21.2.3 All leased equipment should be clearly identified and labelled. The labelling should indicate that the item should not be sold (as it does not belong to the authority).
- 21.2.4 The Council's assets shall not be removed from Council premises except in accordance with the ordinary course of the Council's business unless specifically approved by the Head of Service. Council property shall only be used for the Council's purposes unless specific instructions are issued by the appropriate Head of Service. The Head of Service shall be responsible for ensuring that any such agreements are recorded. Attractive and portable items such as computers, cameras, TVs, video recorders and playback/recording equipment should be identified with security markings as belonging to the Council.
- 21.2.5 All disposals will be in line with agreed [Council procedures](#) and E.U. directives. In addition, special procedures are in place to deal with the disposal of leased equipment – any queries should be referred to the Finance Manager (Capital and Treasury).
- 21.2.6 Delivery Managers are responsible for carrying out an inventory check at least once a year and ensuring that all items are accounted for. All discrepancies must be reported to the Head of Finance.
- 21.2.7 Detailed guidance on Inventories and Disposal of Assets is incorporated within specific procedure notes which are included on the Intranet.

21.3 Land and Buildings

- 21.3.1 The Head of Property & ICT shall be responsible for the Asset Management Plan and maintain or make arrangements for the maintenance of a terrier of all properties owned or rented by the Council.
- 21.3.2 The terrier should record:
- the date of acquisition or appropriation
 - Council authority
 - the holding Board
 - purpose for which held
 - location, extent and plan reference
 - purchasing details
 - particulars of nature of interest and rent payable
 - particulars of tenancies granted

21.4 Information

- 21.4.1 Heads of Service are responsible for the security of all information within their service area. Information can be stored on computers, transmitted across networks including the Internet, printed out or written down on paper and spoken in conversation.
- 21.4.2 Heads of Service must ensure compliance with the Council's Corporate Information Security Policy to ensure:
- Confidentiality of information
 - Integrity of information
 - Availability of information
 - All software installed and used is properly licensed and appropriate for business use.
- 21.4.3 Heads of Service must ensure that appropriate registrations under the Data Protection Act are in place to cover the use of information within their service areas. The Data Protection Act 1998 makes provision for the regulation of information relating to individuals, including obtaining, holding, use or disclosure of such information.

CONTACTS

Stocks and Stores, Head of Finance
Inventories, Audit & Assurance Manager
Land and Buildings, Head of Property & ICT
Information, Head of Governance

22. Treasury Management

- 22.1 The Chief Finance Officer shall arrange all borrowing of monies, and make all arrangements concerning the investment or utilisation of capital monies or other funds.
- 22.2 In exercising the function, the Chief Finance Officer should comply with the contents of CIPFA's 'Code for Treasury Management in Local Authorities'.
- 22.3 The Council shall adopt a Treasury Policy Statement and an annual Treasury Management Strategy. The responsibility for their implementation and monitoring will be delegated to the Cabinet.
- 22.4 The Chief Finance Officer shall report (at least half yearly) to the Cabinet on the activities of the Treasury Management function and on the use of delegated Treasury Management powers.
- 22.5 The Audit Committee through their terms of reference will scrutinise the Council's Treasury management arrangements as set out in best practice guidance. The Chief Finance officer will provide appropriate information to enable them to fulfil this role.

CONTACT: Corporate Finance Manager

23. Unofficial and Voluntary Funds

- 23.1 An unofficial or voluntary fund is defined as any fund, other than an official fund for the Council, which is controlled wholly or in part by an officer by reason of his or her employment by the Council.
- 23.2 Staff should seek approval from the appropriate Head of Service before establishing an unofficial fund.
- 23.3 The Head of Service shall maintain a register of all such funds. The register will include the following details for each fund:

- The name of the 'Responsible Officer', as defined in the procedure notes on Voluntary and Unofficial Funds, responsible for the day to day running of the fund;
- The accounting period (which should generally be 1st April to 31st March);
- Bank account details; and
- Cheque signatories.

23.4 Heads of Service shall ensure that all such funds are audited by suitably qualified auditors and are submitted within 6 months of the end of the accounting period to the Council and any other parties (i.e. clients, sponsors, charitable bodies) with an interest in the fund.

23.5 The Head of Finance reserves the right to inspect all documentation relating to unofficial funds and seeks such explanations that are necessary to ensure they are being appropriately managed.

CONTACT: Corporate Finance Manager

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APPENDIX A

Financial Limits

As financial limits require amending from time to time the limits itemised in the various regulations are referenced to this appendix. When amendments are actioned they will take the place of the amounts currently included in the detailed regulations.

Limit Reference	£
A	5,000
B	10,000
C	25,000
D	5,001 to 10,000
E	10,001 to 24,999
F	25,000 or over
G	50,000
H	75,000
J	100,000
K	250,000
L	500,000
M	Over 100,000
N	200,000
P	Over 200,000
Q	100,000 to 250,000
R	Over 250,000
S	EU Threshold (currently 156,442)
T	EU Threshold (currently 3,927,260)

Part 4 – Rules of Procedure

Section 6 – Financial Regulations

<u>Index Point</u>	<u>Description</u>
1	Status of Financial Regulations
2	Responsibilities
3	Financial Planning
4	Accounting Systems, Financial Records and Returns
5	Financial Management and Control – Revenue
6	Financial Management – Capital
7	Taxation and Leasing
8	Controlled Stationery and Authorised Signatories
9	Internal Audit
10	Public Accountability – Responsibilities
11	Purchasing Arrangements
12	~~Works/Goods/Services - Requisitions, Authorisation, Goods Received and Payments~~
	~~Schemes Financed Partly or Wholly by External Funding~~
13	~~Orders for Work, Goods and Services~~
134	Corporate Credit Cards and the Government Procurement Card (GPC)
15	~~Payment of Accounts~~
146	Cash Income and Debtors
157	Banking Arrangements
168	Payments to Employees
179	Travel and Subsistence
1820	Imprests
1924	Risk Management
202	Insurance
213	Security and Control of Assets
224	Treasury Management
235	Unofficial and Voluntary Funds

1. Status of Financial Regulations

- 1.1 Financial Regulations are part of the Council's control environment providing a framework for managing the authority's financial affairs and contributing to good corporate governance, internal control and the management of risks. ~~In addition they assist sound administration, reduce the risk of irregularities and support delivery of effective, efficient and economical services.~~
- 1.2 The Financial Regulations apply to all officers and members of the Council and anyone acting on behalf of the Council. They also apply to any partnerships that the Council is a member of and for which the Council is the accountable body¹. ~~(Where the Council is not the accountable body then the lead Council officer is responsible for ensuring propriety and proper processes are followed so that the Council's reputation is not at risk).~~
- 1.3 It is the responsibility of Heads of Service to ensure that all staff in their delivery units are aware of their responsibilities according to the Financial Regulations ~~and other internal regulatory documents (e.g. the Anti Fraud and Corruption Policy)~~ and comply with them.
- 1.4 Specific positions and/or officers are named in the regulations and it is their responsibility to ensure compliance. However, ~~if the named officers~~ s can ~~wishes for reasons of practicality to~~ delegate their

¹ Where the Council is not the accountable body then the lead Council officer is responsible for ensuring propriety and proper processes are followed so that the Council's reputation is not at risk.

authority to another appropriate officer ~~in their area this is permissible as long as this delegation has been recorded, it has been documented.~~

- 1.5 Where the Cabinet has been named in Regulations it will be their responsibility to ensure compliance. The Cabinet can delegate such responsibility to one of its Cabinet members as set out in the Constitution ~~procedures.~~
- 1.6 All members and officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised and provides value for money.
- 1.7 ~~To help assist members and officers, the~~ Financial Regulations are set out in self-contained sections, each covering a specific area of control. Each section provides a contact point for further information or clarification. Where appropriate the Regulations are supported by detailed procedure notes ~~and links to these are provided in the document which are included on the Intranet. These procedures, though printed under separate cover, must be treated as an integral part of the Regulations.~~
- 1.8 Any financial values are summarised in **Appendix A** to allow ease of update.
- 1.9 These Financial Regulations cover all areas of Council activity with the exception of schools which have their own set of regulations as part of the Local Management of schools (LMS) Scheme.
- 1.10 Failure to comply with Financial Regulations, or procedures issued under them, may lead to disciplinary action for employees and an investigation by the section 151/Monitoring Officer for Members, ~~and if necessary referral to the Standards Committee.~~

2 Responsibilities

- 2.1 ~~Any major organisation requires a set of clearly understood rules and regulations for the management of its financial affairs.~~ Section 151 of the Local Government Act (LGA) 1972 places a duty on the Council to make arrangements for the proper administration of its financial affairs, including the appointment of a Chief Finance Officer.
- 2.2 Section 114 of the Local Government Finance Act (LGFA) 1988 requires the Chief Finance Officer to report to the Council if the authority, one of its committees, the Cabinet or one of its officers:
 - Has made – or is about to make – a decision which has or would result in unlawful expenditure;
 - Has taken, or is about to take, an unlawful action which has or would result in a loss or deficiency to the authority; or
 - Is about to make an unlawful entry in the Council's accounts.

Section 114 of the LGFA 1988 also requires the Chief Finance Officer to nominate a properly qualified member of staff to deputise, should the Chief Finance Officer be unable to perform the duties under Section 114 personally.

- * **The Council** – means the full Council who provide the political and strategic direction of the authority. They approve the policies of the authority, including those for strategy and the budget.
- * **The Cabinet** – means the Leader of the Council and the Cabinet members, who propose to Council policy and budget strategies.

* **Chief Finance Officer Responsibilities (s151/s114)** – these have been allocated to an appropriately qualified Corporate Director, and include:

- provision of financial advice for service delivery, strategic planning and policy making across the authority;

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- provision of advice on the optimum use of available resources on the management of capital and revenue budgets;
- provision of financial management information;
- preparation of statutory and other accounts, associated grant claims and supporting records;
- provision of an effective internal audit function and assistance to management in providing safe and efficient financial arrangements;
- provision of effective financial management systems and procedures
- provision of effective income collection and payments systems;
- advising on treasury, investment and cash-flow management; and
- advising on the safe custody of assets and insurance.

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- * **The Head of Governance** has delegated responsibility under the Accounts and Audit Regulations 2003² to maintain an adequate and effective Internal Audit service and has direct responsibility for the operation and support of the Council's Scrutiny function. The Head of Governance has the ability to report directly, without fear or favour, to any level within the organisation or to the External Auditor.
- * **Corporate Management Team (Chief Executive, Directors and Assistant Chief Executive)** are responsible for ensuring that Heads of Service provide services that meet the Council's overall policy objectives. This includes ensuring compliance by Heads of Service with the Council's governance arrangements including Financial Regulations and Contract Procedure Rules.
- * **The Chief Executive** is responsible for leading on corporate governance issues throughout the Council.
- * **The Head of Finance** will act as deputy Section 151 Officer
- * **Heads of Service** are responsible for ensuring the delivery of services by their respective Delivery Units. This includes ensuring compliance by Delivery Managers with Financial Regulations and Contract Procedure Rules within their service areas.
- * **Delivery Managers**³ are responsible for the day to day provision of services and the management of the associated budget. This includes ensuring that all staff comply with Financial Regulations and Contract Procedure Rules in performance of their duties.

Note: ~~'Delivery Managers' also includes managers and/or team leaders with budget and staff responsibilities.~~

2.3 Financial Training

The Chief Financial Officer should ~~ensure assess the financial skills required by~~ members of the Cabinet; and Corporate Management Team ~~have the financial capabilities or facilitate the should commit to develop~~ment of the specific skills to enable their roles to be carried out effectively.

The Head of Finance should through senior finance staff identify financial competencies for managers and members and provide adequate financial training to enable them to undertake their roles effectively and understand the financial requirements of the Constitution and associated financial policies and procedures.

² As updated by the Accounts and Audit (Amendment)(England) Regulations 2006 (SI2006/564)

³ ~~'Delivery Managers' also includes managers and/or team leaders with budget and staff responsibilities.~~

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3. Financial Planning

3.1 Introduction

The Council is responsible for approving the budget, various plans and policies, which will be proposed by the Cabinet. This will include the policy framework, the budget (including the capital programme) and the Council Plan. See Budget and Policy Framework Procedure Rules within the Constitution.

3.2 Financial Forecasting

The Chief Finance Officer shall, within the general direction of the Cabinet, produce forecasts of financial resources and advise upon the financial and economic implications of medium and long term service development plans and programmes and budget strategies. In exercising this duty he/she shall be mindful of the Accounts and Audit Regulations 2003 (as amended 2006), the Code of Practice on a Prudential Approach to Local Government Commitments and current accepted local government accounting codes and will review levels of reserves and balances and —ensure that a robust budget process has been undertaken. The Chief Finance Officer is responsible for the Council's arrangements for under and overspendings to be carried forward to the following year.

- 3.3 The forecasts will indicate the likely changes to the Council's budget for the specified period both in terms of commitments arising out of statutory variations and Council policy and also the likely variations to funding from central or local sources.
- 3.4 The Cabinet, having considered the forecasts and options for the specified period shall, propose the overall budget strategy to the Council for approval after the consultation process as outlined in the Budget and Policy Framework Procedures Rules within the Constitution.
- 3.5 All matters relating to the financial administration of the authority shall be kept under review by the member of the Cabinet responsible for ~~r~~Resources.
- 3.6 The full Council is also responsible for approving procedures and for agreeing variations to approved budgets, plans and strategies forming the policy framework.

CONTACT: Head of Finance

4. Accounting Systems, Financial Records and Returns

- 4.1 Proper accounting records are one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year. These are subject to internal and external audit. This provides assurance that the accounts are properly prepared and proper accounting practices have been followed and that arrangements have been made for securing economy, efficiency and effectiveness in the use of the authority's resource.
- 4.2 The Chief Finance Officer should ensure that there is a proper retention policy for financial documents. The periods for which documents are to be retained is specified ~~separately~~ in the retention of records procedure note (including the Destruction and Retention Schedule).
- 4.3 The Head of Finance is responsible for determining the accounting systems and procedures adopted by the Council. No variations shall be made to accounting records and procedures without the written agreement of the Head of Finance. In particular Heads of Service should confer with the Head of Finance before introducing or amending any books, forms, records, administrative procedures or computerised systems used in conjunction with accounting for cash, income, expenditure, stores and financial transactions generally.
- 4.4 Heads of Service must maintain through their officers full and accurate records as agreed with the Head of Finance to ensure the availability of all financial, costing and statistical and other information as may be required to fully and accurately maintain the accounts of the Council, and

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report on its finances .This includes the correct coding of expenditure in line with the CIPFA standard classifications. All accounting records will be maintained in accordance with current CIPFA Codes of Practice,

- 4.5 Heads of Service are responsible for ensuring the completion and submission of Grant applications and financial returns. The Chief Finance Officer/~~Chief Executive/Audit & Assurance Manager are~~is entitled to such explanations or information as may be required prior to signing and forwarding to the relevant government department or agency.~~under his signature.~~ No bid for external funding shall be submitted without approval from the relevant CMT Priority lead ~~Director~~ and relevant Finance Manager.
- 4.6 Heads of Service are responsible for ensuring adequate records, financial and otherwise, have been maintained for all externally funded schemes subject to audit by the European Commission or grant awarding bodies

CONTACT: Corporate Finance Manager

5. Financial Management and Control – Revenue

5.1 Background

~~5.1.1~~ The Council is responsible for ~~adopting the authority's Constitution and Code of Conduct and for determining the budget and policy framework within which the Cabinet operates. It is also responsible for~~ setting and monitoring compliance with the authority's overall framework of accountability and control via the scrutiny and audit committee processes. ~~The framework is set out in the constitution.~~

~~5.1.2~~ This section of the regulations deals with the preparation and approval of budgets, budgetary control and variations from budget provision. It applies to all areas of the Council's activities except schools.

~~5.1.3~~ No expenditure is to be incurred or reduction in income authorised unless covered by these regulations.

5.2 Preparation and Approval of Budget

5.2.1 The Council will approve the overall spending plans of the Council.

5.2.2 The form of revenue estimates shall be determined by the Head of Finance in consultation with Heads of Service within the general guidelines of the Cabinet and relevant professional requirements. Estimates shall be prepared annually before the start of the financial year and revised during the course of the year.

5.2.3 Prior to the commencement of each financial year each Service Delivery Unit should prepare a Service Delivery Plan setting out the Service Delivery Unit's aims and objectives and expenditure and income projections within corporately agreed allocations of resources. These should be agreed with Corporate Management Team (CMT).

5.2.4 Once the council's budget for the year has been approved the Heads of Service and Delivery Managers can authorise expenditure within the limits agreed subject to the separate rules on virement.

5.2.5 The Delivery Managers ~~in conjunction with the relevant Finance Manager~~ must exercise appropriate financial control including monitoring income and expenditure on a regular basis ~~ensure that a satisfactory monitoring system is in existence during the financial year with regular reports to the Head of Finance.~~

5.3 Budgetary Control (see also para 4.4 above)

- 5.3.1 The corporate finance information system determined by the Head of Finance is the Council's prime accounting record. It provides the mechanism for Heads of Service and Delivery Managers to monitor and control budgets.
- 5.3.2 Heads of Service and Delivery Managers are required to monitor their budgets regularly during the year and take immediate action as necessary. If it is considered that a particular budget head requires increasing, virement must be sought before any overspending occurs (see Virement section). Under no circumstances should expenditure be incurred without appropriate provision being put in place first.
- 5.3.3 Regular financial updates will be taken to Cabinet.
- 5.3.4 Generally all Council budgets are prepared on a cash limited (outturn) price base. This means that no supplementary estimates will be provided for inflation increases once budgets have been approved, except in exceptional circumstances.
- 5.3.5 Unavoidable cost increase, e.g. public utilities, increments etc, for which insufficient allowance has been made at budget time will need to be met by equivalent reductions elsewhere.
- 5.3.6 All reports to CMT or Members must be cleared by finance staff for financial implications and should be made available to those staff in reasonable time before due for submission.
- 5.3.7 No Head of Service or Delivery Manager should plan to overspend his/her budget. All expenditure plans should be consistent with Service Delivery Plans. Potential overspends on particular budget heads will have been addressed during the year and, in some cases, virement will have been exercised.

5.4 Supplementary Estimates

- 5.4.1 The Council sets budgets for gross expenditure and income in the context of a cash limit. Therefore it is important that any additional commitments not covered in Service Delivery Business Unit budgets, (including where the net budget requirement of the Council is not increased), are funded by savings elsewhere or additional grant funding and do not increase the net budget requirement of the Council (see Virement section). In exceptional circumstances this may not be possible and if this is the case, approval should be sought from the Council for additional funding.

5.5 Grants

- 5.5.1 All grant bids must be approved by the relevant CMT Priority lead ~~Director~~ and a Finance Manager prior to submission.
- 5.5.2 Acceptance of grant terms must also be approved by the relevant Head of Service and a Finance Manager.
- 5.5.3 All grant claims must be certified by a Finance Manager ~~—(s~~ Subject to the conditions of the grant awarding body ~~.)~~

5.6 Virement

- 5.6.1 Virement between budget heads is an integral and important feature of budgetary control. It provides Senior Managers with the flexibility to adapt expenditure patterns which they consider appropriate in meeting changing locally determined service needs and objectives consistent with Council policy. The ability to exercise virement applies to all controllable budgets.
- 5.6.2 Virement may be necessary for several reasons. For example:

- * unforeseen cost increases,
- * demand for a particular service, in line with existing policies, exceeding estimates,
- * a local requirement to provide a different service from that anticipated at budget time for a particular client or to meet a particular situation, or
- * utilising efficiency or other savings.

5.6.3 Except where allowed under the scheme of virement only the Council can approve changes to the budget it has previously agreed.

5.6.4 Heads of Service, in consultation with the relevant Finance Manager, shall have the authority to make virements within each approved service delivery unit budget provided:

- It is within the overall policy framework;
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.

5.6.5 The Head of Finance, in consultation with the relevant Finance Manager and relevant Heads of Service, shall have the authority to make virements between service delivery units provided:

- The amount does not exceed £50,000 (**LIMIT G**)
- It is within the overall policy framework
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.

For amounts over £50,000 Heads of Service and the Chief Finance Officer, shall have the authority to make virements between service delivery units with Cabinet approval provided that

- It is within the policy framework
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.
- The amount does not exceed £250,000

For amounts above £250,000s approval by full Council is required.

5.6.6 All virement decisions must be notified to the relevant Finance Manager (and the financial information system updated) before expenditure is incurred.

~~5.7 Year End Arrangements~~

~~5.7.1 Year end arrangements (carry forwards of over or underspending), have been designed to be as flexible as possible, consistent with the Council's overall financial situation and with regard to the controls exercised by the Government.~~

~~— Overspending and Underspending~~

~~5.7.2 No Head of Service or Delivery Manager should plan to overspend his/her budget. All expenditure plans should be consistent with Service Delivery Plans. Potential overspends on particular budget heads will have been addressed during the year and, in some cases, virement will have been exercised.~~

~~5.7.3 All underspends and deficits on controllable budgets will be carried forward to the next financial year as a first call on the budget for the year.~~

CONTACT: Corporate Finance Manager

5.78 Reserves & Balances and the Robustness of Estimates

- 5.78.1 The budget report will contain a comment by the CFO (Chief Finance Officer) on the robustness of the estimates and the adequacy of reserves, in accordance with the requirements of the Local Government Act 2003 and CIPFA guidance. The CFO must also be satisfied that the decisions taken on balances and reserves represent proper stewardship of public funds.
- 5.78.2 Specifically, the budget report will include a statement on the adequacy of general reserves and provisions for the forthcoming year, linked to the medium term financial strategy.
- 5.78.3 An annual review of earmarked reserves will be undertaken as part of the budget preparation process and a statement will be presented to Council alongside the budget report.
- 5.78.4 The level and purpose of reserves and balances held must be clearly defined and justified by Heads of Service. Further regular reviews should be undertaken to ensure continuing relevance and adequacy.
- 5.78.5 There is no statutory minimum level of reserves required. This will be a matter of local judgement determined by the CFO but following relevant national ~~current Audit Commission~~ guidance.

CONTACT: Corporate Finance Manager

6. Financial Management – Capital

- 6.1 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings and major items of plant and equipment or vehicles. Capital assets shape the way services are delivered for the long-term and create financial commitments for the future in the form of financing costs and revenue running costs.
- 6.2 The Council will comply with the requirements of CIPFA's Prudential Code for Capital Finance in Local Authorities and will set and monitor a range of Prudential Indicators accordingly to ensure that borrowing is affordable, prudent and sustainable.
- 6.3 The Council will determine the capital programme for the Authority in line with overall Corporate Priorities, the Council's Asset Management Plan, Capital Strategy and availability of funding.
- 6.4 The capital programme shall focus on the medium term service & financial planning period but reflect the total cost and phasing of each approved scheme along with the proposed source(s) of funding.
- 6.5 The capital programme will demonstrate:
 - the original and revised total estimated cost of each scheme
 - actual expenditure to the end of the previous financial year
 - forecast phased expenditure for the current and subsequent years
 - the revenue budget implications of the proposed programme
- 6.6 The Head of Finance shall determine the method of funding for each capital scheme, having consulted with the relevant Head of Service and working within the context of the various capital resources available. All proposed investments should be subject to an appropriate level of analysis/appraisal by the relevant service area before commitment.
- 6.7 The Head of Finance shall ensure that an effective monitoring system is in place during the year to control capital expenditure. Heads of Service will be responsible for notifying the Head of Finance if it seems likely that there will be a significant variation in spending on a scheme. Variations may be permitted only if they can be accommodated by virement within the total capital resources available.

6.8 Variations, subject to the following limits, can be approved by those designated below if there is no significant impact on the delivery of individual elements of the capital programme and/or on the overall capital strategy.

- (a) Up to £50,000 (**LIMIT G**) – Head of Finance in consultation with the relevant Head of Service
- (b) Over £50,000 up to £250,000 (**LIMIT K**) – Cabinet approval required
- (c) Over £250,000 (**LIMIT R**) – the Council.

6.9 Any capital expenditure over £50,000 even if entirely covered by additional external funding but outside the approved capital programme, must be approved by Council.

CONTACT: Corporate Finance Manager

7. Taxation and Leasing

Taxation

7.1 Like all organisations, the Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers and members to be aware of their roles and responsibilities.

7.2 It is the responsibility of Heads of Services to ensure compliance with all tax regulations relating to their Delivery Units. This will include Income Tax, National Insurance, V.A.T. and tax accounted for under C.I.S. If in doubt, Heads of Services should consult with the Head of Finance. Delivery Units will be liable for any costs, including any penalties and interest charged for incorrect tax treatment.

7.3 Detailed [guidance on taxation issues is incorporated within specific procedure notes](#) ~~which are included on the Intranet.~~

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Leasing

7.4 Leasing is a method of financing the acquisition of certain types of capital assets and allows the cost to be spread over several financial years through annual rentals. It is a specialised area of finance with complex legal and financial agreements. Leasing arrangements may only therefore, be entered into by the Head of Finance or his designated officer.

~~7.5 The Normal contract procedures should be followed in relation to leasing arrangements. [See Part 4, Section 7, Contracts Procedure Rules]~~

~~7.56~~ Detailed guidance on leasing issues are incorporated within specific procedure notes on the Intranet.

CONTACT: Corporate Finance Manager

8. Controlled Stationery and Authorised Signatories

8.1 All cheques and other controlled stationery, including ~~order books,~~ receipt books, invoices, ~~and Electronic and Electronic~~ Fund Transfer (E.F.T.) forms may only be ordered by the Head of Finance or an authorised representative who shall make proper arrangements for their safekeeping.

8.2 Heads of Service are responsible for maintaining a listing of authorised signatories in the form prescribed by the Head of Finance. ~~All officers on the signatories listing must be authorised by a Head of Service (or Corporate Director if a HOS).~~

8.3 Only authorised signatories may commit the Council to expenditure, including electronically, in line with [relevant procedure notes](#) by:

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- Authorising Orders
- ~~• Certifying invoices~~
- Certifying expenses claims
- Authorising petty cash purchase
- Certifying timesheets and overtime claims
- Signing and awarding contracts (see also Section 7, Contract Procedure Rules appendices 1 to 4)

More than one officer should be involved in the authorising process, ~~e.g. it should not be the same officer who authorises the order and invoice that certifies receipt of the goods or service.~~

8.4 A financial limit shall be prescribed for all officers. The Head of Finance in consultation with the Head of Governance shall be responsible for establishing a consistent framework for financial limits across the Council based on the roles and the responsibilities of officers.

8.5 Heads of Service are responsible for ~~ensuring that the authorised signatories list is kept up to date at all times, by~~ informing the Head of Finance of any changes to authorised signatories and the responsibilities of ~~the officers~~.

~~8.6 Guidance on authorised signatories is available from Audit Services.~~

CONTACT:

For authorised signatories: ~~Finance Officers~~ **Employment Services or Procurement**

For controlled stationery: Property & ~~ICT~~ **Design Administration**

9. Internal Audit

9.1 The Chief Financial Officer under section 114 of the LGFA 1988 and the Accounts and Audit Regulations 2003 (as amended 2006) has a statutory responsibility for the overall financial administration of the Council's affairs. Section 6 of the Accounts and Audit Regulations 2003 (as amended 2006), says that the authority "shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with proper practices in relation to internal control,..." The Chief Financial Officer shall, therefore, in accordance with relevant legislation arrange for a continuous and current internal audit of all areas of Council activities.

9.2 "Proper internal control practices" are defined in the guidance on the Accounts and Audit Regulations 2003 (as amended 2006)⁴ as the CIPFA publication – "Code of Practice for Internal Audit in Local Government in the United Kingdom". Internal Audit will operate to this Code and any other relevant guidance. The definition of Internal Audit within the Code is:

Internal Audit is an assurance function that provides an independent and objective opinion to the organisation on the control environment⁵ by evaluating its effectiveness in achieving the organisation's objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.

9.3 As the definition outlines Internal Audit has a key role to play in independently reviewing the Council's⁶ arrangements for corporate governance, risk management and internal control. It contributes an objective opinion to the Council's Annual Governance Statement (including the Statement on Internal Control).

9.4 The existence of a continuous internal audit service does not in any way diminish the responsibility of Corporate Directors for the delivery of priorities and Heads of Service for the management of the

⁴ Department for Communities and Local Government Circular 03/2006 dated 18/08/06

⁵ The control environment comprises the systems of governance, risk management and internal control.

⁶ Internal Audit's remit extends to the entire control environment of the Council

Delivery Units under their control and their responsibilities in respect to risk management and the systems of internal control.

9.5 The ~~Audit & Risk Manager~~Audit & Assurance Manager should ensure that Internal Audit remains independent in its planning and operation. The ~~Audit & Risk Manager~~Audit & Assurance Manager should be responsible for maintaining periodic audit plans which have due regard for the key strategic risks of the authority, the risks involved for each service area in delivering their services and the requirements of the external auditor. The plan will deliver work to provide reasonable assurance to the Council based on the resources available. The ~~Audit & Risk Manager~~Audit & Assurance Manager must report to the s151 officer or the Audit Committee if there are insufficient resources or limitations in the scope of their work to provide reasonable assurance or a service consistent with the definition of Internal Audit in paragraph 9.2.

9.6 It is the responsibility of ~~Internal-Audit~~ & Assurance to review, evaluate and report upon

- the soundness and adequacy of accounting records and the system of internal controls to provide their assurance for the Annual Governance Statement;
- the extent to which the Council's assets and interests are accounted for and safeguarded from losses of all kinds arising from:
 - fraud and other offences
 - waste extravagance and inefficient administration, poor value for money or other cause
 - the suitability and reliability of financial and other management data developed within the organisation.
- The soundness and adequacy of the data quality systems operating to collect and report on performance information
- The corporate governance arrangements of the Council
- The risk management processes of the Council both at Strategic and Service Delivery level

9.7 The Chief Finance Officer's authorised ~~Internal-Audit~~ & Assurance representatives shall be empowered to:

- enter at all reasonable times any Council premises or land
- have access to all Council and partner records⁷, documentation and correspondence relating to any financial and/or other transactions or other business of the Council, its employees or members, as considered necessary by the CFO, Head of Governance or ~~Audit & Risk Manager~~Audit & Assurance Manager.
- have access to records belonging to third parties such as contractors or partners when required⁸
- require and receive such explanations as are regarded necessary concerning any matter under examination from any employee, member, partner or third party.
- require any employee or member of the Council or any partner/third party to account for cash, stores or any other Council property which is under his/her control or possession on behalf of the Council.

⁷ Records include business e-mail and internet records

⁸ As defined in the articles of association/memorandum, SLA, grant conditions or contract

- 9.8 All work carried out shall have due regard for the requirements of the access to information legislation (e.g. Data Protection Act 1998, Freedom of Information Act 2000, etc.) and the Human Rights Act 1998, together with any other relevant legislation current at the time of the audit.
- 9.9 Corporate Directors, Heads of Service and Delivery Managers are responsible for responding to ~~Internal~~ Audit & Assurance reports and the implementation of agreed recommendations within an appropriate timescale. Delivery Managers should indicate the actions they propose within one month of agreeing the draft report.
- 9.10 Failure to implement statutory, policy or financial regulation recommendations within the agreed timetables may be referred to the Chief Finance Officer and the appropriate members, following consultation with the appropriate Head of Service.
- 9.11 Internal Audit has specific fraud related responsibilities which are set out in the corporate Anti-Fraud & Corruption Policy. Within the scope of their work Internal Audit also provide advice and consultancy in respect to issues around controls and governance, based on their professional knowledge and expertise.
- 9.12 It is the duty of any Officer or Member to follow the corporate Anti-Fraud and Corruption Policy. Any officer or member who suspects that an irregularity involving cash, materials or any other property of the Council may have occurred must inform the Head of Service or report the matter directly to the ~~Audit & Risk Manager~~ Audit & Assurance Manager or Section 151 Officer. Confidentiality, wherever possible, will be respected in any dealings on such matters.
- 9.13 The Section 151 Officer shall report to the Chief Executive, the relevant Head of Service, Corporate Director and Cabinet⁹, if appropriate, any matter of a significant nature.
- ~~9.14 Where Audit Services inform the Section 151 Officer of any such matter outlined in paragraph 9.12, the Section 151 Officer will inform the appropriate Head of Service, Corporate Director and the Chief Executive and Cabinet, if appropriate.~~
- 9.1~~4~~⁵ Any decision to refer a matter as outlined in paragraph 9.12 to the Police is to be taken by the ~~Audit & Risk Manager~~ Audit & Assurance Manager after informing the Head of Governance or the Council's Section 151 Officer or their representative. Where a Member is involved the Chief Executive, Monitoring Officer and where appropriate, the External Auditor, will be consulted. Where Police advice is sought but it is not intended that any criminal prosecution shall take place, the ~~Audit & Risk Manager~~ Audit & Assurance Manager shall ensure that the anonymity of the individual(s) concerned shall be maintained at all times.
- 9.1~~6~~⁵ Internal Audit should report to a body of members the following information:
- a) the Internal Audit plan and strategy;
 - b) quarterly reports summarising the internal audit work undertaken and any key — findings;
 - and
 - c) an Annual Report which provides Internal Audit assurance for the Annual Governance Statement.
- 9.1~~6~~⁷ The ~~Audit & Risk Manager~~ Audit & Assurance Manager and Head of Governance have the authority to report, as appropriate, on any matter, without fear or favour, to all levels of the Council. This can include reporting directly to the Chief Executive, the Leader, the lead Cabinet Member for Governance ~~Efficient Community Focussed Council~~, Chairman of the Audit Committee, s151 Officer, CMT, the Monitoring Officer or the Council's External Auditors.

CONTACT: ~~Audit & Risk Manager~~ Audit & Assurance Manager

10. Public Accountability – Responsibilities

⁹ This should be the Cabinet or a specific Cabinet member and the Leader.

10.1 General

- 10.1.1 Members should ensure that they follow the Members Local Code of Conduct and have read the Members Handbook, taking any guidance into account including the declaration of any interest.
- 10.1.2 Employees should ensure that they follow the Employee Code of Conduct.
- 10.1.3 The corporate Anti-Fraud and Corruption Policy applies to all Members and Officers of the Council and they should be aware of its contents whilst representing and working for the Council, ~~including the registration of Members and Officers interests.~~
- 10.1.4 An officer of the Council must not, under cover of his/her position or office of employment, accept any fee or reward, other than his/her proper remuneration without the express permission of the ~~Assistant Chief Executive/~~Human Resources Manager/~~Corporate Director.~~
- 10.1.5 A member or officer must not accept any bribe or personal inducement in connection with the Council's business.
- 10.1.6 A member or officer must not use Council property, assets, materials or information for other than the purposes of the Council.
- 10.1.7 A member or officer must not subordinate his/her duty to the Council to his/her private interest or put himself/herself in a position where his/her duty and private interests conflict.
- 10.1.8 Employees must ensure that they declare any private interest they may have in any of the Council's activities. Such a declaration should be made where the employee could benefit in the form of a financial or other pecuniary gain. The interest should be recorded in the Register of Interests held in Democratic Services.

10.2 The Cashing of Cheques

- 10.2.1 The cashing of cheques (whether Council or otherwise) by a member or officer is prohibited except in line with the ~~Imprest Procedures, Council's Code of Practice on cheque encashment.~~

10.3 Gifts

- 10.3.1 Officers and Members should follow the advice given in the guidance note on gifts and hospitality (see the Guidance Note on the Intranet). The receipt of personal gifts should be discouraged. If an officer, during the course of, or as a result of, official duties, receives or is offered any personal gift, other than one of only token value, the matter must be reported to the Head of Service. The Head of Service will decide if the item is to be returned, or forwarded to some charitable cause. The Head of Service should inform the donor of what has happened to the gift, and explain the reason why gifts should not be sent in the future. A record should be made of all gifts accepted, refused and / or returned.
- 10.3.2 The CMT ~~PA'ssupport~~ team and Heads of Service ~~PA'ssupport~~ team must maintain a record for employees of all gifts offered, received, refused and any actions taken as outlined in the guidance.
- 10.3.3 Members should take equal care in receiving gifts whilst in office. Members Services will hold the records ~~provided by~~ for members ~~for~~ all gifts offered, received, refused and any actions taken.

10.4 Hospitality and Services

- 10.4.1 Members and officers should follow the advice given in the guidance note on Gifts and Hospitality available on the Intranet. Hospitality must only be given or accepted when it is on a scale appropriate to the circumstances, reasonably incidental to the occasion, not extravagant and justifiable as in the public interest. It must be apparent that no cause could reasonably arise for

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adverse criticism or suggestions of improper influence by the acceptance of the hospitality. The circumstances and the type of hospitality should be agreed by the appropriate Head of Service ~~and who shall ensure that~~ a record ~~should be~~ kept of all hospitality offered, accepted or refused ~~as in 10.3.2.~~

10.4.2 Members and Officers should not accept services. Any approach should be politely but firmly refused and if required an explanation made. The offer and rejection should also be recorded.

10.5 Private Work / Relations with Clients and Contractors

- 10.5.1 Officers who are, in accordance with the conditions of service and the procedure note on Business Activities and Private Work, permitted to carry out private or other paid work must not do so during Council time. Officers must declare to their Head of Service in writing the nature and duration of such private work.
- 10.5.2 Members or Officers must not use any Council premises, resources or facilities for the execution of private work. No stationery or publicity material is to indicate that the person is a Member or Council employee nor should the address or any telephone number of the Council be stated. Members and Officers should pay due notice to the relevant section of the Local Government Act 1972.
- 10.5.3 Officers must not work for any current or prospective supplier or contractor to the Council where they have influence over the selection process or could provide information about the contract to the supplier.-
- 10.5.4 Officers and Members must respect the confidentiality of information and must not use information received for personal gain.
- 10.5.5 Officers and Members should avoid any arrangements which might prevent fair competition.
- ~~10.5.6 Detailed guidance on Business Activities and Private Work. All associated Procedures and Guidance referred to in this Section are available on the Intranet.~~

CONTACT: ~~Audit & Risk Manager~~Audit & Assurance Manager

11. Purchasing Arrangements

General:

- 11.1 These Financial Regulations should be considered in conjunction with the relevant parts of Contract Procedure Rules relating to contracts. Heads of Service must ensure that any purchasing contracts comply with Contract Procedure Rules, related guidance, statutory requirements and European directives.

Financial Thresholds & Limits

- 11.2 All contracts must adhere to the contract thresholds set out in the Contract Procedure Rules in Conducting a Purchase.

Works/Goods/Services

12. Requisitions, Authorisation, Goods Received, Payments

- 12.1 Every officer and member of the authority has a responsibility to declare any links or personal interests which they may have with purchasers or suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council. Officers should declare any such interest to their Head of Service or relevant Corporate Director as soon as they become aware of such an interest. Members are responsible for amending their own entries in the Register of Interests held by Member Services as soon as they become aware of such an interest.
- 12.2 Official Orders are to be issued only by officers authorised by Heads of Service. Authorised officers are responsible for authorising ~~issuing~~ orders within their control and in particular for ensuring ~~that that the expenditure is necessary, legal and within the approved estimates or costs are covered by approved estimates or~~ by a special financial provision.

- 12.3 The Head of Finance should be notified of all officers authorised by Heads of Service to authorise official orders.
- 12.4 Official orders shall be issued for all work, goods or services to be supplied to the Council; this must be in the form of an electronic order generated by the approved Corporate Procurement System, unless the Government ~~Procurement card~~ Procurement card is used (see section 134 below). Authorising officers must be able to demonstrate that the work, goods or services are required in order to provide Council Services. Orders should not be raised for supplies of utilities, periodic payments such as rent or rates, or for purchases made ~~throughby imprest accounts~~ petty cash.
- 12.5 Telephone orders may be used in exceptional circumstances but when this happens they must be confirmed using an electronic emergency order. ~~Goods and services should be checked on receipt to ensure they are in accordance with the order and a Goods Receipt Note raised on the FMS system. This check should be carried out by a different officer from the person who signed the order.~~
- 12.6 All orders must be governed by the Authority's standard terms and ~~conditions~~ conditions; these must not be varied without the prior approval of the Head of Governance.
- ~~12.7 Apart from petty cash and payments from cheque imprest accounts the normal method of payment of money due from the Council shall be by BACS or other instrument drawn on the Council's bank account by the Head of Finance. The use of direct debit and credit shall require the prior agreement of the Head of Finance.~~
- 12.78 Official orders must not be raised for any personal or private purchases, nor should personal or private use be made of Council contracts.
- 12.89 Heads of Service and Service Delivery Managers shall ~~separate~~ separate the responsibilities for raising requisitions, authorisation of requisitions and receipt of goods, but at least 2 different officers should be involved.
- 12.9 Goods and services should be checked on receipt to ensure they are in accordance with the order and a Goods Receipt Note raised on the FMS system. Discrepancies should be dealt with as agreed procedures.
- 12.10 All payments, apart from the authorised use of imprest accounts (see Financial Regulation 18), due from Service Delivery Units and chargeable against their budgets shall be made in such manner as outlined by the Head of Finance. Apart from payments from cheque imprest accounts the normal method of payment of money due from the Council shall be by BACS or other instrument drawn on the Council's bank account by the Head of Finance. The use of direct debit and credit shall require the prior agreement of the Head of Finance.
- 12.11 All invoices will be received by the Purchase Ledger team unless otherwise agreed. Once received the invoices will be scanned into the system and matched to the order and goods received note, where they exist. Mismatches will be resolved as per the agreed procedures.
- 12.12 Payments to construction contractors on account of contracts shall be made only on a certificate issued by the Head of Service or other officer or external consultant nominated in writing for this purpose. This certificate shall show the total amount of the contract, the value of the work executed to date, retention money, amount paid to date and the amount now certified.

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12.13 Any interest charged to the Council in respect of late payment under the Late Payment of Commercial Debts (Interest) Act 1998 will be passed on to the Delivery Unit that ordered the goods/services.

12.14 The Audit & Assurance Manager and Employment Services Manager shall examine accounts to the extent considered necessary and shall be entitled to make such enquiries and to receive such explanations as may be required.

12.15 Detailed guidance on Requisitions, authorisation, orders, good received notes and payments can be found within specific procedure notes on the Intranet.

CONTACT: Procurement Manager or Employment Services Manager

CONTACT: Corporate Finance Manager

13.14. Corporate Credit Cards and the Government Procurement Card (GPC)

13.14.1 Usage is restricted to the following

- Corporate Credit Cards: The Leader and Corporate Directors have corporate credit cards. The ~~CFO~~Head of Finance also has a card which can be used by other Council officers following strict guidance and authorisation procedures.
- Government Procurement-Cards – as part of the process operated by Purchase Ledger and the Corporate Procurement Unit

13.14.2 Corporate Credit Cards: there are strict guidelines and procedures associated with the use of corporate credit cards which clearly state card holder responsibilities and allowed expenditure. The cardholder is responsible to account for all expenditure that is incurred on their card. Expenditure must be for business purposes only and VAT receipts must be provided for each transaction. There are set limits for expenditure against the Corporate Credit Card Account which must not be exceeded. The Head of Finance will approve any additional cardholders.

13.14.3 GPC – the GPC process is in place to enable purchases by telephone, face-to-face or via the internet to streamline the procurement of low value, high volume transactions. Users will be authorised by their Delivery Manager and the process controlled by the GPC coordinator in the Corporate Procurement Team. Each card will have set limits for expenditure which must not be exceeded. Each user receives specific guidance on usage and their responsibilities. The GPC process negates the need for a traditional order; instead the user maintains a monthly log of expenditure, which is validated against the statement issued by the supplying bank. The cardholder is responsible for all expenditure on their card, which is set out in an acceptable use policy. The account will be settled by Direct Debit on a monthly basis.

Contact: Corporate ~~Finance~~ Procurement for further advice and guidance on the Corporate Credit Cards

Corporate Procurement for further advice on the Government Procurement Cards

15. Payment of Accounts

~~15.1 All payments, apart from the authorised use of imprest accounts (see Financial Regulation 19), due from Service Delivery Units and chargeable against their budgets shall be made in such manner as outlined by the Head of Finance.~~

~~15.2 All invoices certified for payment should be signed by the Head of Service concerned or by an officer authorised by him to do so.~~

~~The invoices will be checked to:~~

- ~~Ensure discounts or credits due have been deducted~~

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- VAT or other tax treatment is correctly stated.
- The account is arithmetically correct.
- The amount has not been previously paid or certified for payment, either in whole or part.

~~15.3 The GRN process shall ensure that:~~

- ~~The goods, services and work have been received or carried out, examined and approved as to quality and quantity and conform with a duly authorised order or Council resolution where appropriate.~~
- The expenditure is necessary, legal and within the estimates provision.**
- ~~The prices are in accordance with any quotation, tender or contract and/or are reasonable.~~

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~~15.4 Payments to construction contractors on account of contracts shall be made only on a certificate issued by the Head of Service or other officer or external consultant nominated in writing for this purpose. This certificate shall show the total amount of the contract, the value of the work executed to date, retention money, amount paid to date and the amount now certified.~~

~~15.5 Where an invoice is found to be incorrect e.g. because of an addition error, the VAT is incorrectly calculated or the invoice is not addressed to the Council, it should be returned to the supplier with an explanatory note. Hand written amendments should not be made to an invoice as this may invalidate the recovery of VAT.~~

~~15.6 Any interest charged to the Council in respect of late payment under the Late Payment of Commercial Debts (Interest) Act 1998 will be passed on to the Delivery Unit that ordered the goods/services.~~

~~15.7 The Audit & Assurance Manager and Employment Services Manager shall examine accounts to the extent considered necessary and shall be entitled to make such enquiries and to receive such explanations as may be required.~~

~~15.8 Detailed guidance on Payment of Invoices is incorporated within specific procedure notes which are included on the Intranet and is also subject to para 13 above.~~

CONTACT: Employment Services Manager

146. Cash Income and Debtors

146.1 Income can be a vulnerable asset and the Head of Finance shall ensure that effective income collection systems are in place to ensure that all of the income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services.

146.2 Heads of Service and Delivery Managers in conjunction with the Finance team are responsible for ensuring that all income due to the Council is received at the right time using the correct and most cost effective procedures and the appropriate stationery. Effective action shall be taken to pursue non-payment within defined timescales.

146.3 Effective monitoring of outstanding debts and regular reporting of outstanding debt provision will be provided to the Head of Finance.

146.4 Heads of Service and Delivery Managers shall, wherever possible, separate the responsibility for identifying amount due and responsibility for collection as far as is practicable. They should also ensure that any un-banked income is retained securely to safeguard against loss or theft and that receipts, tickets and other records of income are held securely for an appropriate period.

- | 146.5 No debit in respect of an amount due to the Council once established shall be discharged otherwise than by payment in full except where write-off has been properly authorised as below:
- | 146.6 Where the amount involved is £25,000 or less (**LIMIT C**) or the debtor has been declared insolvent or bankrupt and all monies due in dividends have been received, or the debtor being a company that has ceased to trade or is insolvent the writing off of the debt can be undertaken with the agreement of the Head of Service concerned and the Head of Finance. The Head of Finance shall have the right to inspect any documentation or evidence deemed necessary. Write-offs above £25,000 must be approved by the Cabinet. ~~Detailed guidance on write-offs is incorporated within specific procedure notes which are included in the Managers Handbook.~~
- | 146.7 The cost of all write-offs will be borne by the Delivery Unit, which originally benefited from the credit.
- | 146.8 Heads of Service and Delivery Unit Managers shall promptly notify the Head of Finance of any monies of £100,000 or more (**LIMIT J**) due to the council and of contracts, leases and other arrangements entered into which involve the receipt of money of this value by the Council. The Head of Finance shall have the right to inspect any documentation or evidence deemed necessary.
- | 146.9 All receipts, tickets and other acknowledgements for payments received shall be vetted by the Head of Finance, and Internal Audit shall be satisfied as to the arrangements.
- | 146.10 Each officer who receives money on behalf of the Council, or for which they are accountable to the Council, shall keep such records as from time to time be required by the Head of Finance.
- | 146.11 All money received by an officer on behalf of the Council shall be paid promptly and completely to the Head of Finance, or as he/she may direct, to the Council's bankers. This should be preferably on the same day or if this is not possible at the earliest opportunity. In the interim the money should be kept securely. No deductions may be made from such money other than as may be approved by the Head of Finance. When money is banked information as to the reason for its receipt, or its origin, shall be supplied.
- | 146.12 Money held on behalf of the Council shall not be used to cash cheques for members, staff or third parties.
- | 146.13 Heads of Service shall review charges made for services under their control at least annually, in line with the Council's Income and Charging Policy.

CONTACT: Head of Finance

| 157. Banking Arrangements

- | 157.1 All arrangements with the Council's bankers must be made or approved by the Chief Finance Officer and the Head of Finance, who shall be authorised to operate such bank accounts, including giro bank accounts as required.
- | 157.2 Cheques drawn on the Council's banking account shall bear the facsimile signature of the Chief Finance Officer or be signed by him/her or such other identified senior officers as he/she may from time to time designate in writing.
- | 157.3 The Head of Finance, or such other identified senior officers must countersign cheques for amounts of £50,000 or more (**LIMIT F**) as he/she may from time to time designate in writing.
- | 157.4 Standing order and direct debit payments may only be established by the Head of Finance or such other identified senior officers as he/she may from time to time designate in writing.

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- 157.5 The Head of Finance shall maintain a list of identified senior officers who may on his/her behalf give instructions to the Council's banker and countersign cheques.

CONTACT: Corporate Finance Manager

168. Payments to Employees

~~18.1 Staff costs are the largest item of expenditure for most Council services. It is therefore important that there should be controls in place to ensure that payments are made only where they are due for services to the Council and that payments accord with the individual's conditions of employment.~~

- 168.12 The payment of all amounts to employees shall be the responsibility of the Head of Finance. Such payments will include wages, salaries, travel and subsistence and other allowances due under a contract of employment.

- 168.23 Heads of Service shall, promptly notify the Head of Finance in a form agreed of all matters affecting the payment to employees and in particular of:

- appointments, resignations, dismissals, suspensions, secondments and transfers;
- absences from duty, apart from normal annual leave;
- changes in remuneration, other than normal increments and pay awards and agreements of general application.
- information necessary to maintain records of service for superannuation, income tax, national insurance etc.

- 186.34 Appointments shall be made only in accordance with approved ~~structures~~ establishments, grades and ~~evaluated~~ rates of pay, unless agreed otherwise with the Assistant Chief Executive or an officer nominated by him and a Finance Manager.

- 168.45 Any pay records, shall be in a form agreed by the Head of Finance and shall be certified by or on behalf of the Head of Service. A list of officers authorised to sign such records shall be sent to the Head of Finance together with specimen signatures and any amendments to the list shall be notified in advance to the Head of Finance in writing.

- 168.56 No payment shall be made to a person deemed to be an employee other than through the normal payroll procedure, ~~except for reimbursement of minor expenditure through petty cash.~~ Heads of Service and Delivery Managers should give careful consideration to the employment status of individuals employed on a 'self-employed consultant or sub-contract' basis as these may well be employees and should be paid through the payroll.

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- 168.67 There shall be frequent reconciliation of payroll expenditure against approved budgets by the Finance team. Arrangements shall be made to ensure that appropriate payroll documents are retained and stored for the defined period.

CONTACT: Employment Services Manager or Human Resources Manager

179. Travel and Subsistence

- 179.1 Heads of Service ~~(or their nominated officers)~~ are responsible for the verification of their officers' travel ~~and subsistence~~ claims. ~~This includes:~~

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- ~~• that the costs have been incurred whilst officers were engaged on official Council business~~
- ~~• the accuracy of the mileage;~~
- ~~• the subsistence claimed particularly where not supported by receipts (applies to certain employees terms and conditions only) ; and~~
- ~~• the validity of the journeys taken.~~

Heads of Service must ensure compliance with the Council's Car Allowance Regulations, Car Leasing Scheme, Car Loan Scheme and other decisions of the Council that may be deemed appropriate. Standard mileages must be used where given and subsistence only reimbursed when supported by a receipt (within the limits stated in the guidance).

- Claims from Heads of Service must be authorised by a Corporate Director/Assistant Chief Executive,
- Claims from Corporate Directors and Assistant Chief Executive must be authorised by The Chief Executive,
- Claims from the Chief Executive must be authorised by ~~another Corporate Director~~the Monitoring Officer or his/her representative.

179.2 The Head of Finance will reimburse members' claims on receipt of the completed claim form certified by the Member concerned. The Head of Governance will ensure that claims comply with the relevant section of the Members' Allowance Scheme.

179.3 All claims should be completed in full, appropriately authorised and must be submitted within three months of undertaking the journey or incurring the expenses, to qualify for reimbursement.

179.4 All foreign travel must be approved in advance in line with the Council's Overseas Visits procedure note.

179.5 Detailed guidance on Business Mileage and Expenses Reimbursement. Add intranet link? and Overseas Visits is incorporated within specific procedure notes which are included on the Intranet.

CONTACT: Employment Services Manager

1820. Imprests

1820.1 The Head of Finance in consultation with appropriate Heads of Service may make imprest advances to officers for the purposes of paying minor items of expenditure and any other items as may be approved by him/her.

1820.2 The Head of Finance reserves the right to withdraw imprest facilities from officers if it is deemed that they are being used inappropriately, the expenditure limit is exceeded, or the facility is rarely used.

1820.3 The accounts should be maintained on an imprest basis using standard Council imprest stationery and recording procedures for this purpose. All officers should maintain a record of their receipts and payments in a form and manner prescribed by the Head of Finance.

1820.4 No income received on behalf of the Council may be paid into an imprest account but must be banked or paid into the Council as in section 15 of these regulations.

1820.5 The imprest account should be continually kept in balance and records submitted as required by the Head of Finance at regular intervals for examination and the reimbursement of expenditure.

1820.6 The officer responsible for an imprest account shall, if requested, give the Head of Finance a certificate confirming the amount held. Upon leaving the Council or at the request of the Head of Finance the responsible officer shall repay to the Council the balance of the imprest held.

1820.7 In no circumstances shall cheque imprest accounts be allowed to go overdrawn. The Delivery Unit concerned will be responsible for all bank charges, interest payments and administration charges if this occurs as a result of failure to submit reimbursement claims or if they are submitted too late in order that timely processing can take place.

1820.8 Detailed guidance on Imprest and Petty Cash Accounts is incorporated within specific procedure notes which are included on the Intranet.

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CONTACT: Corporate Finance Manager

2419. Risk Management

1924.1 The lead Cabinet Member for Governance~~Efficient Community Focussed Council~~ is the lead member on risk management for the Council.

1924.2 The Chief Executive is the lead officer in respect to risk management and is responsible for the corporate risk management processes of the Council. The Chief Executive is responsible for the development, co-ordination and maintenance of the Council's Corporate Risk management strategy. However it is the responsibility of all employees and members to ensure that the Council's risks are properly managed.

1924.3 CMT will:

- (a) regularly review the Council's strategic risks
- (b) report at least annually to Cabinet and by exception when significant changes occur
- (c) keep the lead Cabinet member for Governance updated on their reviews of the strategic risks
- ~~(b)(d)~~ annually review the risk management strategy
- ~~(e)(e)~~ approve an annual report on the Council's risk management activities

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1924.4 The Cabinet will:

- a. receive at least annually a report on regularly review the Council's key strategic risks and by exception when there are significant changes
- b. annually review and approve the risk management strategy ~~process~~
- c. approve an annual report on the Council's risk management activities

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1924.5 The ~~Audit & Risk Manager~~Audit & Assurance Manager will keep the Audit Committee informed of the reviews of the Council's ~~key~~ strategic risks, the annual review of the risk management strategy and the annual report on the Council's risk management activities. This will enable the Audit Committee to independently review the Cabinet's and Council's risk management processes as set out in their terms of reference.

~~21.5~~ The Chief Executive is responsible for the development, co-ordination and maintenance of the Council's Corporate Risk management strategy.

~~19.6~~

24.619.6 Corporate Directors are responsible for the implementation of the Corporate Risk Management strategy within the priorities that they lead.

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19.7 ~~24.7~~ Heads of Service are responsible for implementation of the Corporate Risk Management strategy within their service delivery units. Heads of Service are also responsible for ensuring that a proper risk assessment is undertaken for all new activities, projects, changes to services or partnership arrangements and that where required controls are implemented or revised to manage these new/revised risks.

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2419.8 Each Head of Service submitting a report to Cabinet, the Council or one of the Council's committees must ensure that any opportunities or risks arising from the proposed action or decision are clearly included in the impact assessment contained~~outlined~~ in the report , in line with the Corporate Risk Management Strategy.

CONTACT: ~~Audit & Risk Manager~~Audit & Assurance Manager

202. Insurance

202.1 The Head of Finance will be responsible for the Council's insurance. Only the officer identified by the Head of Finance may obtain insurance cover on behalf of the Council.

- | 202.2 Heads of Service are responsible for ensuring that all new activities or assets that may introduce an insurable risk to the Council are notified to the Insurance Manager.
- | 202.3 Each year Heads of Service must check that the risk-financing strategies in place are sufficient for their risk exposures and notify any changes required to the Insurance Manager.
- | 202.4 As soon as officers are aware of any loss, liability or damage-causing event that may give rise to a claim of any kind against the Council they must notify the Insurance Manager who will take the appropriate action to safeguard the Council's position.
- | 202.5 Appropriate officers will co-operate at all times with the investigations of the Insurance Manager into any claims and will supply all information upon request. It is imperative that officers comply with the timescales for investigating claims. Failure could directly affect the authority's ability to defend a claim or could result in financial penalties being imposed on the authority/Delivery Unit.
- | 202.6 The appropriate officer will make an annual declaration of any claims or events likely to give rise to a claim not yet reported to the Head of Finance.
- | 202.7 It is the responsibility of the Delivery Manager to ensure that all third parties using the Council's buildings are appropriately insured.

CONTACT: Insurance Manager

| 213. Security and Control of Assets

| 213.1 Stocks and Stores

- | 213.1.1 Heads of Service are responsible for determining an efficient stock holding policy to ensure stock levels are not in excess of normal requirements.
- | 213.1.2 The Head of Service shall supply the Head of Finance with such information relating to stores as may be required for the accounting, costing and financial records of the Council.
- | 213.1.3 Heads of Service shall ensure periodic test examinations of stocks and shall ensure that all stocks are checked at least twice a year, and that a return of stocks in hand at the 31st March is certified.
- | 213.1.4 After each stock check a return should be completed indicating any differences between actual and recorded stock. Where, after thorough investigation, differences cannot be reconciled, then the necessary adjustment should be made to the stores accounts. Adjustments to the accounts should be clearly identified and appropriately authorised. Copies of all adjustments should be available for inspection by Audit & Assurance Services. If the adjustments account exceeds £10,000 (LIMIT B) in any year, the Head of Finance shall report the circumstances to the lead member on the Cabinet responsible for Governance Efficient Community Focussed Council, together with explanations for the surplus/deficit.
- | 213.1.5 Heads of Service should ensure that any material surpluses or obsolete stock are disposed of in line with agreed Council procedure. All disposals should be recorded and the records should be available for inspection.
- | 213.2 **Inventories**
- | 213.2.1 Inventories shall be maintained by all Delivery Units of all Council assets, including ICT (see 23.2.2). The Head of Finance shall define the extent to which the assets of the Council shall be recorded and the form in which inventories shall be kept.

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- 213.2.2 A corporate inventory for all ICT assets shall be maintained by the Head of ~~Property & ICT Information Communications and Technology~~ and as such all items will be clearly identified and labelled. Delivery Managers should not arrange relocation or disposal without appropriate notification to the Head of ~~Property & ICT~~.
- 213.2.3 All leased equipment should be clearly identified and labelled. The labelling should indicate that the item should not be sold (as it does not belong to the authority).
- 213.2.4 The Council's assets shall not be removed from Council premises except in accordance with the ordinary course of the Council's business unless specifically approved by the Head of Service. Council property shall only be used for the Council's purposes unless specific instructions are issued by the appropriate Head of Service. The Head of Service shall be responsible for ensuring that any such agreements are recorded. Attractive and portable items such as computers, cameras, TVs, video recorders and playback/recording equipment should be identified with security markings as belonging to the Council.
- 213.2.5 All disposals will be in line with agreed ~~Council procedures~~ and E.U. directives. In addition, special procedures are in place to deal with the disposal of leased equipment – any queries should be referred to the Finance Manager (Capital and Treasury).
- 213.2.6 Delivery Managers are responsible for carrying out an inventory check at least once a year and ensuring that all items are accounted for. All discrepancies must be reported to the Head of Finance.
- 213.2.7 Detailed guidance on Inventories and Disposal of Assets is incorporated within specific procedure notes which are included on the Intranet.
- 213.3 **Land and Buildings**
- 213.3.1 The Head of Property & ~~ICT Design~~ shall be responsible for the Asset Management Plan and maintain or make arrangements for the maintenance of a terrier of all properties owned or rented by the Council.
- 213.3.2 The terrier should record:
- the date of acquisition or appropriation
 - Council authority
 - the holding Board
 - purpose for which held
 - location, extent and plan reference
 - purchasing details
 - particulars of nature of interest and rent payable
 - particulars of tenancies granted
- 213.4 **Information**
- 213.4.1 Heads of Service are responsible for the security of all information within their service area. Information can be stored on computers, transmitted across networks including the Internet, printed out or written down on paper and spoken in conversation.
- 213.4.2 Heads of Service must ensure compliance with the Council's Corporate Information Security Policy to ensure:
- Confidentiality of information
 - Integrity of information
 - Availability of information
 - All software installed and used is properly licensed and appropriate for business use.

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- 213.4.3 Heads of Service must ensure that appropriate registrations under the Data Protection Act are in place to cover the use of information within their service areas. The Data Protection Act 1998 makes provision for the regulation of information relating to individuals, including obtaining, holding, use or disclosure of such information.

CONTACTS

Stocks and Stores, Head of Finance
Inventories, ~~Audit & Risk Manager~~Audit & Assurance Manager
Land and Buildings, Head of Property & ~~ICT~~Design
Information, Head of Governance

224. Treasury Management

- 224.1 The Chief Finance Officer shall arrange all borrowing of monies, and make all arrangements concerning the investment or utilisation of capital monies or other funds.
- 224.2 In exercising the function, the Chief Finance Officer should comply with the contents of CIPFA's 'Code for Treasury Management in Local Authorities'.
- 224.3 The Council shall adopt a Treasury Policy Statement and an annual Treasury Management Strategy. The responsibility for their implementation and monitoring will be delegated to the Cabinet.
- 224.4 The Chief Finance Officer shall report (at least half yearly) to the Cabinet on the activities of the Treasury Management function and on the use of delegated Treasury Management powers.
- 224.5 The Audit Committee through their terms of reference will scrutinise the Council's Treasury management arrangements as set out in ~~the Audit Commissions~~ best practice guidance. The Chief Finance officer will provide appropriate information to enable them to fulfil this role.

CONTACT: Corporate Finance Manager

235. Unofficial and Voluntary Funds

- 235.1 An unofficial or voluntary fund is defined as any fund, other than an official fund for the Council, which is controlled wholly or in part by an officer by reason of his or her employment by the Council.
- 235.2 Staff should seek approval from the appropriate Head of Service before establishing an unofficial fund.
- 235.3 The Head of Service shall maintain a register of all such funds. The register will include the following details for each fund:
- The name of the 'Responsible Officer', as defined in the procedure notes on Voluntary and Unofficial Funds, responsible for the day to day running of the fund;
 - The accounting period (which should generally be 1st April to 31st March);
 - Bank account details; and
 - Cheque signatories.
- 235.4 Heads of Service shall ensure that all such funds are audited by suitably qualified auditors and are submitted within 6 months of the end of the accounting period to the Council and any other parties (i.e. clients, sponsors, charitable bodies) with an interest in the fund.
- 235.5 The Head of Finance reserves the right to inspect all documentation relating to unofficial funds and seeks such explanations that are necessary to ensure they are being appropriately managed.

CONTACT: Corporate Finance Manager

APPENDIX A

Financial Limits

As financial limits require amending from time to time the limits itemised in the various regulations are referenced to this appendix. When amendments are actioned they will take the place of the amounts currently included in the detailed regulations.

Limit Reference	£
A	5,000
B	10,000
C	25,000
D	5,001 to 10,000
E	10,001 to 24,999
F	25,000 or over
G	50,000
H	75,000
J	100,000
K	250,000
L	500,000
M	Over 100,000
N	200,000
P	Over 200,000
Q	100,000 to 250,000
R	Over 250,000
S	EU Threshold (currently 156,442)
T	EU Threshold (currently 3,927,260)

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Part 4 – Rules of Procedure

Section 6 – Financial Regulations

Index

<u>Point</u>	<u>Description</u>
1	Status of Financial Regulations
2	Responsibilities
3	Financial Planning
4	Accounting Systems, Financial Records and Returns
5	Financial Management and Control – Revenue
6	Financial Management – Capital
7	Taxation and Leasing
8	Controlled Stationery and Authorised Signatories
9	Internal Audit
10	Public Accountability – Responsibilities
11	Purchasing Arrangements
12	Works/Goods/Services - Requisitions, Authorisation, Goods Received and Payments
13	Corporate Credit Cards and the Government Procurement Card (GPC)
14	Cash Income and Debtors
15	Banking Arrangements
16	Payments to Employees
17	Travel and Subsistence
18	Imprests
19	Risk Management
20	Insurance
21	Security and Control of Assets
22	Treasury Management
23	Unofficial and Voluntary Funds

1. Status of Financial Regulations

- 1.1 Financial Regulations are part of the Council's control environment providing a framework for managing the authority's financial affairs and contributing to good corporate governance, internal control and the management of risks.
- 1.2 The Financial Regulations apply to all officers and members of the Council and anyone acting on behalf of the Council. They also apply to any partnerships that the Council is a member of and for which the Council is the accountable body¹.
- 1.3 It is the responsibility of Heads of Service to ensure that all staff in their delivery units are aware of their responsibilities according to the Financial Regulations and comply with them.
- 1.4 Specific positions and/or officers are named in the regulations and it is their responsibility to ensure compliance. However, named officers can delegate their authority to another appropriate officer as long as this delegation has been recorded.
- 1.5 Where the Cabinet has been named in Regulations it will be their responsibility to ensure compliance. The Cabinet can delegate such responsibility to one of its Cabinet members as set out in the Constitution.
- 1.6 All members and officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised and provides value for money.

¹ Where the Council is not the accountable body then the lead Council officer is responsible for ensuring propriety and proper processes are followed so that the Council's reputation is not at risk.

- 1.7 Financial Regulations are set out in self-contained sections, each covering a specific area of control. Each section provides a contact point for further information or clarification. Where appropriate the Regulations are supported by detailed procedure notes and links to these are provided in the document.
- 1.8 Any financial values are summarised in **Appendix A** to allow ease of update.
- 1.9 These Financial Regulations cover all areas of Council activity with the exception of schools which have their own set of regulations as part of the Local Management of schools (LMS) Scheme.
- 1.10 Failure to comply with Financial Regulations, or procedures issued under them, may lead to disciplinary action for employees and an investigation by the section 151/Monitoring Officer for Members.

2 Responsibilities

2.1 Section 151 of the Local Government Act (LGA) 1972 places a duty on the Council to make arrangements for the proper administration of its financial affairs, including the appointment of a Chief Finance Officer.

2.2 Section 114 of the Local Government Finance Act (LGFA) 1988 requires the Chief Finance Officer to report to the Council if the authority, one of its committees, the Cabinet or one of its officers:

- Has made – or is about to make – a decision which has or would result in unlawful expenditure;
- Has taken, or is about to take, an unlawful action which has or would result in a loss or deficiency to the authority; or
- Is about to make an unlawful entry in the Council's accounts.

Section 114 of the LGFA 1988 also requires the Chief Finance Officer to nominate a properly qualified member of staff to deputise, should the Chief Finance Officer be unable to perform the duties under Section 114 personally.

* **The Council** – means the full Council who provide the political and strategic direction of the authority. They approve the policies of the authority, including those for strategy and the budget.

* **The Cabinet** – means the Leader of the Council and the Cabinet members, who propose to Council policy and budget strategies.

* **Chief Finance Officer Responsibilities (s151/s114)** – these have been allocated to an appropriately qualified Corporate Director. and include:

- provision of financial advice for service delivery, strategic planning and policy making across the authority;
- provision of advice on the optimum use of available resources on the management of capital and revenue budgets;
- provision of financial management information;
- preparation of statutory and other accounts, associated grant claims and supporting records;
- provision of an effective internal audit function and assistance to management in providing safe and efficient financial arrangements;
- provision of effective financial management systems and procedures
- provision of effective income collection and payments systems;
- advising on treasury, investment and cash-flow management; and
- advising on the safe custody of assets and insurance.

* **The Head of Governance** has delegated responsibility under the Accounts and Audit Regulations 2003² to maintain an adequate and effective Internal Audit service and has direct responsibility for the operation and support of the Council's Scrutiny function. The Head of

² As updated by the Accounts and Audit (Amendment)(England) Regulations 2006 (SI2006/564)

Governance has the ability to report directly, without fear or favour, to any level within the organisation or to the External Auditor.

- * **Corporate Management Team (Chief Executive, Directors and Assistant Chief Executive)** are responsible for ensuring that Heads of Service provide services that meet the Council's overall policy objectives. This includes ensuring compliance by Heads of Service with the Council's governance arrangements including Financial Regulations and Contract Procedure Rules.
- * **The Chief Executive** is responsible for leading on corporate governance issues throughout the Council.
- * **The Head of Finance** will act as deputy Section 151 Officer
- * **Heads of Service** are responsible for ensuring the delivery of services by their respective Delivery Units. This includes ensuring compliance by Delivery Managers with Financial Regulations and Contract Procedure Rules within their service areas.
- * **Delivery Managers³** are responsible for the day to day provision of services and the management of the associated budget. This includes ensuring that all staff comply with Financial Regulations and Contract Procedure Rules in performance of their duties.

2.3 Financial Training

The Chief Financial Officer should ensure members of the Cabinet and Corporate Management Team have the financial capabilities or facilitate the development of specific skills to enable their roles to be carried out effectively.

The Head of Finance should through senior finance staff identify financial competencies for managers and members and provide adequate financial training to enable them to undertake their roles effectively and understand the financial requirements of the Constitution and associated financial policies and procedures.

3. Financial Planning

3.1 Introduction

The Council is responsible for approving the budget, various plans and policies, which will be proposed by the Cabinet. This will include the policy framework, the budget (including the capital programme) and the Council Plan. See Budget and Policy Framework Procedure Rules within the Constitution.

3.2 Financial Forecasting

The Chief Finance Officer shall, within the general direction of the Cabinet, produce forecasts of financial resources and advise upon the financial and economic implications of medium and long term service development plans and programmes and budget strategies. In exercising this duty he/she shall be mindful of the Accounts and Audit Regulations 2003 (as amended 2006), the Code of Practice on a Prudential Approach to Local Government Commitments and current accepted local government accounting codes and will review levels of reserves and balances and ensure that a robust budget process has been undertaken. The Chief Finance Officer is responsible for the Council's arrangements for under and overspendings to be carried forward to the following year.

- 3.3 The forecasts will indicate the likely changes to the Council's budget for the specified period both in terms of commitments arising out of statutory variations and Council policy and also the likely variations to funding from central or local sources.

³ 'Delivery Managers' also includes managers and/or team leaders with budget and staff responsibilities.

- 3.4 The Cabinet, having considered the forecasts and options for the specified period shall, propose the overall budget strategy to the Council for approval after the consultation process as outlined in the Budget and Policy Framework Procedures Rules within the Constitution.
- 3.5 All matters relating to the financial administration of the authority shall be kept under review by the member of the Cabinet responsible for resources.
- 3.6 The full Council is also responsible for approving procedures and for agreeing variations to approved budgets, plans and strategies forming the policy framework.

CONTACT: Head of Finance

4. Accounting Systems, Financial Records and Returns

- 4.1 Proper accounting records are one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year. These are subject to internal and external audit. This provides assurance that the accounts are properly prepared and proper accounting practices have been followed and that arrangements have been made for securing economy, efficiency and effectiveness in the use of the authority's resource.
- 4.2 The Chief Finance Officer should ensure that there is a proper retention policy for financial documents. The periods for which documents are to be retained is specified in the [retention of records procedure note \(including the Destruction and Retention Schedule\)](#).
- 4.3 The Head of Finance is responsible for determining the accounting systems and procedures adopted by the Council. No variations shall be made to accounting records and procedures without the written agreement of the Head of Finance. In particular Heads of Service should confer with the Head of Finance before introducing or amending any books, forms, records, administrative procedures or computerised systems used in conjunction with accounting for cash, income, expenditure, stores and financial transactions generally.
- 4.4 Heads of Service must maintain through their officers full and accurate records as agreed with the Head of Finance to ensure the availability of all financial, costing and statistical and other information as may be required to fully and accurately maintain the accounts of the Council, and report on its finances. This includes the correct coding of expenditure in line with the CIPFA standard classifications. All accounting records will be maintained in accordance with current CIPFA Codes of Practice,
- 4.5 Heads of Service are responsible for ensuring the completion and submission of Grant applications and financial returns. The Chief Finance Officer/Chief Executive/Audit & Assurance Manager are entitled to such explanations or information as may be required prior to signing and forwarding to the relevant government department or agency. No bid for external funding shall be submitted without approval from the relevant CMT Priority lead and relevant Finance Manager.
- 4.6 Heads of Service are responsible for ensuring adequate records, financial and otherwise, have been maintained for all externally funded schemes subject to audit by the European Commission or grant awarding bodies

CONTACT: Corporate Finance Manager

5. Financial Management and Control – Revenue

- 5.1 The Council is responsible for setting and monitoring compliance with the authority's overall framework of accountability and control via the scrutiny and audit committee processes set out in the constitution. This section of the regulations deals with the preparation and approval of budgets,

budgetary control and variations from budget provision. It applies to all areas of the Council's activities except schools. No expenditure is to be incurred or reduction in income authorised unless covered by these regulations.

5.2 Preparation and Approval of Budget

5.2.1 The Council will approve the overall spending plans of the Council.

5.2.2 The form of revenue estimates shall be determined by the Head of Finance in consultation with Heads of Service within the general guidelines of the Cabinet and relevant professional requirements. Estimates shall be prepared annually before the start of the financial year and revised during the course of the year.

5.2.3 Prior to the commencement of each financial year each Service Delivery Unit should prepare a Service Delivery Plan setting out the Service Delivery Unit's aims and objectives and expenditure and income projections within corporately agreed allocations of resources. These should be agreed with Corporate Management Team (CMT).

5.2.4 Once the council's budget for the year has been approved the Heads of Service and Delivery Managers can authorise expenditure within the limits agreed subject to the separate rules on virement.

5.2.5 The Delivery Managers must exercise appropriate financial control including monitoring income and expenditure on a regular basis.

5.3 Budgetary Control (see also para 4.4 above)

5.3.1 The corporate finance information system determined by the Head of Finance is the Council's prime accounting record. It provides the mechanism for Heads of Service and Delivery Managers to monitor and control budgets.

5.3.2 Heads of Service and Delivery Managers are required to monitor their budgets regularly during the year and take immediate action as necessary. If it is considered that a particular budget head requires increasing, virement must be sought before any overspending occurs (see Virement section). Under no circumstances should expenditure be incurred without appropriate provision being put in place first.

5.3.3 Regular financial updates will be taken to Cabinet.

5.3.4 Generally all Council budgets are prepared on a cash limited (outturn) price base. This means that no supplementary estimates will be provided for inflation increases once budgets have been approved, except in exceptional circumstances.

5.3.5 Unavoidable cost increase, e.g. public utilities, increments etc, for which insufficient allowance has been made at budget time will need to be met by equivalent reductions elsewhere.

5.3.6 All reports to CMT or Members must be cleared by finance staff for financial implications and should be made available to those staff in reasonable time before due for submission.

5.3.7 No Head of Service or Delivery Manager should plan to overspend his/her budget. All expenditure plans should be consistent with Service Delivery Plans. Potential overspends on particular budget heads will have been addressed during the year and, in some cases, virement will have been exercised.

5.4 Supplementary Estimates

5.4.1 The Council sets budgets for gross expenditure and income in the context of a cash limit. Therefore it is important that any additional commitments not covered in Service Delivery Unit budgets, (including where the net budget requirement of the Council is not increased), are funded

by savings elsewhere or additional grant funding and do not increase the net budget requirement of the Council (see Virement section). In exceptional circumstances this may not be possible and if this is the case, approval should be sought from the Council for additional funding.

5.5 Grants

5.5.1 All grant bids must be approved by the relevant CMT Priority lead and a Finance Manager prior to submission.

5.5.2 Acceptance of grant terms must also be approved by the relevant Head of Service and a Finance Manager.

5.5.3 All grant claims must be certified by a Finance Manager subject to the conditions of the grant awarding body.

5.6 Virement

5.6.1 Virement between budget heads is an integral and important feature of budgetary control. It provides Senior Managers with the flexibility to adapt expenditure patterns which they consider appropriate in meeting changing locally determined service needs and objectives consistent with Council policy. The ability to exercise virement applies to all controllable budgets.

5.6.2 Virement may be necessary for several reasons. For example:

- * unforeseen cost increases,
- * demand for a particular service, in line with existing policies, exceeding estimates,
- * a local requirement to provide a different service from that anticipated at budget time for a particular client or to meet a particular situation, or
- * utilising efficiency or other savings.

5.6.3 Except where allowed under the scheme of virement only the Council can approve changes to the budget it has previously agreed.

5.6.4 Heads of Service, in consultation with the relevant Finance Manager, shall have the authority to make virements **within** each approved service delivery unit budget provided:

- It is within the overall policy framework;
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.

5.6.5 The Head of Finance, in consultation with the relevant Finance Manager and relevant Heads of Service, shall have the authority to make virements **between** service delivery units provided:

- The amount does not exceed £50,000 (**LIMIT G**)
- It is within the overall policy framework
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.

For amounts over £50,000 Heads of Service and the Chief Finance Officer, shall have the authority to make virements **between** service delivery units with Cabinet approval provided that

- It is within the policy framework
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.
- The amount does not exceed £250,000

For amounts above £250,000s approval by full Council is required.

- 5.6.6 All virement decisions must be notified to the relevant Finance Manager (and the financial information system updated) before expenditure is incurred.

CONTACT: Corporate Finance Manager

5.7 Reserves & Balances and the Robustness of Estimates

- 5.7.1 The budget report will contain a comment by the CFO (Chief Finance Officer) on the robustness of the estimates and the adequacy of reserves, in accordance with the requirements of the Local Government Act 2003 and CIPFA guidance. The CFO must also be satisfied that the decisions taken on balances and reserves represent proper stewardship of public funds.
- 5.7.2 Specifically, the budget report will include a statement on the adequacy of general reserves and provisions for the forthcoming year, linked to the medium term financial strategy.
- 5.7.3 An annual review of earmarked reserves will be undertaken as part of the budget preparation process and a statement will be presented to Council alongside the budget report.
- 5.7.4 The level and purpose of reserves and balances held must be clearly defined and justified by Heads of Service. Further regular reviews should be undertaken to ensure continuing relevance and adequacy.
- 5.7.5 There is no statutory minimum level of reserves required. This will be a matter of local judgement determined by the CFO but following relevant national guidance.

CONTACT: Corporate Finance Manager

6. Financial Management – Capital

- 6.1 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings and major items of plant and equipment or vehicles. Capital assets shape the way services are delivered for the long-term and create financial commitments for the future in the form of financing costs and revenue running costs.
- 6.2 The Council will comply with the requirements of CIPFA's Prudential Code for Capital Finance in Local Authorities and will set and monitor a range of Prudential Indicators accordingly to ensure that borrowing is affordable, prudent and sustainable.
- 6.3 The Council will determine the capital programme for the Authority in line with overall Corporate Priorities, the Council's Asset Management Plan, Capital Strategy and availability of funding.
- 6.4 The capital programme shall focus on the medium term service & financial planning period but reflect the total cost and phasing of each approved scheme along with the proposed source(s) of funding.
- 6.5 The capital programme will demonstrate:
- the original and revised total estimated cost of each scheme
 - actual expenditure to the end of the previous financial year
 - forecast phased expenditure for the current and subsequent years
 - the revenue budget implications of the proposed programme
- 6.6 The Head of Finance shall determine the method of funding for each capital scheme, having consulted with the relevant Head of Service and working within the context of the various capital

resources available. All proposed investments should be subject to an appropriate level of analysis/appraisal by the relevant service area before commitment.

- 6.7 The Head of Finance shall ensure that an effective monitoring system is in place during the year to control capital expenditure. Heads of Service will be responsible for notifying the Head of Finance if it seems likely that there will be a significant variation in spending on a scheme. Variations may be permitted only if they can be accommodated by virement within the total capital resources available.
- 6.8 Variations, subject to the following limits, can be approved by those designated below if there is no significant impact on the delivery of individual elements of the capital programme and/or on the overall capital strategy.
- (a) Up to £50,000 (**LIMIT G**) – Head of Finance in consultation with the relevant Head of Service
 - (b) Over £50,000 up to £250,000 (**LIMIT K**) – Cabinet approval required
 - (c) Over £250,000 (**LIMIT R**) – the Council.
- 6.9 Any capital expenditure over £50,000 even if entirely covered by additional external funding but outside the approved capital programme, must be approved by Council.

CONTACT: Corporate Finance Manager

7. Taxation and Leasing

Taxation

- 7.1 Like all organisations, the Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers and members to be aware of their roles and responsibilities.
- 7.2 It is the responsibility of Heads of Services to ensure compliance with all tax regulations relating to their Delivery Units. This will include Income Tax, National Insurance, V.A.T. and tax accounted for under C.I.S. If in doubt, Heads of Services should consult with the Head of Finance. Delivery Units will be liable for any costs, including any penalties and interest charged for incorrect tax treatment.
- 7.3 Detailed [guidance on taxation issues is incorporated within specific procedure notes](#).

Leasing

- 7.4 Leasing is a method of financing the acquisition of certain types of capital assets and allows the cost to be spread over several financial years through annual rentals. It is a specialised area of finance with complex legal and financial agreements. Leasing arrangements may only therefore, be entered into by the Head of Finance or his designated officer. Normal contract procedures should be followed in relation to leasing arrangements. [See Part 4, Section 7, Contracts Procedure Rules]
- 7.5 Detailed guidance on leasing issues are incorporated within specific procedure notes on the Intranet.

CONTACT: Corporate Finance Manager

8. Controlled Stationery and Authorised Signatories

- 8.1 All cheques and other controlled stationery, including receipt books, invoices, and Electronic Fund Transfer (E.F.T.) forms may only be ordered by the Head of Finance or an authorised representative who shall make proper arrangements for their safekeeping.

- 8.2 Heads of Service are responsible for maintaining a listing of authorised signatories in the form prescribed by the Head of Finance.
- 8.3 Only authorised signatories may commit the Council to expenditure, including electronically, in line with [relevant procedure notes](#) by:
- Authorising Orders
 - Certifying expenses claims
 - Authorising petty cash purchase
 - Certifying timesheets and overtime claims
 - Signing and awarding contracts (see also Section 7, Contract Procedure Rules)

More than one officer should be involved in the authorising process.

- 8.4 A financial limit shall be prescribed for all officers. The Head of Finance in consultation with the Head of Governance shall be responsible for establishing a consistent framework for financial limits across the Council based on the roles and the responsibilities of officers.
- 8.5 Heads of Service are responsible for informing the Head of Finance of any changes to authorised signatories and the responsibilities of officers.

CONTACT:

For authorised signatories: Finance Officers

For controlled stationery: Property & ICT Administration

9. Internal Audit

- 9.1 The Chief Financial Officer under section 114 of the LGFA 1988 and the Accounts and Audit Regulations 2003 (as amended 2006) has a statutory responsibility for the overall financial administration of the Council's affairs. Section 6 of the Accounts and Audit Regulations 2003 (as amended 2006), says that the authority "shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with proper practices in relation to internal control,..". The Chief Financial Officer shall, therefore, in accordance with relevant legislation arrange for a continuous and current internal audit of all areas of Council activities.

- 9.2 "Proper internal control practices" are defined in the guidance on the Accounts and Audit Regulations 2003 (as amended 2006)⁴ as the CIPFA publication – "Code of Practice for Internal Audit in Local Government in the United Kingdom". Internal Audit will operate to this Code and any other relevant guidance. The definition of Internal Audit within the Code is:

Internal Audit is an assurance function that provides an independent and objective opinion to the organisation on the control environment⁵ by evaluating its effectiveness in achieving the organisation's objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.

- 9.3 As the definition outlines Internal Audit has a key role to play in independently reviewing the Council's⁶ arrangements for corporate governance, risk management and internal control. It contributes an objective opinion to the Council's Annual Governance Statement (including the Statement on Internal Control).
- 9.4 The existence of a continuous internal audit service does not in any way diminish the responsibility of Corporate Directors for the delivery of priorities and Heads of Service for the management of the

⁴ Department for Communities and Local Government Circular 03/2006 dated 18/08/06

⁵ The control environment comprises the systems of governance, risk management and internal control.

⁶ Internal Audit's remit extends to the entire control environment of the Council

Delivery Units under their control and their responsibilities in respect to risk management and the systems of internal control.

- 9.5 The Audit & Assurance Manager should ensure that Internal Audit remains independent in its planning and operation. The Audit & Assurance Manager should be responsible for maintaining periodic audit plans which have due regard for the key strategic risks of the authority, the risks involved for each service area in delivering their services and the requirements of the external auditor. The plan will deliver work to provide reasonable assurance to the Council based on the resources available. The Audit & Assurance Manager must report to the s151 officer or the Audit Committee if there are insufficient resources or limitations in the scope of their work to provide reasonable assurance or a service consistent with the definition of Internal Audit in paragraph 9.2.
- 9.6 It is the responsibility of Audit & Assurance to review, evaluate and report upon
- the soundness and adequacy of accounting records and the system of internal controls to provide their assurance for the Annual Governance Statement;
 - the extent to which the Council's assets and interests are accounted for and safeguarded from losses of all kinds arising from:
 - fraud and other offences
 - waste extravagance and inefficient administration, poor value for money or other cause
 - the suitability and reliability of financial and other management data developed within the organisation.
 - The soundness and adequacy of the data quality systems operating to collect and report on performance information
 - The corporate governance arrangements of the Council
 - The risk management processes of the Council both at Strategic and Service Delivery level
- 9.7 The Chief Finance Officer's authorised Audit & Assurance representatives shall be empowered to:
- enter at all reasonable times any Council premises or land
 - have access to all Council and partner records⁷, documentation and correspondence relating to any financial and/or other transactions or other business of the Council, its employees or members, as considered necessary by the CFO, Head of Governance or Audit & Assurance Manager.
 - have access to records belonging to third parties such as contractors or partners when required⁸
 - require and receive such explanations as are regarded necessary concerning any matter under examination from any employee, member, partner or third party.
 - require any employee or member of the Council or any partner/third party to account for cash, stores or any other Council property which is under his/her control or possession on behalf of the Council.
- 9.8 All work carried out shall have due regard for the requirements of the access to information legislation (e.g. Data Protection Act 1998, Freedom of Information Act 2000, etc.) and the Human Rights Act 1998, together with any other relevant legislation current at the time of the audit.

⁷ Records include business e-mail and internet records

⁸ As defined in the articles of association/memorandum, SLA, grant conditions or contract

- 9.9 Corporate Directors, Heads of Service and Delivery Managers are responsible for responding to Audit & Assurance reports and the implementation of agreed recommendations within an appropriate timescale. Delivery Managers should indicate the actions they propose within one month of agreeing the draft report.
- 9.10 Failure to implement statutory, policy or financial regulation recommendations within the agreed timetables may be referred to the Chief Finance Officer and the appropriate members, following consultation with the appropriate Head of Service.
- 9.11 Internal Audit has specific fraud related responsibilities which are set out in the corporate Anti-Fraud & Corruption Policy. Within the scope of their work Internal Audit also provide advice and consultancy in respect to issues around controls and governance, based on their professional knowledge and expertise.
- 9.12 It is the duty of any Officer or Member to follow the corporate Anti-Fraud and Corruption Policy. Any officer or member who suspects that an irregularity involving cash, materials or any other property of the Council may have occurred must inform the Head of Service or report the matter directly to the Audit & Assurance Manager or Section 151 Officer. Confidentiality, wherever possible, will be respected in any dealings on such matters.
- 9.13 The Section 151 Officer shall report to the Chief Executive, the relevant Head of Service, Corporate Director and Cabinet⁹, if appropriate, any matter of a significant nature.
- 9.14 Any decision to refer a matter as outlined in paragraph 9.12 to the Police is to be taken by the Audit & Assurance Manager after informing the Head of Governance or the Council's Section 151 Officer or their representative. Where a Member is involved the Chief Executive, Monitoring Officer and where appropriate, the External Auditor, will be consulted. Where Police advice is sought but it is not intended that any criminal prosecution shall take place, the Audit & Assurance Manager shall ensure that the anonymity of the individual(s) concerned shall be maintained at all times.
- 9.15 Internal Audit should report to a body of members the following information:
- a) the Internal Audit plan and strategy;
 - b) quarterly reports summarising the internal audit work undertaken and any key findings;
 - and
 - c) an Annual Report which provides Internal Audit assurance for the Annual Governance Statement.
- 9.16 The Audit & Assurance Manager and Head of Governance have the authority to report, as appropriate, on any matter, without fear or favour, to all levels of the Council. This can include reporting directly to the Chief Executive, the Leader, the lead Cabinet Member for Governance, Chairman of the Audit Committee, s151 Officer, CMT, the Monitoring Officer or the Council's External Auditors.

CONTACT: Audit & Assurance Manager

10. Public Accountability – Responsibilities

10.1 General

- 10.1.1 Members should ensure that they follow the Members Local Code of Conduct and have read the Members Handbook, taking any guidance into account including the declaration of any interest.
- 10.1.2 Employees should ensure that they follow the Employee Code of Conduct.
- 10.1.3 The corporate Anti-Fraud and Corruption Policy applies to all Members and Officers of the Council and they should be aware of its contents whilst representing and working for the Council.

⁹ This should be the Cabinet or a specific Cabinet member and the Leader.

- 10.1.4 An officer of the Council must not, under cover of his/her position or office of employment, accept any fee or reward, other than his/her proper remuneration without the express permission of the Human Resources Manager/Corporate Director.
- 10.1.5 A member or officer must not accept any bribe or personal inducement in connection with the Council's business.
- 10.1.6 A member or officer must not use Council property, assets, materials or information for other than the purposes of the Council.
- 10.1.7 A member or officer must not subordinate his/her duty to the Council to his/her private interest or put himself/herself in a position where his/her duty and private interests conflict.
- 10.1.8 Employees must ensure that they declare any private interest they may have in any of the Council's activities. Such a declaration should be made where the employee could benefit in the form of a financial or other pecuniary gain. The interest should be recorded in the Register of Interests held in Democratic Services.

10.2 The Cashing of Cheques

- 10.2.1 The cashing of cheques (whether Council or otherwise) by a member or officer is prohibited except in line with the Imprest [Procedures..](#)

10.3 Gifts

- 10.3.1 Officers and Members should follow the advice given in the guidance note on gifts and hospitality (see the Guidance Note on the Intranet). The receipt of personal gifts should be discouraged. If an officer, during the course of, or as a result of, official duties, receives or is offered any personal gift, other than one of only token value, the matter must be reported to the Head of Service. The Head of Service will decide if the item is to be returned, or forwarded to some charitable cause. The Head of Service should inform the donor of what has happened to the gift, and explain the reason why gifts should not be sent in the future. A record should be made of all gifts accepted, refused and / or returned.
- 10.3.2 The CMT PA's team and Heads of Service PA team must maintain a record for employees of all gifts offered, received, refused and any actions taken as outlined in the guidance.
- 10.3.3 Members should take equal care in receiving gifts whilst in office. Members Services will hold the records provided by members for all gifts offered, received, refused and any actions taken.

10.4 Hospitality and Services

- 10.4.1 Members and officers should follow the advice given in the guidance note on Gifts and Hospitality available on the Intranet. Hospitality must only be given or accepted when it is on a scale appropriate to the circumstances, reasonably incidental to the occasion, not extravagant and justifiable as in the public interest. It must be apparent that no cause could reasonably arise for adverse criticism or suggestions of improper influence by the acceptance of the hospitality. The circumstances and the type of hospitality should be agreed by the appropriate Head of Service and a record should be kept of all hospitality offered, accepted or refused as in 10.3.2.
- 10.4.2 Members and Officers should not accept services. Any approach should be politely but firmly refused and if required an explanation made. The offer and rejection should also be recorded.

10.5 Private Work / Relations with Clients and Contractors

- 10.5.1 Officers who are, in accordance with the conditions of service and the procedure note on Business Activities and Private Work, permitted to carry out private or other paid work must not

do so during Council time. Officers must declare to their Head of Service in writing the nature and duration of such private work.

- 10.5.2 Members or Officers must not use any Council premises, resources or facilities for the execution of private work. No stationery or publicity material is to indicate that the person is a Member or Council employee nor should the address or any telephone number of the Council be stated. Members and Officers should pay due notice to the relevant section of the Local Government Act 1972.
- 10.5.3 Officers must not work for any current or prospective supplier or contractor to the Council where they have influence over the selection process or could provide information about the contract to the supplier.
- 10.5.4 Officers and Members must respect the confidentiality of information and must not use information received for personal gain.
- 10.5.5 Officers and Members should avoid any arrangements which might prevent fair competition.

CONTACT: Audit & Assurance Manager

11. Purchasing Arrangements

General:

- 11.1 These Financial Regulations should be considered in conjunction with the relevant parts of Contract Procedure Rules relating to contracts. Heads of Service must ensure that any purchasing contracts comply with Contract Procedure Rules, related guidance, statutory requirements and European directives.

Financial Thresholds & Limits

- 11.2 All contracts must adhere to the contract thresholds set out in the Contract Procedure Rules in Conducting a Purchase.

Works/Goods/Services

12. Requisitions, Authorisation, Goods Received, Payments

- 12.1 Every officer and member of the authority has a responsibility to declare any links or personal interests which they may have with purchasers or suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council. Officers should declare any such interest to their Head of Service or relevant Corporate Director as soon as they become aware of such an interest. Members are responsible for amending their own entries in the Register of Interests held by Member Services as soon as they become aware of such an interest.
- 12.2 Official Orders are to be issued only by officers authorised by Heads of Service. Authorised officers are responsible for authorising orders within their control and in particular for ensuring that the expenditure is necessary, legal and within the approved estimates or covered by a special financial provision.
- 12.3 The Head of Finance should be notified of all officers authorised by Heads of Service to authorise official orders.
- 12.4 Official orders shall be issued for all work, goods or services to be supplied to the Council; this must be in the form of an electronic order generated by the approved Corporate Procurement System, unless the Government Procurement card is used (see section 13 below). Authorising officers must be able to demonstrate that the work, goods or services are required in order to provide Council Services. Orders should not be raised for supplies of utilities, periodic payments such as rent or rates, or for purchases made through imprest accounts.

- 12.5 Telephone orders may be used in exceptional circumstances but when this happens they must be confirmed using an electronic emergency order.
- 12.6 All orders must be governed by the Authority's standard terms and conditions; these must not be varied without the prior approval of the Head of Governance.
- 12.7 Official orders must not be raised for any personal or private purchases, nor should personal or private use be made of Council contracts.
- 12.8 Heads of Service and Service Delivery Managers shall separate the responsibilities for raising requisitions, authorisation of requisitions and receipt of goods, but at least 2 different officers should be involved.
- 12.9 Goods and services should be checked on receipt to ensure they are in accordance with the order and a Goods Receipt Note raised on the FMS system. Discrepancies should be dealt with as agreed procedures.
- 12.10 All payments, apart from the authorised use of imprest accounts (see Financial Regulation 18), due from Service Delivery Units and chargeable against their budgets shall be made in such manner as outlined by the Head of Finance. Apart from payments from cheque imprest accounts the normal method of payment of money due from the Council shall be by BACS or other instrument drawn on the Council's bank account by the Head of Finance. The use of direct debit and credit shall require the prior agreement of the Head of Finance.
- 12.11 All invoices will be received by the Purchase Ledger team unless otherwise agreed. Once received the invoices will be scanned into the system and matched to the order and goods received note, where they exist. Mismatches will be resolved as per the agreed procedures.
- 12.12 Payments to construction contractors on account of contracts shall be made only on a certificate issued by the Head of Service or other officer or external consultant nominated in writing for this purpose. This certificate shall show the total amount of the contract, the value of the work executed to date, retention money, amount paid to date and the amount now certified.
- 12.13 Any interest charged to the Council in respect of late payment under the Late Payment of Commercial Debts (Interest) Act 1998 will be passed on to the Delivery Unit that ordered the goods/services.
- 12.14 The Audit & Assurance Manager and Employment Services Manager shall examine accounts to the extent considered necessary and shall be entitled to make such enquiries and to receive such explanations as may be required.
- 12.15 Detailed guidance on Requisitions, authorisation, orders, good received notes and payments can be found within specific procedure notes on the Intranet.

CONTACT: Procurement Manager or Employment Services Manager

13. Corporate Credit Cards and the Government Procurement Card (GPC)

- 13.1 Usage is restricted to the following
- Corporate Credit Cards: The Leader and Corporate Directors have corporate credit cards. The CFO also has a card which can be used by other Council officers following strict guidance and authorisation procedures.
 - Government Procurement-Cards – as part of the process operated by Purchase Ledger and the Corporate Procurement Unit
- 13.2 Corporate Credit Cards: there are strict guidelines and procedures associated with the use of corporate credit cards which clearly state card holder responsibilities and allowed expenditure.

The cardholder is responsible to account for all expenditure that is incurred on their card. Expenditure must be for business purposes only and VAT receipts must be provided for each transaction. There are set limits for expenditure against the Corporate Credit Card Account which must not be exceeded. The Head of Finance will approve any additional cardholders.

- 13.3 GPC – the GPC process is in place to enable purchases by telephone, face-to-face or via the internet to streamline the procurement of low value, high volume transactions. Users will be authorised by their Delivery Manager and the process controlled by the GPC coordinator in the Corporate Procurement Team. Each card will have set limits for expenditure which must not be exceeded. Each user receives specific guidance on usage and their responsibilities. The GPC process negates the need for a traditional order; instead the user maintains a monthly log of expenditure, which is validated against the statement issued by the supplying bank. The cardholder is responsible for all expenditure on their card, which is set out in an acceptable use policy. The account will be settled by Direct Debit on a monthly basis.

Contact: Corporate Finance for further advice and guidance on the Corporate Credit Cards
Corporate Procurement for further advice on the Government Procurement Cards

14. Cash Income and Debtors

- 14.1 Income can be a vulnerable asset and the Head of Finance shall ensure that effective income collection systems are in place to ensure that all of the income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services.
- 14.2 Heads of Service and Delivery Managers in conjunction with the Finance team are responsible for ensuring that all income due to the Council is received at the right time using the correct and most cost effective procedures and the appropriate stationery. Effective action shall be taken to pursue non-payment within defined timescales.
- 14.3 Effective monitoring of outstanding debts and regular reporting of outstanding debt provision will be provided to the Head of Finance.
- 14.4 Heads of Service and Delivery Managers shall, wherever possible, separate the responsibility for identifying amount due and responsibility for collection as far as is practicable. They should also ensure that any un-banked income is retained securely to safeguard against loss or theft and that receipts, tickets and other records of income are held securely for an appropriate period.
- 14.5 No debit in respect of an amount due to the Council once established shall be discharged otherwise than by payment in full except where write-off has been properly authorised as below:
- 14.6 Where the amount involved is £25,000 or less (**LIMIT C**) or the debtor has been declared insolvent or bankrupt and all monies due in dividends have been received, or the debtor being a company that has ceased to trade or is insolvent the writing off of the debt can be undertaken with the agreement of the Head of Service concerned and the Head of Finance. The Head of Finance shall have the right to inspect any documentation or evidence deemed necessary. Write-offs above £25,000 must be approved by the Cabinet. [Detailed guidance on write-offs](#)
- 14.7 The cost of all write-offs will be borne by the Delivery Unit, which originally benefited from the credit.
- 14.8 Heads of Service and Delivery Unit Managers shall promptly notify the Head of Finance of any monies of £100,000 or more (**LIMIT J**) due to the council and of contracts, leases and other arrangements entered into which involve the receipt of money of this value by the Council. The Head of Finance shall have the right to inspect any documentation or evidence deemed necessary.
- 14.9 All receipts, tickets and other acknowledgements for payments received shall be vetted by the Head of Finance, and Internal Audit shall be satisfied as to the arrangements.

- 14.10 Each officer who receives money on behalf of the Council, or for which they are accountable to the Council, shall keep such records as from time to time be required by the Head of Finance.
- 14.11 All money received by an officer on behalf of the Council shall be paid promptly and completely to the Head of Finance, or as he/she may direct, to the Council's bankers. This should be preferably on the same day or if this is not possible at the earliest opportunity. In the interim the money should be kept securely. No deductions may be made from such money other than as may be approved by the Head of Finance. When money is banked information as to the reason for its receipt, or its origin, shall be supplied.
- 14.12 Money held on behalf of the Council shall not be used to cash cheques for members, staff or third parties.
- 14.13 Heads of Service shall review charges made for services under their control at least annually, in line with the Council's Income and Charging Policy.

CONTACT: Head of Finance

15. Banking Arrangements

- 15.1 All arrangements with the Council's bankers must be made or approved by the Chief Finance Officer and the Head of Finance, who shall be authorised to operate such bank accounts, including giro bank accounts as required.
- 15.2 Cheques drawn on the Council's banking account shall bear the facsimile signature of the Chief Finance Officer or be signed by him/her or such other identified senior officers as he/she may from time to time designate in writing.
- 15.3 The Head of Finance, or such other identified senior officers must countersign cheques for amounts of £50,000 or more (LIMIT F) as he/she may from time to time designate in writing.
- 15.4 Standing order and direct debit payments may only be established by the Head of Finance or such other identified senior officers as he/she may from time to time designate in writing.
- 15.5 The Head of Finance shall maintain a list of identified senior officers who may on his/her behalf give instructions to the Council's banker and countersign cheques.

CONTACT: Corporate Finance Manager

16. Payments to Employees

- 16.1 The payment of all amounts to employees shall be the responsibility of the Head of Finance. Such payments will include wages, salaries, travel and subsistence and other allowances due under a contract of employment.
- 16.2 Heads of Service shall, promptly notify the Head of Finance in a form agreed of all matters affecting the payment to employees and in particular of:
- appointments, resignations, dismissals, suspensions, secondments and transfers;
 - absences from duty, apart from normal annual leave;
 - changes in remuneration, other than normal increments and pay awards and agreements of general application.
 - information necessary to maintain records of service for superannuation, income tax, national insurance etc.
- 16.3 Appointments shall be made only in accordance with approved structures, grades and evaluated rates of pay, unless agreed otherwise with the Assistant Chief Executive or an officer nominated by him and a Finance Manager.

- 16.4 Any pay records, shall be in a form agreed by the Head of Finance and shall be certified by or on behalf of the Head of Service. A list of officers authorised to sign such records shall be sent to the Head of Finance together with specimen signatures and any amendments to the list shall be notified in advance to the Head of Finance in writing.
- 16.5 No payment shall be made to a person deemed to be an employee other than through the normal payroll procedure. Heads of Service and Delivery Managers should give careful consideration to the employment status of individuals employed on a 'self-employed consultant or sub-contract' basis as these may well be employees and should be paid through the payroll.
- 16.6 There shall be frequent reconciliation of payroll expenditure against approved budgets by the Finance team. Arrangements shall be made to ensure that appropriate payroll documents are retained and stored for the defined period.

CONTACT: Employment Services Manager or Human Resources Manager

17. Travel and Subsistence

- 17.1 Heads of Service (or their nominated officers) are responsible for the verification of their officers' travel and subsistence claims.

Heads of Service must ensure compliance with the Council's Car Allowance Regulations, Car Leasing Scheme, Car Loan Scheme and other decisions of the Council that may be deemed appropriate. Standard mileages must be used where given and subsistence only reimbursed when supported by a receipt (within the limits stated in the guidance).

- Claims from Heads of Service must be authorised by a Corporate Director/Assistant Chief Executive,
 - Claims from Corporate Directors and Assistant Chief Executive must be authorised by The Chief Executive,
 - Claims from the Chief Executive must be authorised by the Monitoring Officer or his/her representative.
- 17.2 The Head of Finance will reimburse members' claims on receipt of the completed claim form certified by the Member concerned. The Head of Governance will ensure that claims comply with the relevant section of the Members' Allowance Scheme.
- 17.3 All claims should be completed in full, appropriately authorised and must be submitted within three months of undertaking the journey or incurring the expenses, to qualify for reimbursement.
- 17.4 All foreign travel must be approved in advance in line with the [Council's Overseas Visits procedure note](#).
- 17.5 [Detailed guidance on Business Mileage and Expenses Reimbursement](#).

CONTACT: Employment Services Manager

18. Imprests

- 18.1 The Head of Finance in consultation with appropriate Heads of Service may make imprest advances to officers for the purposes of paying minor items of expenditure and any other items as may be approved by him/her.
- 18.2 The Head of Finance reserves the right to withdraw imprest facilities from officers if it is deemed that they are being used inappropriately, the expenditure limit is exceeded, or the facility is rarely used.

- 18.3 The accounts should be maintained on an imprest basis using standard Council imprest stationery and recording procedures for this purpose. All officers should maintain a record of their receipts and payments in a form and manner prescribed by the Head of Finance.
- 18.4 No income received on behalf of the Council may be paid into an imprest account but must be banked or paid into the Council as in section 15 of these regulations.
- 18.5 The imprest account should be continually kept in balance and records submitted as required by the Head of Finance at regular intervals for examination and the reimbursement of expenditure.
- 18.6 The officer responsible for an imprest account shall, if requested, give the Head of Finance a certificate confirming the amount held. Upon leaving the Council or at the request of the Head of Finance the responsible officer shall repay to the Council the balance of the imprest held.
- 18.7 In no circumstances shall cheque imprest accounts be allowed to go overdrawn. The Delivery Unit concerned will be responsible for all bank charges, interest payments and administration charges if this occurs as a result of failure to submit reimbursement claims or if they are submitted too late in order that timely processing can take place.
- 18.8 Detailed guidance on Imprest and Petty Cash Accounts is incorporated within specific procedure notes which are included on the Intranet.

CONTACT: Corporate Finance Manager

19. Risk Management

- 19.1 The lead Cabinet Member for Governance is the lead member on risk management for the Council.
- 19.2 The Chief Executive is the lead officer in respect to risk management and is responsible for the corporate risk management processes of the Council. The Chief Executive is responsible for the development, co-ordination and maintenance of the Council's Corporate Risk management strategy. However it is the responsibility of all employees and members to ensure that the Council's risks are properly managed.
- 19.3 CMT will:
- (a) regularly review the Council's strategic risks
 - (b) report at least annually to Cabinet and by exception when significant changes occur
 - (c) keep the lead Cabinet member for Governance updated on their reviews of the strategic risks
 - (d) annually review the risk management strategy
 - (e) approve an annual report on the Council's risk management activities
- 19.4 The Cabinet will:
- a. receive at least annually a report on the Council's key strategic risks and by exception when there are significant changes
 - b. annually review and approve the risk management strategy
 - c. approve an annual report on the Council's risk management activities
- 19.5 The Audit & Assurance Manager will keep the Audit Committee informed of the reviews of the Council's strategic risks, the annual review of the risk management strategy and the annual report on the Council's risk management activities. This will enable the Audit Committee to independently review the Cabinet's and Council's risk management processes as set out in their terms of reference.
- 19.6 Corporate Directors are responsible for the implementation of the Corporate Risk Management strategy within the priorities that they lead.

19.7 Heads of Service are responsible for implementation of the Corporate Risk Management strategy within their service delivery units. Heads of Service are also responsible for ensuring that a proper risk assessment is undertaken for all new activities, projects, changes to services or partnership arrangements and that where required controls are implemented or revised to manage these new/revised risks.

19.8 Each Head of Service submitting a report to Cabinet, the Council or one of the Council's committees must ensure that any opportunities or risks arising from the proposed action or decision are clearly included in the impact assessment contained in the report.

CONTACT: Audit & Assurance Manager

20. Insurance

20.1 The Head of Finance will be responsible for the Council's insurance. Only the officer identified by the Head of Finance may obtain insurance cover on behalf of the Council.

20.2 Heads of Service are responsible for ensuring that all new activities or assets that may introduce an insurable risk to the Council are notified to the Insurance Manager.

20.3 Each year Heads of Service must check that the risk-financing strategies in place are sufficient for their risk exposures and notify any changes required to the Insurance Manager.

20.4 As soon as officers are aware of any loss, liability or damage-causing event that may give rise to a claim of any kind against the Council they must notify the Insurance Manager who will take the appropriate action to safeguard the Council's position.

20.5 Appropriate officers will co-operate at all times with the investigations of the Insurance Manager into any claims and will supply all information upon request. It is imperative that officers comply with the timescales for investigating claims. Failure could directly affect the authority's ability to defend a claim or could result in financial penalties being imposed on the authority/Delivery Unit.

20.6 The appropriate officer will make an annual declaration of any claims or events likely to give rise to a claim not yet reported to the Head of Finance.

20.7 It is the responsibility of the Delivery Manager to ensure that all third parties using the Council's buildings are appropriately insured.

CONTACT: Insurance Manager

21. Security and Control of Assets

21.1 Stocks and Stores

21.1.1 Heads of Service are responsible for determining an efficient stock holding policy to ensure stock levels are not in excess of normal requirements.

21.1.2 The Head of Service shall supply the Head of Finance with such information relating to stores as may be required for the accounting, costing and financial records of the Council.

21.1.3 Heads of Service shall ensure periodic test examinations of stocks and shall ensure that all stocks are checked at least twice a year, and that a return of stocks in hand at the 31st March is certified.

21.1.4 After each stock check a return should be completed indicating any differences between actual and recorded stock. Where, after thorough investigation, differences cannot be reconciled, then the necessary adjustment should be made to the stores accounts. Adjustments to the accounts should be clearly identified and appropriately authorised.

Copies of all adjustments should be available for inspection by Audit & Assurance Services. If the adjustments account exceeds £10,000 (LIMIT B) in any year, the Head of Finance shall report the circumstances to the lead member on the Cabinet responsible for Governance, together with explanations for the surplus/deficit.

- 21.1.5 Heads of Service should ensure that any material surpluses or obsolete stock are disposed of in line with [agreed Council procedure](#). All disposals should be recorded and the records should be available for inspection.

21.2 Inventories

- 21.2.1 Inventories shall be maintained by all Delivery Units of all Council assets, including ICT (see 23.2.2). The Head of Finance shall define the extent to which the assets of the Council shall be recorded and the form in which inventories shall be kept.
- 21.2.2 A corporate inventory for all ICT assets shall be maintained by the Head of Property & ICT and as such all items will be clearly identified and labelled. Delivery Managers should not arrange relocation or disposal without appropriate notification to the Head of Property & ICT.
- 21.2.3 All leased equipment should be clearly identified and labelled. The labelling should indicate that the item should not be sold (as it does not belong to the authority).
- 21.2.4 The Council's assets shall not be removed from Council premises except in accordance with the ordinary course of the Council's business unless specifically approved by the Head of Service. Council property shall only be used for the Council's purposes unless specific instructions are issued by the appropriate Head of Service. The Head of Service shall be responsible for ensuring that any such agreements are recorded. Attractive and portable items such as computers, cameras, TVs, video recorders and playback/recording equipment should be identified with security markings as belonging to the Council.
- 21.2.5 All disposals will be in line with agreed [Council procedures](#) and E.U. directives. In addition, special procedures are in place to deal with the disposal of leased equipment – any queries should be referred to the Finance Manager (Capital and Treasury).
- 21.2.6 Delivery Managers are responsible for carrying out an inventory check at least once a year and ensuring that all items are accounted for. All discrepancies must be reported to the Head of Finance.
- 21.2.7 Detailed guidance on Inventories and Disposal of Assets is incorporated within specific procedure notes which are included on the Intranet.

21.3 Land and Buildings

- 21.3.1 The Head of Property & ICT shall be responsible for the Asset Management Plan and maintain or make arrangements for the maintenance of a terrier of all properties owned or rented by the Council.
- 21.3.2 The terrier should record:
- the date of acquisition or appropriation
 - Council authority
 - the holding Board
 - purpose for which held
 - location, extent and plan reference
 - purchasing details
 - particulars of nature of interest and rent payable
 - particulars of tenancies granted

21.4 Information

- 21.4.1 Heads of Service are responsible for the security of all information within their service area. Information can be stored on computers, transmitted across networks including the Internet, printed out or written down on paper and spoken in conversation.
- 21.4.2 Heads of Service must ensure compliance with the Council's Corporate Information Security Policy to ensure:
- Confidentiality of information
 - Integrity of information
 - Availability of information
 - All software installed and used is properly licensed and appropriate for business use.
- 21.4.3 Heads of Service must ensure that appropriate registrations under the Data Protection Act are in place to cover the use of information within their service areas. The Data Protection Act 1998 makes provision for the regulation of information relating to individuals, including obtaining, holding, use or disclosure of such information.

CONTACTS

Stocks and Stores, Head of Finance
Inventories, Audit & Assurance Manager
Land and Buildings, Head of Property & ICT
Information, Head of Governance

22. Treasury Management

- 22.1 The Chief Finance Officer shall arrange all borrowing of monies, and make all arrangements concerning the investment or utilisation of capital monies or other funds.
- 22.2 In exercising the function, the Chief Finance Officer should comply with the contents of CIPFA's 'Code for Treasury Management in Local Authorities'.
- 22.3 The Council shall adopt a Treasury Policy Statement and an annual Treasury Management Strategy. The responsibility for their implementation and monitoring will be delegated to the Cabinet.
- 22.4 The Chief Finance Officer shall report (at least half yearly) to the Cabinet on the activities of the Treasury Management function and on the use of delegated Treasury Management powers.
- 22.5 The Audit Committee through their terms of reference will scrutinise the Council's Treasury management arrangements as set out in best practice guidance. The Chief Finance officer will provide appropriate information to enable them to fulfil this role.

CONTACT: Corporate Finance Manager

23. Unofficial and Voluntary Funds

- 23.1 An unofficial or voluntary fund is defined as any fund, other than an official fund for the Council, which is controlled wholly or in part by an officer by reason of his or her employment by the Council.
- 23.2 Staff should seek approval from the appropriate Head of Service before establishing an unofficial fund.
- 23.3 The Head of Service shall maintain a register of all such funds. The register will include the following details for each fund:

- The name of the 'Responsible Officer', as defined in the procedure notes on Voluntary and Unofficial Funds, responsible for the day to day running of the fund;
- The accounting period (which should generally be 1st April to 31st March);
- Bank account details; and
- Cheque signatories.

23.4 Heads of Service shall ensure that all such funds are audited by suitably qualified auditors and are submitted within 6 months of the end of the accounting period to the Council and any other parties (i.e. clients, sponsors, charitable bodies) with an interest in the fund.

23.5 The Head of Finance reserves the right to inspect all documentation relating to unofficial funds and seeks such explanations that are necessary to ensure they are being appropriately managed.

CONTACT: Corporate Finance Manager

Draft

APPENDIX A

Financial Limits

As financial limits require amending from time to time the limits itemised in the various regulations are referenced to this appendix. When amendments are actioned they will take the place of the amounts currently included in the detailed regulations.

Limit Reference	£
A	5,000
B	10,000
C	25,000
D	5,001 to 10,000
E	10,001 to 24,999
F	25,000 or over
G	50,000
H	75,000
J	100,000
K	250,000
L	500,000
M	Over 100,000
N	200,000
P	Over 200,000
Q	100,000 to 250,000
R	Over 250,000
S	EU Threshold (currently 156,442)
T	EU Threshold (currently 3,927,260)

TELFORD & WREKIN COUNCIL

COUNCIL CONSTITUTION COMMITTEE – 22 FEBRUARY, 2011

UPDATE TO COUNCIL CONSTITUTION

REPORT OF THE HEAD OF GOVERNANCE

1.0 PURPOSE

- 1.1 To request the Committee to recommend the following to Full Council :
for approval:
 - 1.1.1 Changes to the Council's Constitution in respect of Governance and delegations of powers
 - 1.1.2 Amendments to the Functions and Powers of the Personnel Board
 - 1.1.3 Proposed changes to the Financial Regulations within the Council's Constitution

2.0 RECOMMENDATIONS

- 2.1 **That the changes to the Constitution in respect of Governance and the delegation of powers, as set out in Annex A, be approved to come into force on 8 May, 2011;**
- 2.2 **That the additional Terms of Reference of the Personnel Board, as set out in Annex B, be approved and implemented with immediate effect;**
- 2.3 **That the changes to Part 4 – Section 6 – Financial Regulations of the Constitution, as set out in Annexes C1 and C2, be approved.**

3.0 SUMMARY

- 3.1 A change in the Elected Members model of leadership to the "Strong Leader" model is required to be in force following the Borough Council elections in May 2011. The proposed model was approved by Council at its meeting on 25 November, 2010 when it was resolved "that the Leader and Cabinet model be formally adopted for the Council's Executive arrangements with effect from 8 May, 2011 following the May 2011 Borough elections".
- 3.2 In the light of the conclusions of the remuneration panel, references to the role of Cabinet Assistant have been deleted.
- 3.3 The positions of Speaker and Mayor have been combined in to a single role, in line with practice in the majority of other councils.
- 3.4 References to the Emergency Committee have been deleted as there is provision to call a special meeting of the Executive or the relevant committee, dependent on the issue arising.

- 3.5 Deletion of some out of date guidance notes
- 3.6 Changes in the Terms of Reference of the Personnel Board are suggested to address current omissions in the current delegation.
- 3.7 The key changes to the Financial Regulations are required to reflect the revised requirements resulting from the introduction of a new financial management system which incorporates modules in respect of an integrated purchase to payments process, financial accounting (including commitment accounting), sales ledger and financial reporting. This system is to be implemented on 1 April, 2011.

4.0 PREVIOUS MINUTES

- 4.1 Council Constitution Committee – 8 June, 2010 (Minute No. CCC-9)
- 4.2 Council – 24 June, 2010 (Minute No. 30)
- 4.3 Council Constitution Committee – 9 November, 2010 (Minute No. CCC-15)
- 4.4 Council – 25 November, 2010 (Minute No. 59)

5.0 INFORMATION

- 5.1 Provisions in the Local Government and Public Involvement in Health Act 2007 (Schedule 4, part 1, section 3) require the Council to make changes to its executive arrangements. In accordance with the proper procedure, a consultation exercise was undertaken during 2010 to consider views as to whether the change should be to an elected Mayor or Strong Leader Executive Model. On 25 November, 2010 the Council resolved to adopt the Strong Leader Model and this needs to be in place following the forthcoming Council elections in May.
- 5.2 The change to the “Strong Leader executive model will mean that the executive powers previously vested in the Cabinet will now be vested initially in the Leader of the Council who will be appointed, following the elections, to serve for a four year term. The Leader will be able to decide upon the composition of the Cabinet and also in respect of those delegations of powers previously vested in the Cabinet. In some cases those powers will be shown in the Constitution but the Leader of the Council can delegate those powers without them appearing in the Constitution although it is suggested that any such changes in delegations are reported to the Cabinet as soon as possible thereafter.
- 5.3 Provisions need to be added for the appointment of the Leader, Deputy Leader together with provisions for removing both. The Committee will be aware that a full review of the Council’s Constitution is being undertaken but certain provisions need to be in place for May and, accordingly, the necessary changes are proposed here.
Suggested changes, referred to in sections 3.2 to 3.5 of the report are also proposed in Annex A. These amendments deal with:
 - (i) Deletion of references to Cabinet Assistants

- (ii) Single role for Mayor/Speaker
- (iii) Deletion of references to Emergency Committee
- (iv) Deletion of some out of date guidance notes

At Annex B the Committee will see that there is a proposed change to the delegated powers provided by the Council to the Personnel Board in order to deal with disciplinary issues relating to senior officers. It is proposed that the Personnel Board be delegated the power to deal with senior officer matters on behalf of the Council.

5.4 The key changes to the Financial Regulations are due to the implementation of a new financial management system on 1st April 2011. Paragraph 11 has been shortened referring readers to the Contract Procedure Rules to reduce duplication and paragraphs 12, 13 and 15 have been combined into a new paragraph 12 to reflect the updated integrated system for requisition, authorisation, receipt of goods and payment. As a result paragraphs 14 onwards have been re numbered.

5.5 Minor changes have also been made to reflect the Council's senior management restructure, service area restructures and the tighter financial controls introduced in response to the current economic climate and local government finances.

Attached as Annexes C1 and C2 are a tracked change version and an updated version incorporating the changes.

6.0 **OTHER INFORMATION**

Equality & Diversity	Any changes to the Constitution must comply with all the equality and diversity legislation and regulations.
Environmental Impact	None arising directly from this report.
Legal Comment	The legal comment is set out within the main body of this report.
Links with Corporate Priorities	The Council seeks to deliver its objectives of providing leadership, accountability and high standards in local democracy.
Opportunities & Risks	The opportunities and risks associated with this process have been assessed. Arrangements have been put in place to manage the risks and maximise the opportunities that have been identified.
Financial Implications	The changes will be accommodated within existing budgets. It should also be noted that there are currently a number of financial delegations to officers which are made by Cabinet

	which under the Strong Leader model will be made by the Leader. The role and responsibilities of the Chief Finance Officer (S151/S114) are unchanged.
Ward Implications	Borough wide

7.0 BACKGROUND PAPERS

Council Constitution

Local Government and Public Involvement & Health Act 2007

Report prepared by Jonathan Eatough, Head of Governance (01952 383200)

PLANS BOARD

Minutes of a meeting of the Plans Board held on Wednesday, 19th January, 2011 at 5.00 p.m. in the Civic Offices, Telford

PRESENT: Councillors N.A. Dugmore (Chairman), R. Aveley (substitute member for Councillor R.T. Kiernan), D.R. Chaplin, J.A. Francis, G.M. Green, Y.C. Hicks (substitute member for Councillor F.R. Picken), H. Rhodes and M.J. Smith

ALSO PRESENT: Councillor A. Lawrence (for planning application TWC/2010/8010 and Councillor I.T.W. Fletcher (for planning application TWC/2010/8016)

PB-69 APOLOGIES FOR ABSENCE

Councillors R.T. Kiernan and F.R. Picken

PB-70 DECLARATIONS OF INTEREST

None.

(At the request of Councillor I.T.W. Fletcher, the Chairman agreed that the two agenda items be considered in the following order)

PB-71 TWC/2010/0816 – ST. GEORGE'S BYPASS, ST. GEORGE'S, TELFORD, SHROPSHIRE

This was an application for a determination as to whether prior approval was required for the siting and appearance of a replacement slim line telecommunications monopole together with a new ground equipment cabinet on a site within the grass highway verge on the northern side of the St George's Bypass and approximately 200 metres west of the Limekiln Bank Roundabout.

The application involved replacing the existing 14.9 metre high 02 monopole accommodating 3 antennae with a monopole of the same height accommodating 6 antennae to provide 02 and Vodafone with coverage in the surrounding area. All the antennae would be contained within a smooth circular sheath, which would be thicker than the existing one to accommodate the additional antennae. There would also be a new ground equipment cabinet at the base of the pole measuring 1.89m in length, 0.79m in width and 1.65 metres in height. The monopole and the equipment housing would both be coloured grey to match the existing equipment.

The applicants had stated that the proposal was required to increase 2G network capacity to the Priorslee/St Georges area and also to provide 3G coverage, hence the need for the additional cabinet, as set out in the update report tabled at the meeting.

The Board was reminded that this was a telecommunications determination application and, therefore, the decision whether to give or refuse prior approval had to be based on the siting and appearance of the installation.

Councillor V.A. Fletcher, Ward Member, had objected to the proposal on the grounds that the mast would be situated on the grass verge and would present a danger to motorists. In addition, one e-mail had been received objecting to the proposal, as summarised in the main report and the update report tabled at the meeting informed the Board that one further e-mail had been received regarding the siting of the monopole. St. George's & Priorslee Parish Council had informally commented that it had no objection to the proposal but did have concerns regarding the additional street furniture and antennae. The Council's Highway's Engineer had no objections to the application.

The existing monopole and its associated ground equipment cabinet were sited on the open grass verge adjoining the highway with high banks of vegetation beyond the highway verge on both sides of the road. There were numerous 12 metre high street lights along the northern side of the By-pass and the nearest residential property was approximately 20 metres from the proposal site.

The applicants had stated that, when providing a new or enhanced telecommunications facility, they always sought to upgrade the existing mast or pole before exploring other options. In this particular case the applicants had established that, from a technical point of view, the existing 02 installation was a suitable location to provide the required level of 3G coverage for both 02 and Vodafone. On the basis that the proposal was for the replacement of an existing pole and that it was a mast sharing opportunity, the applicants had confirmed that no other telecommunications installations, buildings or other structures within the required coverage area had been considered. The Board was informed that, while a pre-application consultation letter had been sent to the Council in October 2010, the applicants had stated that this consultation exercise had not been extended to other interested parties as only a replacement pole was being proposed.

The proposed pole would be the same height as the existing structure, although it would need to be slightly wider in order to accommodate the 3 extra antennae. By utilising an existing installation, albeit with a wider profile, the current proposal would reduce the need for additional street furniture and prevent the proliferation and introduction of new masts into the wider area. The column would retain its slim-line profile, with its shrouded antennae, in order to minimise the visual impact of the development.

The replacement monopole would not be significantly visually different from the existing monopole and, therefore, would not be an alien feature in the street scene, nor significantly visually intrusive. Its location within the grass highway verge would not form an incongruous or unduly prominent feature on the skyline or on the street scene. In addition the monopole would be viewed in relation to the trees located beyond the grass verges. There was no fenced compound proposed and it was normal to find various types of electrical equipment cabinets and relay boxes sited alongside urban roads. Therefore, the overall impact of the installation on the street scene was considered to be acceptable taking into account that there was a similar structure already on the site.

There was much public concern relating to the possible adverse health impacts of telecommunication development. However, Members were advised that

consideration of the application should follow the advice given in PPG8, paragraph 98 i.e. "...it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them." The Planning Officer confirmed that the requisite ICNIRP certificate had been submitted with the application and confirmed that the site and the proposed emissions would comply with the appropriate guidelines.

Councillor I.T.W. Fletcher, Ward Member, informed the Board that both he and local residents had concerns relating to the proposed site of the additional cabinet and requested that it be moved to the other side of the footpath. The proposed site was on a bend on an unrestricted main road into Telford and the additional cabinet would be a potential hazard.

Robert Sarson, the applicant's agent, informed the Board that O2 and Vodafone had a countrywide agreement to share infra-structure where possible in line with national and local planning policy guidance. The proposed second cabinet would be in line with the existing one. The increased need for 3G coverage was demand led by users and the present network was not able to handle the current amount of use. With regard to Councillor Fletcher's request that the additional cabinet be moved further away from the road, the agent explained that it needed to be installed on adopted highway and he did not know the extent of that land. In addition, the cabinet not only provided technical capacity but also provided the power supply to the mast which, if moved, would necessitate digging up the pavement. In response to a question from Councillor Chaplin he explained that it was not possible to have only one cabinet as the present technology did not allow for 2G and 3G in one cabinet.

Councillor Aveley commented that the existing monopole had been on the site since 2003 and resulted in no accidents. In addition, the additional cabinet would be behind a road sign, which would protect it from a direct hit.

Following a discussion on the possibility of requesting the applicant to relocate the second cabinet, the Head of Housing & Planning advised that, if the Board considered this to be a particular issue, it could refuse the application but advise the applicant that an amended application showing a suitably amended location for the cabinet would be favourably considered.

DETERMINATION:

The proposed 14.9 metre high slim line telecommunications monopole does not require a full planning application, and therefore **prior approval is given** for the siting and appearance of the telecommunications installation and its permitted development rights are hereby confirmed.

This was an application for a determination as to whether prior approval was required for the siting and appearance of a replacement for an existing telecommunications monopole and a replacement equipment cabinet.

The application involved the replacement of the existing 12 metre high Vodafone monopole, accommodating 3 antennae, with a slightly shorter 11.8 metre high monopole accommodating 6 antennae, to provide 02 and Vodafone with coverage in the surrounding area. All the antennae would be contained within a smooth circular sheath which would be thicker than the existing one to accommodate the additional antennae. For clarification, the report informed the Board that when the application was first registered it had mistakenly stated that the existing monopole was 10 metres high. The proposal also included a replacement ground equipment cabinet at the base of the pole measuring 1.69m in length, 0.79m in width and 1.65 metres in height. As set out in the update report tabled at the meeting, the monopole would provide 3G coverage only and therefore, no additional cabinet was required.

Both the monopole and the equipment housing would be coloured to match the existing equipment. The existing monopole and its associated ground equipment cabinet were situated on the open grass verge adjoining the highway junction between Donnington Wood Way and Marshbrook Way. There were numerous 10 metre high street lights along these roads and the nearest residential property was approximately 50 metres from the proposal site.

The Chairman reminded the Board that this was a telecommunications determination application and, therefore, the decision whether to give or refuse prior approval had to be based on the siting and appearance of the installation.

Two e-mails had been received objecting to the proposal on the grounds summarised in the report. In addition, a petition signed by 59 people had been received objecting to the application. Lilleshall, Donnington & Muxton Parish Council had no objections to the application. The update report informed the Board that the Council's Highway's Engineer had no objections to the application.

The applicants had stated that, when looking to provide a new or enhanced telecommunications facility, they always first sought to upgrade the existing mast or pole before exploring other options. On the basis that the proposal was for the replacement of an existing pole and that it was a mast sharing opportunity, the applicants had confirmed that no other telecommunications installations, buildings, and other structures within the required coverage area had been considered.

In this particular case the applicants had established that, from a technical point of view, the existing 02 installation was a suitable location to provide the required level of 3G coverage for both 02 and Vodafone. The Board noted that, although a pre-application consultation letter was sent to the Council in October 2010, but the applicants had stated that this consultation exercise had not been extended to other interested parties as only a replacement pole was being proposed.

The proposed pole would be slightly shorter in height than the existing structure but would need to be slightly wider in order to accommodate the 3 additional antennae and would reduce the need for additional street furniture and prevent the proliferation and introduction of new masts into the wider area. The column would retain its slim-line profile, with its shrouded antennae, in order to minimise the visual impact of the development.

It was considered that the replacement monopole would not be significantly visually different from the existing monopole and, therefore, would not be an alien feature in the street scene. Its location within the grass highway verge would not form an incongruous or unduly prominent feature on the skyline or on the street scene. There was no fenced compound proposed and it was normal for various types of electrical equipment cabinets and relay boxes to be sited alongside urban roads. Therefore, the overall impact of the installation on the street scene was considered to be acceptable, taking into account that there was a similar structure already on the site.

There was much public concern relating to the possible adverse health impacts of telecommunication development. However, Members were advised that consideration of the application should follow the advice given in PPG8, paragraph 98 i.e. "...it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them." The main report informed the Board that the requisite ICNIRP certificate had been submitted with the application and had confirmed that the site and the proposed emissions would comply with the appropriate guidelines.

Councillor A. Lawrence, Ward Member, spoke against the application and informed the Board that local residents had objected to the existing structure, which they did consider to be an alien feature in the street scene, being intrusive, incongruous and prominently sited on the corner of a road junction. It was a distraction to motorists and the proposed structure would magnify these issues. The majority of nearby residents were not happy with the proposal and neither himself or Councillor N.A. Dugmore, the other Ward Member, had been consulted.

Mr. Chris Turnbull, a local resident said that there were considerable local objections to the proposal and the petition now had 79 signatures. He reiterated the comments made by Councillor Lawrence and added that the siting of a cabinet containing high voltage equipment was not appropriate in this location.

Robert Sarson, the applicant's agent said that the existing mast had been in situ for six years and, therefore, this was an established location. As both operators would use the new monopole for only 3G no additional ground based cabinet was required merely a slightly large replacement to accommodate the new operation. As the mast would be reduced in height, it would be more in keeping with the local street scene.

In response to Councillor Lawrence, he explained, that as this was the site of an existing structure, it had not been a requirement to consult local Ward Councillors. Additionally, in line with Policy T21 – Telecommunications of the Wrekin Local Plan, Vodafone had looked primarily at existing sites in this instance and had been satisfied that the existing monopole would be suitable for 3G as there was a 2G monopole nearby.

Councillor N.A. Dugmore, Ward Member, said that he was concerned that the new mast would be more intrusive than the existing one, would result in a proliferation of such structures and was not appropriate for siting on a busy road. Councillor R. Aveley suggested that both the mast and the cabinet be moved back from the road to prevent a possible collision with a vehicle.

The Head of Housing & Planning advised the Board that, if they considered the proposed change in appearance of the mast to be intrusive and therefore an issue, the application could be refused on those grounds. However, if Members considered that the general locality for the mast was acceptable but they wished to see the exact location changed, they could refuse the application but advise the applicant that a suitably amended application would be favourably considered.

DETERMINATION:

The proposed 11.8 metre high slim line telecommunications monopole does not require a full planning application, and therefore **prior approval is given** for the siting and appearance of the telecommunications installation and its permitted development rights are hereby confirmed.

The meeting ended at 5.55 p.m.

Chairman:

Date:

PLANS BOARD

Minutes of a meeting of the Plans Board held on Wednesday, 26th January, 2011 at 6.00 p.m. in the Civic Offices, Telford, Shropshire

PRESENT: Councillors N.A. Dugmore (Chairman), R. Aveley (substitute for Councillor R.T. Kiernan), D.R. Chaplin, J.A. Francis, G.M. Green, H. Rhodes, F.R. Picken and M.J. Smith

ALSO PRESENT: Councillor I.T.W. Fletcher (for planning applications TWC/2010/0009 and TWC/2010/0638), Councillor V.A. Fletcher (for planning applications TWC/2010/009 and TWC/2010/0638) and Councillor E.J. Greenaway (for planning application TWC/2011/0013)

PB-73 MINUTES

RESOLVED – that the minutes of the meeting of the Plans Board held on Wednesday, 5th January, 2011 be confirmed and signed by the Chairman subject to those ‘Also Present’ being amended to include Councillor I.T.W. Fletcher (for planning application TWC/2010/0745).

PB-74 APOLOGY FOR ABSENCE

Councillor R.T. Kiernan

PB-75 DECLARATIONS OF INTEREST

None.

PB-76 DEFERRED/WITHDRAWN APPLICATIONS

None.

PB-77 SITE VISITS

None.

PB-78 PLANNING APPLICATION FOR DETERMINATION

- (a) TWC/2010/0009 – Land adjacent to The Shires, Shifnal, Road, Priorslee, Telford, Shropshire

This was an outline application for the erection of 5 detached dwellings and garages, together with site access, on land between Glendale and The Shires. Matters relating to layout, scale, appearance, and landscaping would be considered at the Reserved Matters stage. Councillor I.T.W. Fletcher, Ward Member, had requested that the application be considered by the Plans Board.

The application site, approximately 0.4 hectare in size, was almost regular in shape and covered by scrubby vegetation with several clusters of mature trees, some of

which were subject to Tree Preservation Orders. A small part along the southern boundary was designated as Green Network on the Local Plan.

One letter had been received from a local resident who had concerns relating to the position of the septic tank. St. George's & Priorslee Parish Council had no objections subject to the retention of the boundary wall to retain the heritage of the site, and to the replanting of suitable trees to replace those that were felled. Council consultees had no objections to the application subject to appropriate conditions, as set out in the report.

As most of the site was shown as 'white land' on the Wrekin Local Plan, residential development was considered to be acceptable in principle and the site had the benefit of an extant planning permission granted to Telford Development Corporation (TDC) in 1985. The site, which lay within the built-up area of Telford and within a predominantly residential area, was considered to be large enough to accommodate 5 detached dwellings, as shown on the notional layout plan submitted with the application.

Although the site was subject to a Tree Preservation Order, the Council's Arboricultural Officer had stated that many of the trees were self set with only a few being worthy of retention. The notional layout plan showed the retention of all the significant trees and tree protection measures would be secured through the imposition of relevant conditions, as would replacement planting to mitigate for the loss of any trees that would be felled.

The vehicular access point would be located near to the north-east corner of the site, where the ground level was at a similar height to the adjacent road. The Council's Highways Engineer was satisfied with the proposed access arrangements, subject to conditions relating to the provision of visibility splays, off-site highway works, and a new raised table junction scheme.

Due to the rear boundary of the site being approximately 50 metres from the M54 Motorway a noise assessment had been carried out in accordance with the guidelines set out in PPG24 – Planning and Noise. Whilst the noise levels were generally considered acceptable for residential development, it was recommended that all the dwellings should have double glazed windows incorporating an appropriate glazing specification to guarantee a good standard of internal amenity in living rooms and bedrooms and ensure that the internal noise levels within the proposed dwellings complied with the relevant British Standards Code of Practice.

Councillor V.A. Fletcher, on behalf of St. George's & Priorslee Parish Council, raised concerns at the potential loss of the heritage wall and trees on the site both of which were intrinsic features of the area. Councillor I.T.W. Fletcher, Ward Councillor, supported her comments and asked that appropriate conditions be imposed to require any trees covered by Tree Preservation Orders to be replaced, if it became necessary to fell them, and to ensure the retention of the dry stone retaining wall. In addition, he requested that appropriate conditions be imposed to regulate the installation of the septic tank. Mr. Pugh, the owner of Glendale, raised concerns at the proposed location of the septic tank on the site, its impact upon his own property,

the nature of the ground conditions, and the potential problems arising from the narrow site access.

In response the Planning Officer informed the Board that a requirement to retain as many of the trees on the site as possible could be incorporated into the landscaping condition and an appropriate condition included to retain the dry stone wall. With regard to the concerns expressed on the ground conditions, the Drainage Officer had raised no objections and the exact location of the septic tank would be dealt with at the Reserved Matters stage.

RESOLVED – that with regard to planning application TWC/2010/0009 outline planning permission be granted subject to the conditions as set out in the report and to additional conditions relating to the retention of the drystone wall and the retention of trees in the landscaping condition.

(b) TWC/2010/0585 – 42 High Street, Hadley, Telford, Shropshire

This application related to the change of use of the land at the side of and behind the property from a van rental storage facility to a used car sales area. When first submitted, the application included a Block Plan showing a total of 25 cars to be parked on the site but an amended plan had reduced this to 22 cars, including 4 visitor/staff spaces. The site was currently vacant and comprised an office, small kitchenette area, and toilet which, although part of the building, was only accessed from the yard and was only for use by staff on site. Vehicular access was through existing gates in the north-west corner of the site.

Hadley & Leegomery Parish Council had requested that the application be considered by the Plans Board and had submitted objections, as outlined in the report. However, no individual neighbour consultation responses had been received and the Council's Highways Officer had no objections to the application.

In 1992 planning permission (W91/1024) was granted at appeal to change the use of the site to provide a hire and storage area for cars and light commercial vehicles and, in 2008, the Council had received complaints that there had been an unauthorised change of use to car sales with vehicles not only parking within the site boundary but over-spilling onto the adjoining roads, pavements, grass verges, and car parks, thereby creating highway safety problems. In 2009 planning permission (W2009/0101) was refused for a change of use of the land from van rental to car sales, as set out in the report.

In submitting this application the new site owner had stated that he would operate the site less intensively than the previous owner and would endeavour to avoid the problems previously experienced. The amended Block Plan showed that a maximum of 22 cars could be accommodated within the site without over-spilling onto adjacent roads and pavements, the layout and number of which would be the subject of planning conditions.

The Council's Highways Officer had no objections to the application as the principle of use of the site for car storage had previously been established and it would be difficult to argue that the proposed use would generate any significant increase in vehicular use. He was satisfied with the provision of 4 visitor/staff spaces within the

site, particularly as there were a number of public car parks close to the site. However, as the highway outside the site was adopted and yellow lined, any associated parking issues could only be enforced by the police and not by the Local Authority.

It was considered that the proposed use would not adversely affect the visual amenities of the locality or generally be harmful to the character and appearance of this part of the District Centre as the site was partly screened by existing boundary planting. Furthermore, this use would not detract from any proposed redevelopment of Hadley Centre. There was likely to be only low levels of vehicular movements associated with the use in and around the site and access into and out of the site entrance would not jeopardise highway safety. Furthermore, being located in a highly sustainable location adjacent to the bus station would enable potential visitors to travel to the site by public transport.

Colin Potts, Clerk to Hadley & Leegomery Parish Council, spoke against the application and referred to the objections made by the Parish Council, as summarised in the report. Carl Huntley, agent for the applicant, acknowledged the previous problems experienced with the site but said that the current application had been carefully considered, including the site and visitor parking, to ensure there was no impact outside the curtilage of the site. The applicant was mindful of the regeneration plans and the site was well-screened from the High Street. He drew the Board's attention to the fact that all relevant Council officers had raised no objections to the application including the Highway's Engineer.

Councillor M.J. Smith, Ward Councillor, stated that the site created a bottleneck which would be increased by visitors parking at the entrance rather than using public car parks elsewhere in Hadley, views which were supported by Councillor R. Aveley, Ward Member, who was also concerned that the proposal would adversely affect the intended regeneration of Hadley.

Having listened to the objections raised by the Parish Council and local Ward Members, the Chairman said that he had concerns regarding visitor parking to the site given that the adopted highway outside the site was yellow lined. These concerns were supported by Councillor D.R. Chaplin.

On being put to the vote, there was no proposer and seconder for the officer recommendation to approve the application. A proposal, as seconded, that the application be refused was approved unanimously.

RESOLVED – that planning application TWC/2010/0585 refused for the following reason:

- 1. The Local Planning Authority considered that the Applicant had provided insufficient information to demonstrate that the number of vehicles proposed could be accommodated within the application site and would not lead to overspill parking/display of vehicles for sale on adjoining land, public highway, footpaths and car parks. The proposed car sales business was considered unacceptable and would be detrimental to highway safety and the character and appearance of the**

area. Accordingly, the development was contrary to Policy CS15 of the Core Strategy DPD Adopted December 2007, Policy UD2 of the Wrekin Local Plan 1995-2006 and national guidance contained in PPS1 and PPS6.

- 2. The Local Planning Authority considered that the proposed change of use would potentially have a detrimental effect on the future regeneration of Hadley**

(c) TWC/2010/0627 – Ironstone Square, Lawley, Telford, Shropshire

This application requested reserved matters approval for a mixed-use local centre consisting of a food store of 3,287 sq.m. gross, a further 2875sq m gross comprising 12 small units for retail or other commercial uses, a stand-alone retail unit east of the food store, a day nursery, public house and 12 two bedroom flats above the shops adjacent to the main food store, 11 duplex apartments and 16 houses with associated landscaping and infrastructure works. The application site lay to the north of West Centre Way and formed part of a larger scheme for the development of a local centre at Lawley.

As part of the planning proposals, a Development Framework Plan and Design Codes had set down principles which had been adopted by the developers. The Development Framework set out areas for mixed use development around Lawley Square i.e. north and south of the re-aligned West Centre Way and along 'Main Street', a proposed road running almost parallel to Lawley Drive to the north and south of Lawley Square.

Since the proposals were originally put forward in 2003, the economic climate had changed considerably and the applicants had had to depart from the strict requirements of the Design Codes in order to make the development financially viable and meet the requirements of the end users and to this end negotiations had been held with officers over a period of 2 years. The floor space to be provided for the different forms of commercial and office use, as set out in the Planning Statement accompanying the outline application, had not been formally agreed as part of the permission and the applicants had provided a table that demonstrated the changes made in the current application.

The design of the buildings was contemporary in form and feel to create a new modern high quality local centre and would be constructed using a mix of brick, render and timber elements with prominent roof pitches to help to distinguish the buildings together with glazing to provide interest and an active frontage. The whole development had been linked by a landscaping scheme inspired by the mining industry, to provide a high quality, sustainable and attractive environment which would incorporate high quality hard landscaping elements. The landscaped areas within the application site would be maintained by the developers.

In terms of access to the local centre, the principles set out in the Development Framework had been developed through the Primary Infrastructure works but it had been decided to retain and improve the current temporary Gresham Drive link to

West Centre Way. As the development was brought into use the traffic lights on the currently unused junctions on West Centre Way would be brought into operation.

In terms of sustainability the development had been designed to meet BREEAM Very Good and the residential units to meet Code level 3 for Sustainable homes. In addition, the development should also meet the requirements of Secure by Design.

The outline permission required 25% affordable dwellings some of which had to be designed to meet SDS standards. However, the issue of the viability of the development in the current economic climate remained to be resolved and the applicants had submitted a viability assessment that needed to be fully considered. This issue was covered by the S106 Agreement for the whole of Lawley and was currently under discussion and any changes would be brought back to the Board for consideration.

The update report tabled at the meeting informed the Board that some minor amendments to the submitted plans had now been received relating to the Nursery. In addition the update report stated that the proposed car park for the public house would affect the line of an existing bridleway and require its diversion, as shown on the appended map. This re-alignment, which formed part of planning application TWC/2010/0826 for the roads and infrastructure required to service the current application had not yet been finalised for consideration but had been discussed with all user groups and considered to be acceptable. The works for the diversion would take place before the existing route was closed. No objections had been raised by the Highways Officer in respect of either application subject to the conditions set out in the update report.

In response to a question from Lawley & Overdale Parish Council regarding there being no planning application for a Community Centre, the update report informed the Board that the outline planning permission had envisaged that such community facilities would be provided as part of the new primary school to be provided south of West Centre Way through the S106 Agreement. Unfortunately, there was no provision for this within the S106 Agreement and, as a result of the slow down in the number of dwellings that were being built and issues of financial viability for the Lawley development, the timing of the school had been put back to September 2014 at the earliest although this date was under review.

The Head of Housing & Planning said that this was a very significant development for Telford and was an example of the public and private sectors working together. Members welcomed the application which the Chairman commented that it was very well thought out.

RESOLVED – that with regard to planning application TWC/2010/0627 the Head of Housing & Planning be authorised to grant approval of Reserved Matters subject to conditions to include the matters listed in the update report.

(d) TWC/2010/0638 – Pigeon Box Inn, Priorslee Road, Telford, Shropshire

This was an application for full planning consent for the erection of 27 dwellings and associated highways works. The site, approximately 0.8 hectares in size, comprised

the now derelict public house fronting Priorslee Road and its amenity and parking area to the rear, which was accessed to the east of the public house.

The Council's Highways Engineer had raised concerns relating to some small elements, as set out in the update report tabled at the meeting, but had now confirmed that they were acceptable subject to appropriate conditions. In addition, he had requested a contribution of £5,000 towards the installation of a tactile dropped kerb facility and associated remedials at crossing points between Priorslee Road, Snedshill Way and Church Road. Following receipt of an amended landscaping plan, the Council's Arboricultural Officer had raised no objection to the scheme, subject to conditions, but had expressed concerns relating to the hedgerow and post-development ownership. St George's & Priorslee Parish Council had commented that its original grounds of objection were still valid, as outlined in the main report. 5 individual letters of objection had been received, as summarised in the main report.

The principle of development had been established in 2009 following the granting of planning consent for 31 residential dwellings subject to a S106 agreement. (W2008/0550). Unfortunately, the owner had not signed the Agreement and the consent had, therefore, not been issued. However, on the Agreement's completion, planning permission would be issued. Since 2009 the owner had marketed the site and the current application had been submitted by the prospective developer with the proposed density having been reduced from the previous approval to 21 dwellings per hectare.

The site outlined for development had no formal allocation in the Wrekin Local Plan and the building was not considered to be one of local interest; subsequently the site could be considered for residential development in accordance with Windfall Policy H6. The development site was within 220m of a regular bus route and in close proximity to the town centre and other facilities and, therefore, was considered to be located in a sustainable area.

The proposal would replace the derelict public house and develop the associated parking and amenity area. There were no rights of way through the site and its current condition did not provide any form of amenity to the surrounding area. Some note worthy trees on the site were subject to Tree Preservation Orders and a mature hedge provided a soft natural boundary to the development site. These constraints had influenced the layout and design of the scheme as had the areas of noise constraints and the character, scale and form of the properties surrounding the site.

The access to the site was via Priorslee Road through the existing public house access, the location of which had been dictated by the root protection area of the protected trees, and the need for the development to have a presence on Priorslee Road, allowing the development to form part of the street scene through an active frontage provided by plot 1. A secondary access to the development from Telford Way was not required nor would be supported as this would prejudice the safety and free flow of highway users.

The applicants had been requested to amend Plot 1 with a hipped roof but, as set out in the report, they had been unwilling to do so given the design of adjacent

properties. It was recognised that this was a difficult plot to design for due to the narrow constraints of the site and the submitted design, whilst not perfect, was considered acceptable. Amendments had been received for the front boundary to a small wall with hedging, reflecting that of the surrounding area, and in relation to plots 2, 3, 12 and 13, as detailed in the update report.

Plots 19-26 ran north to south adjacent to Telford Way, which was the main amendment to the previous scheme and the two apartment blocks had been removed thus taking away the 3 storey focal point around the central access. The emphasis of the development to Telford Way had been reduced by the detachment of plots and the introduction of rear amenities bounded by brick walls for plots 22 and 23. The agent considered that, as there was no view or footpath crossing to Telford Way, the previous approach was not warranted. Whilst officers did not agree with this approach, for the reasons set out in the report, it was not considered sufficient to warrant a refusal.

The Acoustic Report, as outlined in the officer report, recommended a noise mitigation scheme for the submitted layout to include acoustic glazing and acoustic ventilation to the units of appropriate specification. Acoustic fencing was also recommended to the rear and side boundaries of dwellings to protect their external amenity areas, which was considered appropriate and in compliance with PPG24.

Concerns had been raised by officers with regard to the established hedgerow and the proposed boundary fencing, as detailed in the main report. As the proposal would sit adjacent to a residential development to the north, it was considered these were not required but should be subject to this development proceeding. Therefore, it was recommended that this be controlled by a condition to install the fence prior to occupation if the site to the rear had not been developed with the ability to remove this if development had occurred, allowing the occupant to benefit from the established boundary hedge. The update report informed the Board that the works to the hedgerow would be those solely within the developer's ownership and not on the adjacent land.

Planning application W2008/0500 had attracted a number of objections on the grounds of drainage due to localised flooding from drains during heavy rainfall and the Board had resolved to include offsite drainage alleviation measures in the Section 106 Agreement. However, since that date, Severn Trent Water had investigated and removed the blockage of the surface water drains and, subsequently, this application had attracted less objections and the Section 106 Agreement was no longer warranted. An updated Flood Risk Assessment had been received and the update report confirmed the capacity of the site by the use of a hydrobrake device, as conditioned in the main report.

Whilst the site had been previously developed, it was considered that the level of contamination was relatively low and, therefore, remediation of any contamination issues could be adequately conditioned. In compliance with Policy H6 officers were satisfied that the development could be adequately accessed, provide sufficient parking, be adequately drained, remediated of any contamination, was located in a sustainable area and would not have an adverse impact on the local environment by virtue of its use or the proposed design.

In line with Policy H23 the developer had been requested to provide 30% affordable housing, split between 20% social housing and 10% shared equity, and had now agreed to provide 8 affordable housing units in the mix set out in the update report. Policy LR6 requested the provision of outdoor recreational play facilities on new residential development but, as this proposal did not meet the requirements to provide onsite play facilities, a request for £600 per dwelling towards the upgrade of play facilities in the immediate area had been requested and agreed by the applicant. Policy T22 required developments, where necessary, to provide the necessary improvements to meet the transport needs of the development, in this instance a crossing on Telford Way, and the applicant had agreed to £5,000.

Councillor V.A. Fletcher, on behalf of Priorslee & St. George's Parish Council, spoke of its concern on the over-development of this area, the lack of play facilities, and the single point of entry/exit. She also expressed concerns regarding the ongoing flooding in the area and the impact of the development upon its green space and amenities. Councillor I.T.W. Fletcher spoke as Ward Councillor and said that he had grave concerns regarding the ongoing water and sewerage problems which needed to be completely resolved before the development was started and also made reference to the access issues in relation to 1 Freeston Terrace. In conclusion, he requested that, as the application site fell within the Priorslee Ward area, the S106 Agreement stipulate that the £600/house contribution to leisure and recreation facilities be used within that area.

Karen Bignall, a local resident informed the Board of the noise levels from the A5 together with that of the proposed development, the restricted access for vehicles, and the issues relating to the layout of Plot 1 and the impact on her own property, reducing the safety of vehicles entering and exiting the driveway immediately opposite No. 1.

John Freeman on behalf of the applicant, responded that the proposed scheme had reduced the number of units to 27 from the 37 previously approved and confirmed that the existing hedgerows would be retained. The Flood Risk Assessment and Drainage Survey had been accepted and he considered that the surface water was due to the underlying clay. It was not in the developer's interest to develop a site with sewage present and he assured the Board that this issue would be resolved.

Councillor H. Rhodes asked if the drainage issue had been resolved and the Planning Officer explained that Severn Trent Water had found and dealt with a broken manhole cover. There was no provision for drainage works in the S106 Agreement before the Board, as it was considered that this issue had been resolved as set out in the update report. Tanks with a large capacity were to be installed on the site with a restricted flow but once the contents reached the main sewer, it was no longer the developer's responsibility. In addition, the Council would seek to ensure that the appropriate mitigation was in place on the proposed development to prevent it from having an adverse impact on the site. Several Members raised issues regarding the outfall from the disused collieries in the area but the Planning Officer assured them that the Contaminated Land Officer had not raised any issues to the development of the land.

The Head of Housing & Planning emphasised that a higher density scheme had previously been approved by the Board and that the issues of drainage and sewerage had been considered under that application. These issues were the responsibility of the relevant utilities and the role of the Local Planning Authority was to ensure that the development did not exacerbate any existing problems and that appropriate remedies were in place.

With regard to Councillor I.T.W. Fletcher's request that the S106 Agreement monies for leisure and recreation be restricted to use in Priorslee, the Council's Solicitor explained that the Agreement had already been drafted but could be amended as necessary and the Head of Housing & Planning said that the Planning Officer would speak to an appropriate colleague in Leisure & Recreation to ensure that Councillor Fletcher was consulted on the location that would best meet the needs of his Ward.

RESOLVED – that with regard to planning application TWC/2010/0638 the Head of Housing & Planning be authorised to grant planning permission subject to the applicant entering into a Section 106 Agreement to provide financial contributions for £53,292.80 towards primary education, £600 per dwelling toward Leisure and Recreation to be spend within the Priorslee Ward, £5,000 towards a pedestrian crossing facility, and the provision of 8 affordable units and to the conditions as set out in the update report tabled at the meeting.

(e) TWC/2010/0705 – Land at Wildwood, Woodrows, Woodside, Telford, Shropshire

This was an application by Telford & Wrekin Council for planning consent for the creation of 40 additional parking spaces throughout Woodrows, Wildwood and Woodside Avenue, together with alterations to several footpaths in the area. The residential area was 'Radburn' in design and the majority of garages and parking facilities fronted the highway so dominating the street scene. A number of vehicles mounted the pavements and parked on grassed area to the front of their properties due to the lack of parking facilities, thus causing considerable damage to the Council maintained lawned surfaces.

Madeley Parish Council supported the proposals for the second phase of the Woodside North Regeneration. The Council's Highways Engineer had originally raised concerns with regard to the distance behind spaces but, following these having been amended to provide 6m behind each space, he now supported the application. Objections had been received from 3 neighbouring properties including the potential for anti-social behaviour, as summarised in the report.

The proposal, whilst providing 40 additional spaces in total, would provide 3-9 vehicle spaces in any one area close to the proposed residential users and well related to the surroundings. Whilst one area of parking was protected by Green Network Designation, the proposal would only pocket a small slither adjacent to the highway, where on-street parking was common, and a reduction in the level of such parking was, therefore, acceptable as it would improve highway safety on a main access road.

Whilst neighbour comments had been noted, planning was not able to control the level of vandalism which currently occurred but it could ensure that any proposal had natural surveillance to design out crime. In this regard, the proposals were located in areas which were naturally overlooked by adjacent properties and, as the proposal did not include any fencing around the spaces, it would not create any alley ways where anti social behaviour could occur. With regard to concerns over noise disturbance, the proposal formed small areas of additional parking which were located adjacent to existing parking areas and, subsequently, the proposal would not increase the current level of noise. It was, therefore, considered that the proposal would not have a detrimental impact on the residential amenities of the surrounding properties and complied with Core Strategy Policies CS8 & CS15 and Wrekin Local Plan Policy UD2.

The update report, as tabled at the meeting, informed the Members that a petition against the scheme had now been received signed by 8 local residents. With regard to the objections received from 29 Woodrows, the Regeneration Manager had confirmed that, whilst these concerns had been considered, it had been concluded that they were outweighed by the wider benefit to the area. However, the additional parking spaces adjacent to this property could be reduced if required but would reduce the overall benefit of the scheme.

Kimberley Pool, a local resident, raised a number of concerns relating to nuisance, noise pollution, and safety arising from the proposal with regard to the site adjacent to 29 Woodrows. She also pointed out that some of the existing spaces were under-utilised due to people preferring to park on the road. A number of her comments were supported by other local residents in the public gallery.

The Head of Housing & Planning responded that the regeneration of Woodside was an important priority for the Council and consultation had been undertaken with local residents. Unfortunately, Woodside had been planned and laid out in a particular way and he advised the Board that the recommendation to approve the overall scheme be supported. However, if Members had concerns relating to the parking spaces proposed adjacent to 29 Woodrows, then they could delegate authority to him to renegotiate an amended scheme to take account of the views expressed at the meeting and to approve the overall scheme.

Councillor D.R. Chaplin agreed with the concerns expressed by local residents and, whilst accepting the importance of the regeneration of Woodside, welcomed the opportunity for the issues raised to be discussed with relevant officers. Councillor G.M. Green added that there did not appear to be an equitable distribution of parking spaces with regard to 29 Woodrows.

RESOLVED – that with regard to planning application TWC/2010/0705 the Head of Housing & Planning be authorised to discuss and resolve with Council Officers the concerns raised by Members about the number of spaces proposed adjacent to 29 Woodrows and to grant planning permission when the issue had been resolved

(f) TWC/2010/0778 – 30 Haygate Road, Wellington, Telford, Shropshire

This application sought planning permission for the change of use of half of the existing vacant retail unit, use class A1, to a Community Boxing Club, use class D2. The application site comprised a detached, single storey, modern, flat-roofed red brick building with vehicular access off Alexandra Road and a small parking area for approximately 5 vehicles. The site was located approximately 180 metres to the west of Wellington District Centre in a mixed residential and commercial area.

Wellington Town Council had objected to the proposals on the grounds summarised in the report. One letter of objection had been received during local consultation relating to parking.

The Wellington Amateur Boxing Club was a 'community-led' organisation aimed at providing positive activities linked to boxing for young people in Wellington. It had been formed following community engagement which had identified the lack of positive activities for young people in the College Ward. Through boxing, the Club aimed to address issues of anti-social behaviour and community safety within the Wellington area and it was anticipated that the discipline and training required to take part in boxing would contribute to the health and wellbeing of those who participated. In addition, the Club had identified a number of residents who currently had to travel to train in similar facilities in Shrewsbury. The Club was supported by Richie Woodhall (Olympic and Commonwealth medal winner), who had been appointed as Lead Coach and Chair of the Boxing Club, and it was applying for Charitable Status and, as such, would be a non profit organisation.

The application form identified that there would be 1 part-time employee but it was envisaged that local residents would run the Club thereby developing their skills in both running a community-led organisation and in coaching. It was proposed that the Club will operate 5 evenings per week with 2 morning sessions on a Saturday morning with some scope for training sessions during the school holidays. Consequently, the proposed hours indicated on the application form stated 10am to 9pm Monday to Friday, 10am to 2pm Saturday with no training on Sunday or Bank Holidays, which would cater for occasional school holiday day sessions. Having regard to the previously approved hours of operation of the adjacent unit, it was considered that the proposed hours of use were acceptable.

The comments received had been noted but the Highways Engineer had raised no objections to the proposal as it did not alter the existing access or reduce the car parking facilities and the site was in a highly accessible location close to the District Centre and associated public transport, public car parks, and within walking distance of a bus route with a regular service. Haygate Road had a mix of residential and commercial uses and, whilst it was noted that this was a sensitive location close to established housing, it was considered that the proposed use would have no further adverse impact on adjoining residential amenity than the existing retail use which had no controlled hours of operation in terms of vehicle movements, noise and disturbance. Accordingly, the proposal complied with Policy CS5 & CS10 of the Core Strategy

Mrs. Sherrel Fikeis, the applicant, spoke in support of the application and informed the Board that an adjacent business had now made its car park available, if required. A statement from Councillor R.G. Chaplin, Ward Councillor, setting out the concerns of local residents regarding the impact of the proposal upon parking in Alexandra Road was read out by the Planning Officer.

Members welcomed the application particularly if the concerns regarding parking could now be addressed.

RESOLVED – that with regard to planning application TWC/2010/0778 be granted planning permission subject to the conditions as set out in the report.

(g) TWC/2010/0013 – Land at Old Park Road, near Mossey Green Roundabout, Old Park Way, Old Park, Telford, Shropshire

This was an application for a determination as to whether prior approval was required for the siting and appearance of a replacement telecommunications monopole and additional equipment cabinet.

The application involved replacing the existing 14m high Vodafone monopole accommodating 3 antennae with a slightly higher 14.8m high monopole accommodating 6 antennae to provide O2 and Vodafone with 2G and 3G coverage in the surrounding area. All the antennae would be contained within a smooth circular sheath, which would be fatter than the existing one to accommodate the additional antennae. In addition, there would be a new ground equipment cabinet measuring 1.58m in length, 0.38m in width and 1.35 metres in height. The monopole and the equipment housing would both be coloured to match the existing equipment. The applicants had stated that the proposal was required to increase 2G network capacity to the Old Park/Rock area and also to provide 3G coverage.

In May 2009 the Council had adopted a Supplementary Planning Document entitled 'Telecommunications Development' which provided guidelines relating to the Council's planning approach towards telecommunications development in the Borough, the key points of which were set out in the report.

The update report tabled at the meeting informed the Board that 5 e-mails/letters of objection had been received from local residents, a summarised in the report, and similar concerns had been raised in a letter from the Old Park Residents Association and the Ward Member, Councillor E.J. Greenaway. In addition, the update report set out additional information submitted by the applicant relating to the dimensions of the replacement mast, its power output, and the need for an additional 3G cabinet for the O2 operator.

This was a telecommunications determination application and therefore the decision whether to give or refuse prior approval had to be based on the siting and appearance of the installation.

The existing monopole and its associated ground equipment cabinets were situated on the open grass verge adjoining the Mossey Green Roundabout. There were numerous 12m high street lights along Old Park Way and around the Mossey Green

Roundabout and the nearest residential property was approximately 65m from the proposal site.

The applicants had stated that, when providing a new or enhanced telecommunications facility they always sought to upgrade the existing mast or pole before exploring other options. In this particular case they had established that, from a technical point of view, the existing 02 installation was a suitable location to provide the required level of 3G coverage for both 02 and Vodafone. A pre-application consultation letter had been sent to the Council in October 2010 but the applicants had stated that this consultation exercise was not extended to other interested parties because only a replacement pole was being proposed. On the basis that the proposal was for the replacement of an existing pole and was a mast sharing opportunity, the applicants had confirmed that no other telecommunications installations, buildings, and other structures within the required coverage area were considered.

The proposed pole would be marginally higher than the existing structure and needed to be slightly wider in order to accommodate the 3 extra antennae. By utilising an existing installation, albeit with a fatter profile, the current proposal would reduce the need for additional street furniture and prevent the proliferation and introduction of new masts into the wider area. The column would retain its slim-line profile and shrouded antennae in order to minimise the visual impact of the development.

The replacement monopole would not be significantly visually different from the existing monopole and, therefore, would not be an alien feature in the street scene, nor significantly visually intrusive. Its location within the grass highway verge would not form an incongruous or unduly prominent feature on the skyline or on the street scene. There was no fenced compound proposed and it was normal to find various types of electrical equipment cabinets and relay boxes sited alongside urban roads. Therefore, the overall impact of the installation on the street scene was considered to be acceptable taking into account that there was a similar structure in location already.

There was much public concern relating to the possible adverse health impacts of telecommunication development. However, Members were advised that consideration of the application should follow the advice given in PPG8, paragraph 98 i.e. "...it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them." The main report informed the Board that the requisite ICNIRP certificate had been submitted with the application and had confirmed that the site and the proposed emissions would comply with the appropriate guidelines.

Therefore, the proposed replacement monopole was considered an acceptable installation in this urban residential area, where the appearance of a slimline

monopole would not detract from the character of the area or be significantly different from the pole it would replace. Furthermore, proximity to dwellings was not a planning issue provided that the application included an ICNIRP Declaration regarding emissions, as did this application, and the installation satisfied normal planning considerations regarding the siting and appearance of development.

Councillor E.J. Greenway, Ward Councillor, expressed concern at the lack of consultation with local elected members and residents. The existing site was clearly visible being only 1 m from the highway, and this would be worsened by the replacement mast being higher and wider. If approved, the mast would be visually dominant to both residents and highway users.

These views were supported by John Fowler, a local resident, and Paul Edwards of the Old Park Residents Association, who considered that the applicant had failed to justify the need for the replacement shared mast.

In response, Robert Sarson, agent for Vodafone, said that upgrading an existing mast rather than erecting an additional stand-alone mast, was in line with both Planning Policy Guidance 8 and the Council's planning policy guidelines and could be achieved with only a small increase in height and an additional cabinet.

The Head of Housing & Planning informed the Board that the consultation period on the application did not end until the 1st February 2011 but due to the constraint of the 56 day period, it was necessary to make a decision at the meeting. As the consultation period had not yet ended, he advised the Board that there could be additional responses which they would not be able to take into account when making a decision. The public speakers had identified issues relating to the height and width of the proposed mast and the additional cabinet and he asked Members to consider whether these changes would be more noticeable than the original mast.

Councillor F.R. Picken commented that the health issues surrounding masts were an important factor for many people and Councillor R. Aveley commented that the proposed mast would be intrusive and Councillor H. Rhodes suggested that it be resited closer to the hedgerow. Having listened to the concerns expressed by the public speakers, Councillor D.R. Chaplin said that he was concerned that local residents had not had an opportunity to put forward their views within the available time scales.

The Head of Housing & Planning advised the Board that if it was minded to refuse the application having heard the strong local feeling against the replacement mast, the application had the option to either appeal the decision or to submit a revised application and/ or a revised site.

The Chairman concluded that he was also concerned at the lack of courtesy shown by the applicant in not consulting local residents and allaying their fears. He had grave reservations about a taller, wider mast with a total of 3 cabinets.

Following the debate on the application, Members were minded not to support the officer recommendation that prior approval be given.

DETERMINATION:

The Local Planning Authority considered that the proposed 14.8 metre high telecommunications pole with antennae and equipment cabinet will be unacceptable by reason of being visually intrusive in this location due to its height and siting. The proposed replacement mast would be higher, bulkier and have an extra cabinet and would therefore be materially different to the existing approved mast. Accordingly the proposal is considered contrary to Policy 21 of the Wrekin Local Plan, Supplementary Planning Document “Telecommunications Development” and national guidance in PPG8 Telecommunications.

PB-79 URGENCY RESOLUTION – SECTION 100B(4), LOCAL GOVERNMENT ACT 1972

The Chairman made the following statement:

“I am of the opinion that the following item of business should be dealt with as a matter of urgency at this meeting in order to avoid any unnecessary delay.”

PB-80 ADJOINING LOCAL AUTHORITY CONSULTATION (SOUTH STAFFORDSHIRE)

This proposal, submitted to South Staffordshire Council, was for the erection of six wind turbines complete with foundations, anemometer mast, underground cable network, crane hardstandings, access tracks, temporary construction compound, switchgear house and ancillary structures to generate electricity from wind energy. The construction, operation and decommissioning of the proposed wind farm would be some 27 years. The turbines would typically generate as much electricity as was used by 6,585 local households and would avoid emissions of some 15,755 tonnes of carbon dioxide. Each installed turbine would have a maximum height of up to 126 metres to blade tip 80 metres to hub, with an anemometry mast height of about 80m and a rotor diameter of 92 metres. Access would be from the A5 (Watling Street) from the south through two minor roads that led to Blymhill and Brineton to the site itself. The application site area was some 149ha, although only 4m would be lost to agriculture from the construction of site infrastructure and a proposed bypass.

South Staffordshire Council had consulted Telford & Wrekin Council on the proposal as an adjoining local authority as the application site was just over 2km east of the Borough/Staffordshire administrative boundary and had landscape implications for Telford & Wrekin. All consultation to local residents, statutory and other relevant consultees was being carried out by South Staffordshire Council as the determining local planning authority.

The only observations made in the report to the Plans Board related to any material planning considerations that concerned Telford & Wrekin Council, namely landscape, but there would be many more relevant material planning considerations to be considered by South Staffordshire when they determined the application.

At ground level the site was essentially flat and, looking west towards the Borough, the top of The Wrekin Hill could be observed above a roughly north-south sandstone ridge extending north of Sheriffhales to Health Hill, Woodcote Wood and Pave Lane, all south of Newport. The ridge, which was mainly arable farmland with some wood areas, effectively screened the majority of Telford & Wrekin from the application site at ground level. Potential landscape and visual impact of wind farm developments were important considerations, particularly given the size of the wind turbines in this case which extended to 126 meters to blade tip. PPS22 provided specific guidance on assessing landscape impact and local planning authorities needed to consider factors such as national designations, landscape character areas, landscape sensitivity, landscape and visual analysis and cumulative effects. The applicant had undertaken a landscape analysis in the Environmental Impact Assessment that accompanied the application. In considering visual and landscape impact, there would be many aspects that needed to be taken into account, including the impact on nationally designated landscape areas and locally designated landscape areas, the impact on settlements and isolated dwellings, the impact on major transport routes and rights of way and impacts on areas of recreational and tourism value.

The landscape analysis recognised that there would be some significant landscape effects within the immediate landscape setting, around 2-3 km from the wind turbines, but that these would diminish rapidly beyond 3 km. Officers did not agree with those conclusions or that the significant visual and landscape impacts would be limited to a relatively small area.

However, the maps in the report showing the zones of theoretical visibility indicated that there were collectively large tracts of land in Staffordshire and Shropshire, including Telford & Wrekin and parts of the western area of the West Midlands Conurbation, where up to 5-6 turbines could potentially be seen. This was a potentially significant visual effect for the West Midlands Region and particularly so for areas closer to the wind farm.

As an aid for Members, the Sinclair-Thomas Matrix set out in Table 1 of the report had been used at several wind farm public inquiries, both in the UK and overseas, and represented a useful albeit simplistic guide to the likely visual effects of wind turbines when viewed at varying distances.

Kynnersley (a viewpoint) was within an area of Special Landscape Area and The Wrekin Hills (viewpoint) was within the Shropshire Hills Area of Outstanding Natural Beauty, both of which were protected from the effects of inappropriate development by policies of the adopted Core Strategy and the saved policies of the Wrekin Local Plan. Added to this the substantial parts of the urbanised areas of Telford and Newport, together with other rural areas from which the wind turbines would be visible, there was an unacceptable adverse impact on the landscape setting of Telford & Wrekin as well as other local authority areas.

It was, therefore, concluded that the proposed King Street Wind Farm was contrary to policies CS12 and CS13 of the adopted Core Strategy, and saved policies NR1, NR2 and OL2 of the Wrekin Local Plan.

RESOLVED - that South Staffordshire Council be recommended to refuse the application since the proposal would have an unacceptable adverse effect on the landscape of Telford & Wrekin by being contrary to policies CS12 and CS13 of the adopted Telford & Wrekin Core Strategy, and saved policies NR1, NR2 and OL2 of the Wrekin Local Plan.

PB-81 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – that the press and public be excluded from the meeting for the following item of business on the grounds that it might involve the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A of the Local Government Act 1972.

PB-82 DELEGATED AUTHORITY – TOWN & COUNTRY PLANNING ACT

To report of the Head of Housing & Planning informed the Board that an Enforcement Notice was served on the 3rd February 2010 in relation to the unauthorised siting of a residential mobile home on the open land identified in the report. No appeal was lodged against the Notice and, consequently, the Notice was required to be complied with by the 7th April 2010. The mobile home has not been removed despite the land owner being convicted on two separate occasions in the Telford Magistrates Court for non-compliance with the Enforcement Notice. The unauthorised residential mobile home was still in situ and the Enforcement Notice had not been complied with.

Section 178 of the Town and Country Planning Act 1990 allowed the Council to enter land and take steps to secure compliance with an Enforcement Notice. The usual route of seeking compliance was to prosecute in the Magistrates' Court but, as two convictions had not secured compliance, direct action was a reasonable next step.

RESOLVED – that the Head of Housing & Planning be authorised for direct action pursuant to Section 178 of the Town and Country Planning Act 1990 namely the removal of the residential mobile home identified in the report and any debris and material arising from its removal.

The meeting ended at 9.14 p.m.

Chairman:

Date:

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Wednesday 19th January 2011 at 9.30 am in the Reception Suite, Civic Offices, Telford

PRESENT: R.Aveley (Chairman), R.G.Chaplin, J.A.Francis, R.E.Groom, Y.C.Hicks, A.A.Mackenzie, C.N.Mason, C.P.R.Mollett, H.Rhodes, C.F.Smith and A.G.P.Williams.

LC-47 MINUTES

RESOLVED – that the minutes of the meeting of the Licensing Committee held on the 16th December 2010 be confirmed and signed by the Chairman.

LC-48 APOLOGIES FOR ABSENCE

Councillor T.J.Hope, G.P.Hossell and R.T.Kiernan (Vice-Chairman).

LC-49 DECLARATIONS OF INTEREST

None.

LC-50 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – that the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of information, as defined in Paragraph 1 of Part 1 of Schedule 12A Local Government Act 1972.

LC-51 PRIVATE HEARING – MR.A.Z.

After hearing the evidence presented by the Council's Public Protection Team Leader and the licensee and his representative in accordance with the hearings procedure and following consideration and discussion by the Committee, it was;

RESOLVED – that the Committee considered that they were not satisfied that the licensee remained a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly there was reasonable cause to suspend his licence for a period of one month in accordance with Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

The meeting ended at 12.15 pm.

Chairman:

Date:

AUDIT COMMITTEE

Minutes of a meeting of the Audit Committee held on Tuesday, 21st September 2010 at 6.00 pm in the Reception Suite, Civic Offices, Telford

PRESENT: D. Wright (Chairman), D.R. Chaplin (Vice-Chairman), D.G. Allen, R.K. Austin, J.A. Dixon and L. Lomax.

OTHER MEMBERS PRESENT: Councillors G.M. Green, R.E. Groom, S.M. Kelly, R.T. Kiernan, V. Tonks, A.G.P. Williams and H. Williams.

OFFICERS PRESENT: K. Clarke – Head of Finance, J. Eatough – Head of Governance, D. Sidaway – Head of Property & Design, J. Marriott – Audit & Risk Manager, P. Harris – Corporate Finance Manager, B. Morris – Finance Manager – Capital and Treasury, R. Montgomery – Group Auditor, P. Griffiths – Democratic Services Manager and A. Roberts – Democratic Services Officer.

OTHERS PRESENT: Andy Cardoza – Senior Manager KPMG LLP and Peter Evans – Assistant Manager KPMG LLP

AUC-26 MINUTES

RESOLVED – that the minutes of the meeting of the Audit Committee held on Tuesday 27th July 2010 be confirmed and signed by the Chairman.

AUC-27 APOLOGIES FOR ABSENCE

None.

AUC-28 DECLARATIONS OF INTEREST

Councillor R.K. Austin declared a prejudicial interest in connection with minute item AUC-30 and stated that he would leave the meeting prior to consideration of this particular item.

Councillor L. Lomax declared a personal interest in connection with minute item AUC-29 and stated that she would remain in the meeting during the consideration of this particular item.

N.B. The Chairman of the meeting advised that at this point it was his wish to amend the order of business as stated on the published agenda by proceeding with the following agenda items:

Internal Audit Review of the Dawley Town Hall Lease Agreements 2002-2010 – Appendix E

Members Expenses May 2007 – Results of the Internal Audit and External Auditors (KPMG) Investigations – Appendix D

After dealing with these items the Chairman reverted to the published agenda order.

AUC-29 INTERNAL AUDIT REVIEW OF THE DAWLEY TOWN HALL LEASE AGREEMENTS 2002-2010

Minute not yet resolved by the Audit Committee. Amended minute will be presented to the next meeting of the Committee.

N.B. In accordance with the previous declaration of interest by Councillor R.K. Austin left the meeting prior to the consideration of the following item.

AUC-30 MEMBERS EXPENSES MAY 2007 – RESULTS OF THE INTERNAL AUDIT AND EXTERNAL AUDITORS (KPMG) INVESTIGATIONS

The Committee considered the joint report of the Head of Governance and KPMG that had been prepared in relation to members expenses that had been produced by Internal Audit for the Chief Financial Officer (CFO) and KPMG for the Chairman of the Audit Committee

It was reported that Internal Audit had been requested by the CFO to undertake a review of the process for claiming members expenses following a question from a member of the public and subsequent complaint to the Standards Committee in September 2009. The Standards Committee referred the complaint for investigation and it was undertaken by an independent investigator. The Internal Audit report formed part of the report presented to the Standards Committee from that investigation and this had been attached as Appendix A. Members were advised that the Internal Audit report had not been previously presented to the Audit Committee so as not to prejudice the Standards Committee process. In addition reporting was further delayed due to an additional review undertaken by the Council's External Auditors – KPMG at the request of the Chief Executive which had recently been reported to the Chairman of the Audit Committee. A copy of this report was attached at Appendix B.

Members were requested to note that the Internal Audit report was for members to consider the wider issues outside the complaint made to the Standards Committee that had already been dealt with. Internal Audit as part of their agreed Annual Internal Audit Plan 2009/10 had also undertaken a review of members and officers expenses including the follow up of previous recommendations.

The recommendations from this review had been actioned by the appropriate parties with Recommendation 6.2 being followed up during the 2009/10 review of member's expenses and 6.3 was closely monitored by quality review processes by the Audit & Risk Manager and Head of Governance.

The Committee was also referred to the KPMG review that had investigated the procedures that had been followed in relation to two member's expense claims and the subsequent action taken in 2009 by the Council when the matter was drawn to its attention. This review aimed to obtain assurance as to the robustness of the arrangements in place at the time for advising Members on their expenses and whether the advice provided to them was consistent with the scheme. They also reviewed the present arrangements to satisfy themselves that they were robust.

KPMG had concluded in their report attached at Appendix B that the processes undertaken by the Council when the matter was brought to its attention was appropriate and the actions taken to address the shortcomings identified were also appropriate. They also acknowledged that the recent Internal Audit report issued in April 2010 provided reasonable assurance as to the robustness of the present arrangements and made recommendations to address existing weaknesses.

RESOLVED – that the contents of this report be noted.

N.B. Councillor R.K. Austin returned to the meeting room for the remainder of the meeting..

AUC-31 KPMG – ANNUAL GOVERNANCE REPORT 2009/10

The Committee received the report from KPMG – External Auditors in connection with the Annual Governance Report for the period ending 31st March 2010. The report identified the key issues that had become apparent during the course of the audit of the Council's financial statements for the year ending 31st March 2010 and also provided an assessment of the Council's arrangements to secure value for money in the use of its use of resources.

Members were informed that the external auditors was on track to issuing an unqualified audit opinion by the 30th September 2010 deadline. The following areas had been identified as specific risk areas which included the implementation of single status and changes in accounting for Council Tax, although there had been an improvement in the accounting information.

The Committee was informed that following the change in Central Government the use of resources assessment for local authorities was ceased with immediate effect in May 2010. Accordingly the Council would not receive any scores in respect of the 2010 assessment, although improvements had been noted and that further areas for improvement had also been raised. However, whilst an unqualified audit opinion would be released there would be a delay in the production of certificate of completion due to some outstanding work in relation to 2 questions and 1 objection that had been raised from members of the public.

A concern was raised in connection with the delayed implementation of single status and as to whether the Committee should have sight of the action plan and as to whether the Corporate Director acting as lead officer for single status should be invited to attend the next meeting of the Committee. It was agreed that he would be invited to the next meeting.

RESOLVED – that the Annual Governance Report for 2009/10 be noted.

AUC-32 2009/10 STATEMENT OF ACCOUNTS

The report of the Head of Finance was received which sought to inform Members of the outcome of the audit of the Council's accounts for 2009/10 and present the Statement of Accounts for approval.

Members were reminded that the Accounts and Audit Regulations (2003) required that the local authority should report its annual accounts in the prescribed format by 30th June following the year end. The Committee was further reminded that the draft statement of accounts were approved by the Audit Committee and signed by the Chairman of this Committee on the 28th June 2010. The regulations also stipulated that the final audited accounts should be published by the 30th September. This report dealt with the final audited accounts for approval by the Committee prior to publication. The Committee had delegated authority to approve the council's final audited Statement of Accounts.

The Committee was informed that KPMG, the Council's external auditors, had substantially completed their work and an unqualified audit opinion was anticipated. It was reported that there were a small number of audit areas still to be completed. Members were requested to approve delegated authority so that the Head of Finance, following consultation with the Chairman of this Committee could finalise the statement of accounts, if the audit had not been finalised by the date of this meeting.

The Committee was referred to the Statement of Accounts that had been annexed to the report which indicated that the overall underspend of £332,000 (-0.27% of net budget) was the same as previously reported in June 2010. Members were also referred to a number of adjustments to the accounts that had been made after discussion with KPMG during the course of the final accounts audit. However, none of these impacted on the General Fund Balance position previously reported and these were detailed within the report.

The Committee were also referred to the earlier report that had been previously considered in connection with the Annual Governance report from the external auditors.

RESOLVED

- (a) that the 2009/10 Statement of Accounts as attached at Appendix 1 of the report be approved; and,**
- (b) that, if the audit has not been fully completed by the date of this meeting, that delegated authority be granted to the Head of Finance, following consultation with the Chairman of the Audit Committee, to make any final changes required to the Statement of Accounts prior to publication.**

AUC-33 AUDIT COMMITTEE ANNUAL REPORT 2009/10

The report of the Head of Governance was received which presented to the Committee the Annual Report on the operation of the Audit Committee during 2009/10. Members were reminded that the Audit Committee had operated separately from the Standards and Audit Committee since May 2008 and the Members were reminded of the key benefits of the Audit Committee as outlined within the report. The Committee was further informed that this report would also be submitted to the next meeting of Full Council.

As the key assurance Committee of the Council it was accepted best practice that an Annual Report was presented to the Council on the operations of the Committee during the municipal year. Members were advised that this constituted the second report to Council on the operations of the Audit Committee and the structure of the report was based on the terms of reference as attached at Appendix A of the report and Appendix B which provided a summary of the business conducted by the Committee during the period under each section of the terms of reference.

It was noted that there had been 7 meetings of the Audit Committee in 2009/10 compared to 6 in 2008/09, with the increase as a result of the Committee's new responsibilities in respect to Treasury Management.

In connection with the Anti-Fraud & Corruption policy it was noted that an updated report would be submitted to the next meeting of the Committee which would also include the annual report on the policy and monitoring of the Speak-Up policy.

In conclusion it was reported that the Committee has had a productive year and sought assurance for Members and the Community on the audit, governance, risk management, financial statements, Treasury Management, complaints and anti-fraud and corruption arrangements of the Council and would continue to seek assurances from strategic risk owners and Heads of Service in respect to governance and the control environment.

RESOLVED – that the Audit Committee Annual Report for 2009/10 be noted.

AUC-34 DATES OF FUTURE MEETINGS

The Committee noted the dates of the remaining meetings of the Committee that were scheduled for the 2010/11 Civic Year were Tuesday 2nd November 2010, Tuesday 1st February 2011 and Tuesday 29th March 2011 with all meetings scheduled to commence at 6.00 pm.

It was mentioned that the meeting to be held on 29th March 2011 would also be moved to an alternative date.

The meeting ended at 7.55 pm.

Chairman:

Date:

AUDIT COMMITTEE

Minutes of a meeting of the Audit Committee held on Tuesday, 2nd November 2010 at 6.00 pm in the Reception Suite, Civic Offices, Telford

PRESENT: D. Wright (Chairman), D.R. Chaplin (Vice-Chairman), D.G. Allen, R.K. Austin and J.A. Dixon

Officers: V. Brownlees (Chief Executive), M. Evans (Corporate Director), D. Germany (Organisational Improvement Manager), P. Harris (Corporate Finance Manager), L. Johnston (Head of Safeguarding), J. Marriott (Audit & Assurance Manager), B. Morris (Finance Manager), P. Smith (Senior Democratic Services Officer)

AUC-35 MINUTES

In relation to Minute AUC-29 – Internal Audit Review of the Dawley Town Hall Lease Agreements 2002-2010, concerns were expressed that the content of the minute did not fully reflect the comments made by Members, and the questions and responses that were given. While the accuracy of the minute provided was not disputed, it was considered to be incomplete, and it was suggested that an amended minute be produced, following consultation with the Chairman.

RESOLVED – that the minutes of the meeting of the Audit Committee held on 21st September 2010 be confirmed and signed by the Chairman, subject to Minute AUC-29 being amended in consultation with the Chairman to reflect the comments of the Committee.

AUC-36 APOLOGIES FOR ABSENCE

Councillor L. Lomax

AUC-37 DECLARATIONS OF INTEREST

Councillor R.K. Austin declared a personal interest (as a governor of Sutherland School) in connection with Agenda item 11 – Internal Audit Quarter 2 – 2010/11 Update Report.

AUC-38 LOOKED AFTER CHILDREN

The Chairman welcomed the Chief Executive and the Head of Safeguarding, who were in attendance for this item. The item had been requested by a member of the Committee, in the light of the continuing budget overspend in this area.

The Chief Executive, in his role as Director of Children's Services, reported that the Council had put in significant investment to meet the rise in the numbers of Looked After Children (LAC). This investment was likely to continue in 2011/12, despite the reductions in overall Council expenditure that would be a consequence of the Government's Comprehensive Spending Review. Some resources had been re-directed from the "clusters" to assist in meeting demand. This was an incredibly important issue, and service reviews across adult and children's services had been initiated as part of a strategy to re-design the Council's safeguarding role.

The Head of Safeguarding reported on the continuing pressures of increased numbers of LAC and the increasing length of time they were in care. For example, there had been a doubling in the number of under ones in care over the last 12 months. She also highlighted the measures that had been taken to address the pressures on social work teams, and to reduce the use of external foster agencies and placements.

Members welcomed the measures being taken to reduce the costs of providing this service. In response to a question about LAC from other areas coming into Telford & Wrekin, the Head of Safeguarding advised that she was not aware of the number of families/young people moving into the Borough and presenting as homeless being different than most other similar sized authorities in the West Midlands.

AUC-39 SINGLE STATUS

The Chairman welcomed the Corporate Director and the Organisational Improvement Manager, who were in attendance to provide an update on the Single Status project.

The Corporate Director explained that changes had been made to the Single Status process in order to better reflect the organisational changes around the "One Council" vision. Jobs would now be grouped according to what they had in common, rather than based on the differences between them. This was likely to produce more generic job groups, which would help to promote flexibility across the organisation. It was anticipated that this new approach would mean the project would take a further 8 months to complete, but that there was more confidence that the outcome would be "fit for purpose". The implementation date for the new pay structure and conditions of service would be May 2012, following consultation with the trades unions on the proposed scheme.

The Organisational Development Manager provided details of the Project management arrangements for Single Status, including a Steering Group that met fortnightly and reported directly to the Corporate Management Team. As well as ongoing discussions with the trades unions, schools were also being advised of the new approach.

In response to questions about the length of time and costs of the Single Status process, the Corporate Director and Organisational Development Manager advised that much of the existing job evaluation work would still be relevant, although it was recognised that any revised or new jobs arising out of Council re-structuring would need to be looked at. The ultimate cost of single status would depend on where the new pay scales were determined. Some money had been put aside to cover any additional costs of equal pay claims etc, but for the overall scheme to be affordable, it was likely that some employees would see their pay reduced. A question was asked about whether staff who had left the Authority since the Single Status process had started would be entitled to appeal against the outcome or to submit an equal pay claim. The Organisational Development Manager stated that this would only apply if they had left the Authority in the six months prior to implementation.

AUC-40 TREASURY MANAGEMENT HALF YEAR REPORT

The Corporate Finance Manager and Finance Manager presented the report of the Chief Finance Officer and Head of Finance, which updated Members on Treasury Management activities for the first six months of 2010/11.

The report set out the current portfolio position. In terms of borrowing, a short term PWLB loan for £5m had matured, and recently two new PWLB loans had been taken out to fund capital investment. The borrowing rate had been undertaken in advance to take advantage of current favourable interest rates. In terms of investments, it had been very difficult for Fund Managers to achieve reasonable rates of return in the current climate. The outlook for future years was only slightly more promising, and the decision had been taken to withdraw all the remaining funds held with Fund Managers. Details of the Council's investments (both short term and long term) were shown in the report. Overall, the weighted average return on internal investments for the year to date was 4.28%, compared to a benchmark return for the period of 0.41%. Overall, the latest financial monitoring information indicated that Treasury Management activities were currently outperforming budget by £0.850m. The latest Prudential Indicators monitoring report was circulated at the meeting, and it was reported that there were no issues that needed highlighting to Members.

During the ensuing debate, Members congratulated Officers on the positive results being obtained in a difficult financial climate, and asked a number of questions about specific investments. In relation to predicted increases in PWLB loan rates, the Corporate Finance Manager advised that this would have implications, and the Council would be looking to see if more favourable rates were available elsewhere in the market.

RESOLVED – that the report be noted.

AUC-41 HALF YEARLY PROGRESS ON THE ANNUAL GOVERNANCE STATEMENT ACTION PLAN 2009/10

The Audit & Assurance Manager presented the report of the Chief Executive, which provided the Committee with information on the progress made against the actions in the 2009/10 Annual Governance Statement (AGS) Action Plan .

The Annual Governance Statement for 2009/10 was agreed by Cabinet and the Audit Committee in June 2010. Included as part of the statement was an action plan, which identified nine areas for the Council to further improve its governance arrangements. Appended to the report was an updated 2009/10 AGS Action Plan with the current position of these actions shown. Three actions had progressed but further work was required, and so completion dates had been revised. Corporate Management Team and the relevant Heads of Service were confident that the revised deadlines would be achieved.

RESOLVED – that the progress against the actions in the 2009/10 Annual Governance Statement Action Plan, as shown at Appendix A of the report, be noted.

AUC-42 REVIEW OF STRATEGIC RISK REGISTER – SEPTEMBER 2010

The Audit & Assurance Manager presented the report of the Chief Executive, which set out the changes that had been made to the Strategic Risk Register following a review in September 2010.

The updated Register reflected the Council's new corporate priorities and associated changes to organisational structures. The strategic risks were drawn from the Priority Plan risk registers, and had been combined where there were similar themes in some or all of the Plans. The next formal review would be in February 2011.

Members raised issues on the following risks:

Risk 4 – it was confirmed that the risk of any delay in the contract for the building of the new Civic Offices were covered under Risk 4 – failure to regenerate the Town Centre

Risk 8: Land Stability in the Gorge – need to update to reflect latest central and regional government arrangements

Risk 10 – Continuity of ICT Systems – concern was expressed at the risks associated with having systems externalised from the new Civic Offices building.

RESOLVED – that the revised Strategic Risk Register, as shown at Appendix A of the report, be noted.

AUC-43 RESULTS OF THE CIPFA BENCHMARKING EXERCISE FOR INTERNAL AUDIT 2010

The Audit & Assurance Manager presented a report which outlined the results of a benchmarking exercise for local authority internal audit services.

The appendix to the report set out the results for 2010, and compared them to 2009 and 2008 figures previously reported to the Committee. Overall, T&W Internal Audit generally fared well compared against other unitary authorities, but results for 2009/10 and 2010/11 had been affected by the temporary arrangements to cover for staff vacancies pending the service re-structure which came into effect on 1 October 2010. It was apparent from the benchmarking figures that there was a contraction of internal audit resources generally across unitary authorities.

RESOLVED – that the report be noted.

AUC-44 REVIEW OF THE OUTLINE BUSINESS PROGRAMME FOR FUTURE MEETINGS

The outline of business for future meetings was attached to the agenda. In relation to planning the Committee meetings for the next municipal year, it was suggested that the number of meetings could be reduced by one. Members agreed that the July meeting could be removed from the programme.

AUC-45 INTERNAL AUDIT QUARTER 2 – 2010/11 UPDATE REPORT

The Audit & Assurance Manager presented a report which detailed the work that Internal Audit had carried out between July and September 2010.

Internal Audit activity during this period had focussed on completion of the audits set out in the Internal Audit Plan, including a couple of carry forwards from quarter 1. There had also been unplanned work during the period. 26 final reports were issued in Quarter 2, and these were listed at Appendix A of the report. 10 of the reports were graded as amber. One in respect of Dawley Town Hall had already been reported to the Committee. Two related to schools that had failed the FMSis standard, and four were unplanned reviews where issues had been identified by either the team, management and/or the public. Summaries of the amber reports were appended to the Committee report (one of which contained confidential information and was listed separately), and the full reports had been circulated to Members for information. There were no other issues to bring to the attention of the Committee at this time.

In response to a question concerning the External FMSis assessment and final accounts audit at Adams Grammar School, the Audit & Assurance Manager advised that the School was paying for some of the additional work being carried out on the final accounts. There had been some challenges in auditing the School's systems and processes, and only a limited level of assurance was provided by the controls in place. A number of areas of improvement had been identified, with provision of some support from the Council as well as external expertise.

RESOLVED – that the report be noted.

AUC-46 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – that the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of information as defined in Paragraph 1 of Part 1 of Schedule 12A Local Government Act 1972.

AUC-47 APPENDIX E OF THE INTERNAL AUDIT QUARTER 2 – 2010/11 UPDATE REPORT

The Committee considered one of the amber reports that had been issued during Quarter 2. It was confirmed that the audit contained information that could lead to the identity of an individual employee(s) being disclosed.

RESOLVED – that the report be noted.

The meeting ended at 7.26 p.m.

Chairman:

Date:

AUDIT COMMITTEE

Minutes of a meeting of the Audit Committee held on Tuesday, 1st February 2011 at 6.00 pm in the Reception Suite, Civic Offices, Telford

PRESENT: D.Wright (Chairman), D.R.Chaplin (Vice-Chairman), D.G.Allen, R.K.Austin and L.Lomax.

OTHER MEMBER PRESENT: Councillor A.G.P.Williams

Officers: K.Clarke (Head of Finance), J.Eatough (Head of Governance), J.Marriott (Audit & Assurance Manager), B.Morris (Finance Manager) and A.Roberts (Democratic Services Officer).

Also Present: P.Evans and A.Cardozo – KPMG External Auditors.

AUC-48 MINUTES

RESOLVED – that the minutes of the meeting of the Audit Committee held on 2nd November 2010 be confirmed and signed by the Chairman.

Councillor D.G.Allen requested that his view be noted that he considered that the minute contained within AUC-29 as amended remained incorrect.

AUC-49 APOLOGIES FOR ABSENCE

Councillor J.A.Dixon

AUC-50 DECLARATIONS OF INTEREST

Councillor R.K.Austin declared a personal interest (as a governor of Sutherland School and of the Hadley Learning Community) in connection with Agenda item 6 – Internal Audit Quarter 3 – 2010/11 Update Report.

AUC-51 ANNUAL AUDIT LETTER – 2009/10

The Committee received the report of KPMG which summarised the audit work that had been undertaken by KPMG within the Council in their role as external auditors for the 2009/10 Council Year. Members were reminded that although the letter was addressed to Members of the Council, it was also intended to communicate any issues arising from the Audit to key external stakeholders including members of the public.

The letter highlighted areas of good performance together with recommendations which if utilised could lead to further improved performance. Members were referred to Appendix A which recorded a summary of their key recommendations and a list of the reports of identified issues were outlined in Appendix B.

KPMG were required to undertake the audit in accordance with the provisions contained within the Audit Commission Act 1998, which further detailed that the audit was required to be undertaken in accordance with the requirements of the Audit Commission's Code of Audit Practice. This Code required the external auditor to

report on the Use of resources and the Council's Financial Statements. In connection with the audit fee the Committee was informed that the total fee for 2009/10 for the audit was £255,000, although the audit fee could not be finalised at this stage as a result of additional audit work required following the receipt of four questions/objections that had been received from local residents. The work on these questions was still being continued with the additional fee to date totalling £17,330.

In connection with the Use of Resources Assessment, it was noted that in May 2010 the government had announced that the Comprehensive Area Assessment (CAA) would be abolished. The Audit Commission had confirmed that the audit work in connection with CAA would cease with immediate effect. Although this included work in relation to Use of Resources scored assessments, there was no change for the requirement for auditors to issue a Value for Money conclusion. Members were advised that the vast majority of Use of Resources work for 2010 had already been completed which had informed the overall Value for Money conclusion.

The Committee was informed that an unqualified value for money conclusion had been issued.

Members were also informed of KPMG's conclusion following completion of audit of the Financial Statements with it being noted that the Council had produced a good quality set of accounts. One material adjustment had been identified with a total value of £12.5m, with this adjustment relating to accounting for fixed assets and did not impact on the General Fund. The auditors reported that they had received two objections from local residents, which were still being investigated. This had resulted in KPMG being unable to issue the certificate confirming completion until these objections had been dealt with.

KPMG had also reviewed the Council's Annual Governance Statement and concluded that it was consistent with the council and their operation. The Committee were informed that an unqualified opinion on the accounts had been issued on 30th September 2010, which indicated that the Council's accounts provided a true and fair view of the financial affairs of the Council and of the income and expenditure recorded during the year.

The report also indicated the high risk recommendations, which centred on the implementation of single status and the continuing implementation delay that was being experienced. The report also highlighted the high profile issues that would affect the Council which included the economic downturn and the impact that this would have on the Council and the introduction from 2010/11 of the International Financial Reporting Standards, which contained a number significant differences from the current financial reporting regime.

Members were informed of the changes to next year's value for work programme, which would result in a more targeted and better value approach to local VFM audit work. This would see a reduction in the number of reporting criteria specified by the Audit Commission which would concentrate on securing financial resilience; and prioritising resources within tighter budgets.

The Committee were further reminded that the Government had announced proposals to abolish the Audit Commission, with the proposed abolition being from

2012, although it was anticipated that the abolition date would likely to be during 2012/13.

Councillor Allen enquired about the elector's question that had been raised in relation to Dawley Town Hall and as to when the details of the final KPMG report would be submitted to the Committee. By way of response KPMG advised the Committee that a private and confidential endorsed letter had only recently been sent to the Chief Executive and the local elector. It was pointed out that the decision rested with the Chief Executive as to whether the letter would subsequently be submitted to the Audit Committee. The Head of Governance confirmed that the letter would be an agenda item at the forthcoming meeting of the Committee that was scheduled for the 28th March 2011.

Councillor Lomax enquired about the latest position concerning Single Status particularly in view of the fact that implementation had been further delayed and any legal implications that might arise. The Audit & Assurance Manager informed the Committee that KPMG were aware of the current position and that there would be a further meeting between the Council and KPMG.

RESOLVED – that the contents and conclusions contained within the KPMG Annual Audit Letter 2009/10 be noted.

AUC-52 2011/12 TREASURY MANAGEMENT STRATEGY AND TREASURY UPDATE REPORT

The joint report of the Chief Finance Officer and Head of Finance was received prior to its consideration by Cabinet, by the Committee which sought approval to a recommendation to approve the Treasury Management Strategy for 2011/12 for adoption. The report also informed the Committee of the updated position in connection with the Council's Treasury Management activities for the current year.

In connection with the development of the Management Strategy the Committee was reminded that the Strategy was based on the principles contained within the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice for Treasury Management in Public Services and the Prudential Code which further required local authorities to determine the Treasury Management Strategy Statement (TMSS) on an annual basis. The TMSS also incorporated the Investment Strategy as required under the CLG's Investment Guidance.

Members were reminded that the Council was responsible for its treasury decisions and activity, although the Committee was further reminded that no treasury management activity was without risk. The successful identification, monitoring and control of risk were integral elements to treasury management activities and include Credit and Counterparty Risk, Liquidity Risk, Market or Interest Rate Risk, Refinancing Risk and Legal and Regulatory Risk.

The Committee was further advised that the TMSS took into account the impact of the Council's Revenue Budget and Capital Programme on the Balance Sheet position. Members were referred to the current and projected Treasury position at Appendix A to the report, the Prudential Indicators and the outlook for interest rates as outlined in Appendix B.

The purpose of this TMSS was to approve the Treasury Management Strategy for 2011-12, the Prudential Indicators, the MRP Statement and the Use of Specified and Non-Specified Investments. The Committee received further details on the Balance Sheet and Treasury Provision, Estimates of Capital Expenditure, Incremental Impact of Capital Investment Decisions, the Borrowing and Rescheduling Strategy, Investment Policy and Strategy, the predicted Outlook for Interest Rates, the Balanced Budget Requirement, the 2011/12 MRP Statement and the details of how the monitoring and reporting on the Treasury Management Outturn and the Prudential Indicators would be dealt with.

The report also highlighted the present position in connection with the Council's Treasury Management activities with Members being referred to the current portfolio position as outlined within the report. The current portfolio position as at 31st December 2010 recording a reduction in the net indebtedness totalling £45.184m.

In relation to new borrowing it was noted that during May and November 2010 two PWLB loans of £5m had matured, with two new PWLB loans being taken out in August 2010 both for £5m over a ten year period. These were completed at a lower interest rate, as PWLB interest rates were increased as a result of the Comprehensive Spending Review announcement that was made in October 2010 by 0.5%.

In relation to investments it was reported that it had been very difficult for the appointed Fund Managers to achieve reasonable rates of return in the current climate. The Council had only one appointed Fund Manager between April and December 2010 and it was noted that they had only achieved a return of 0.98%. As a result all funds had now been withdrawn given the return rate together with the limited prospects for improvement in the short and medium term. Further details were outlined within the report of the performance of the Council's investments that had been handled by the internal investment team. The Committee was advised that the weighted average return on all internal investments for the year to date was 3.74% compared to the benchmark return for the period being 0.40%. Members of the Committee commented that the reported return was at a higher level than had been achieved by the external Fund Managers. A full analysis of all the Council's investments at the end of December 2010 was outlined in Appendix E of the report.

RESOLVED – that the Treasury Management activities for the 2010/11 Council Year be noted and the proposed Draft Management Strategy for 2011/12 be approved for recommendation to the Cabinet and Council be approved.

AUC-53 INTERNAL AUDIT QUARTER 3 2010/11 – UPDATE REPORT

The Audit & Assurance Manager presented a report which detailed the work that Internal Audit had undertaken between October – December 2010. The report also included an update on the progress of previous audit reports that had been issued between January 2009 to September 2010.

Members were informed that Internal Audit activity had focussed on the completion of the audits that had been set out in the Internal Audit Plan which also included the commencement of the final areas of work for the external auditor. There had been further unplanned work during the period for the co-ordination of the requirements for

the publication of information in respect of the government's transparency agenda in respect to the publication of expenditure over £500 and senior officer's salaries.

The Committee were referred to the appendices attached to the report with Appendix A listing all of the final reports that had been issued within Quarter 3, Appendix B detailing the work that had been undertaken that lasted for a period of more than one day or more. Finally Appendix C detailed the previously issued reports from January 2009 to September 2010 indicating their current graded status.

RESOLVED – that the report be noted.

AUC-54 REVIEW OF THE EFFECTIVENESS OF THE AUDIT COMMITTEE

The Audit & Assurance Manager reported that normally a review of the effectiveness of the Audit Committee took place through the completion of a survey by Committee Members.

The Committee was informed that following consultation with the Chairman of the Audit Committee it was proposed to defer the circulation of the survey until after the Borough elections due to be held in May 2011.

RESOLVED – that the verbal report of the Audit & Assurance Manager be noted.

The meeting ended at 7.05 p.m.

Chairman:

Date:

COMMUNITY FOCUSED & EFFICIENT COUNCIL SCRUTINY COMMITTEE

Minutes of a meeting of the Community Focused & Efficient Council Scrutiny Committee held on Wednesday, 12th January 2011 at 6.00 pm in the Reception Suite, Civic Offices, Telford, Shropshire

PRESENT: Councillors C.P.R. Mollett (Chairman), D.R. Chaplin, A.D. McClements L. Lomax, and A.A. Meredith

ALSO PRESENT: Mr. M. Viney and Mr. R. Williams (Co-opted Members) and Councillor S Kelly (Cabinet Member for Community Focused and Efficient Council)

IN ATTENDANCE: Councillors R. Aveley, R.G. Chaplin, V.A. Fletcher, G.M. Green, Y.C. Hicks, C.N. Mason, K.S. Sahota and A. Stanton

OFFICERS: Michael Barker - Head of Housing & Planning; Fiona Bottrill – Scrutiny Manager; Paul Clifford - Corporate Director; Jonathan Eatough - Head of Governance; Meredith Evans - Corporate Director; Alan Fox - Estates and Investment Manager; Pauline Harris - Corporate Finance Manager; Stephanie Jones - Scrutiny Officer; Deborah Moseley - Assistant Democratic Services Officer; and Richard Partington - Assistant Chief Executive

CFEC-8 APOLOGIES FOR ABSENCE

Councillor W.L. Tomlinson

CFEC-9 MINUTES

RESOLVED –

- (a) that the minutes of the meeting of the Community Focused and Efficient Council Scrutiny Committee held on the 9th September 2011 be confirmed and signed by the Chairman; and
- (b) that the notes of the working groups held on 6th October 2010, 3rd November 2010 and 1st December 2010 be received for noting.

CFEC-10 DECLARATIONS OF INTEREST

Councillor L. Lomax declared a personal interest in the Service and Financial Planning Strategy and consideration of the budget proposals.

CFEC-11 SERVICE & FINANCIAL PLANNING STRATEGY

The Corporate Director gave an overview of the budget proposals to the Committee and advised that the Service & Financial Planning strategy for the period 2011/12 to 2013/14 including specific budget proposals for 2011/12 had been presented to Cabinet at its meeting on 11 January.

The Council would now embark on an extensive consultation process leading to final budget and council tax decisions at 23 February 2011 Cabinet and 3 March Council.

Consultation included consideration by all Scrutiny Committees and the Members of this Committee were asked to consider the draft budget strategy and highlight areas for further scrutiny specific to the Community Focused and Efficient Council Priority before submitting its response to the draft strategy.

In making his presentation, the Corporate Director referred to the provisional Grant settlement received on 13 December 2010 and emphasised that 2/3 of the Council's funding for day to day services came from Central Government. It was noted that the Government intended to radically overhaul Local Authority funding which had resulted in a number of high level projections. Grant damping remained an issue resulting in a 'cost' to the Council of £4.3m. However, the Government was offering a £1.4m grant to Councils offering a Council Tax freeze, which was comparable to a 2.5% increase in Council Tax in Telford & Wrekin. Investment proposals fell into two categories: (i) maintain day to day running of services including 1.4m extra funding for Children's Social Care Services to address the longstanding difficulties with the Looked After Children budget and a reinvestment of 1.6m savings from Adult Social Care; and (ii) continuing the existing programmed commitments to improve the Borough's long term infrastructure. The Corporate Director drew attention to the £20m+ funding gap in 2011/12 which had been exacerbated by front end loading of savings, and the Council would be relying on £9.2m of one offs to close the gap, which meant that the programme of savings must be delivered by 2012/13. Savings streams consisted of non-staff and staff savings, Council Tax surplus on the collection fund and a suspension of budgeted single status contribution. It was expected that service reviews over the next 12 months would bring forward more savings although consultation would take place as each review was received.

During questioning, the proposals around car-parking in Ironbridge were raised and the local Ward Member suggested that the Council should seek to engage with local traders as part of the consultation process. The Cabinet Member for Community Focused and Efficient Council agreed that local traders and tourists were key stakeholders and welcomed the contributions of any party who wished to be involved in the process. Consultation had already taken place through the Parish Forum but he acknowledged that a very positive contribution could be made through consultation with local traders and trading groups and would seek to work with the local Ward Member and Regeneration Partnership so that Ironbridge traders could specifically feed into the process.

Further questioning surrounded the savings mentioned within the presentation which appeared to contradict recent press reports about investments in pavements and roads. The Cabinet Member for Community Focused and Efficient Council assured the Committee that the administration was committed to a capital programme of ongoing investment. The vast majority of savings in this area would come from a reduction of services around maintenance. The Environment and Open Space Service Team were confident that they could meet the required efficiency savings.

Similarly, questions were raised about the Council's promotion of bulk collections and it was felt that there was a particular window of opportunity to reduce for residents who were able to arrange collection en bloc (eg from blocks of flats) to take advantage of the flat rate fee for collection. It was felt that better communication to residents was required as there was a feeling many thought the fee was per item.

Further, leaving items out for collection had, on occasion, resulted in the theft or unauthorised removal of items or scrap metal awaiting collection. The Cabinet Member for Community Focused and Efficient Council advised that the Cabinet Member for the Environment and Rural Area was currently working on proposals in this area and it was acknowledged that more work was needed to communicate the costs of the service to borough residents.

CFEC-12 CONSIDERATION OF THE BUDGET PROPOSALS IN SPECIFIC RELATION TO THE PRIORITY FOR COMMUNITY FOCUSED AND EFFICIENT COUNCIL

Following the Members Information Seminar which had taken place on 4 January 2011 and which had addressed the issue of Local Government Finance, a number of areas of enquiry had been raised by the Committee. The questions which had been raised were addressed by the Cabinet Member for Community Focused and Efficient Council, supported by senior officers:-

Can you explain the rationale for not setting aside the reserve for Single Status for 2011/12?

The Corporate Director, Housing Regeneration and Prosperity/Environment & Rural Area advised the Committee that Single Status had already been a lengthy project and that the Chief Executive had advised all staff and Members that day that the timescale had now been put back further. He indicated that it was not clear that the Council needed to continue to put money aside to cover the costs of Single Status and, this year, to do so would result in the need to make more savings elsewhere. It was, therefore, considered to be a more responsible position to suspend funding for one year only in order to address specific budget pressures for 2011/12. The Cabinet Member for Community Focused and Efficient Council highlighted the investment that the administration wished to make into Children and Young People which could only be made with one off savings – one of which was the suspended Single Status contribution – as the alternative was service reductions and job losses.

A number of supplementary questions arose which were addressed as follows: -

- *Were other Councils acting in a similar manner?* The Corporate Director advised that Councils across the country were at different stages in the Single Status process so it would be unlikely that another authority would be at the same stage in the process as Telford & Wrekin but he felt that any Councils in the same situation would reach the same conclusion. He reassured Members that external experts had advised on the position.
- *What was the Council's legal position in delaying the process further?* The Corporate Director advised that throughout the process the Council had been in consultation with Trade Unions who had been briefed on the changes and the reasons behind them. The Unions understood the Council's logic and any concerns would be raised as part of ongoing negotiation. The Council was clear this action was the most sensible way forward but would be in discussion with the Unions about the implications of the decision.
- *Did the delay create a risk of more equal pay claims?* The Head of Governance advised that a balance had to be found between the risk of not

getting the process right and perpetuating equality claims. It would be difficult to evaluate until the Council had completed the restructuring process.

- *Where was the money that had already been set aside invested?* The Corporate Director advised that any balances or reserves that the Council held were not invested in isolation and had been invested as an accrual as part of the Treasury Management process.

With Single Status, what is the legal position on entitlement to back-pay for staff being made redundant before single status is introduced?

The Head of Governance advised that under equal pay law when an equal pay claim was successful, up to six years of back pay could be claimed depending upon length of service. If any included element was regarded as part of the claimant's salary before the date of their redundancy then it would form part of their claim.

What is the policy on drawing on reserves, and what are the risks? (ie is drawing on reserves/balances prudent and is there a prudent level of retention?)

The Corporate Director, Adult Care & Support/Active Lifestyles – Leisure & Culture advised that each year's budget process included examination of the total reserves to earmark those which were already allocated for specific purposes (eg s106 Agreements) which were then set aside before a risk appraisal, using criteria set by external auditors, was undertaken on the remainder and which was available to use as part of the strategy. In terms of meeting risks, the Council also carried a contingency in the strategy which was supported by the use of one offs. There was no statutory minimum level of reserves; although in the past the Council had used the figure of 5%, an analytical risk based approach was now used which was linked to the corporate risk register. The strategy was utilising more one offs than normal but this was due to the extraordinary circumstances the Council faced with a massive restructure programme. The Corporate Director was satisfied with the level of reserves due to the ongoing savings which had already been planned. The Cabinet Member for Community Focused and Efficient Council advised that the administration felt that if it failed to rely on one-offs without plugging the spending gap, the Council would have to go in to 'slash and burn' mode and a prudent use of balances and offs with ongoing savings would enable the programme of investment into Children and Young People and Adult Social Care to continue.

A number of supplementary questions arose which were addressed as follows: -

- *What controls did Central Government have on the use of reserves?* There was no control by Central Government although Mr Eric Pickles MP had indicated that reserves should be used by Councils. It was felt that the external auditors would have commented if they were unhappy with the use.
- *Did the use of balances require authority from the Section 151 Officer?* Authority was not required solely for the use of balances. The Section 151 Officer had to sanction and justify the whole strategy. This was only possible due to the programme of savings and it was imperative that the deadlines were met. The Cabinet Member for Community Focused and Efficient

Council advised that general balances were tax payer's money to be used in an emergency and he felt that day had come.

- *Members sought clarification of the projected reduction in reserves and balances from £35m to £17m and that £4.2m was available in the strategy taking into account any risks.* Before a view could be taken on general balances, the Council had to look at what was already committed from one offs and this was reflected in the first part of Appendix 8 to the report. Secondly, the Council considered how much of the balance left from the first part of the exercise was already tied up in specific balances and could not, therefore, form part of the general budget – this related to, for example, West Mercia Supplies, school funds, self insurance, Section 117 etc. The major risk areas set out on pages 69 and 70 of the report were then considered and deducted from the balance before a final figure available for the strategy was reached.
- *Is the Chief Financial Officer comfortable with the £4.7m balance set aside for remaining risks?* It was unlikely that all risks would happen at once but if problems were encountered there were various avenues open to the Council to budget for replenishing reserves later as long as it did not call on the money in year.
- *Winter maintenance was noted as a medium risk, should this be a high risk?* It was difficult to forecast winter maintenance requirements. The budget was squeezed very tightly but there was still some leeway to deal with issues such as this. The Cabinet Member for Community Focused and Efficient Council pointed out that the Council had taken the initiative to increase its salt stocks.

What is the revenue cost of the capital programme i.e. cost of borrowing?

Members received a written answer to this question which was circulated at the meeting.

What is the revenue budget for each service delivery area for 2010/11 and what is budgeted for 2011/12?

Members also received a written answer to this question which was also circulated at the meeting.

With reference to Appendix 5 to the report, specifically regarding treasury management at point 49 - what assessment has been conducted to ensure that in-house staff can achieve the equivalent level of competence and what degree of performance variation would create a significant (>10%) adverse impact on the projected saving?

The rate of return in the previous year had been 4.8% for external managers and 4.79% internally; in 2010/11 these figures had been 3.8% and 3.74% respectively. Internal staff were still able to improve upon the performance of Fund Managers although there was not such a pronounced distinction although this was diminished by the fee paid to Fund Managers.

A number of supplementary questions arose which were addressed as follows: -

- *Was there capacity to continue this work internally?* Yes. Fund Managers proactively manage funds whereas the Council locks in funds when opportunities arise, achieving better results for less effort. Audit Committee check Treasury Management very closely throughout the year since the collapse in Iceland.
- *What is the fee charged by Fund Managers?* The percentage varies between fund managers, who best operate in declining interest rate environment and, therefore, no benefit is foreseen in the near future.

What are the projected capital receipts for 2011/12, 2012/13 and 2013/14?

Members received a written answer to this question which was circulated at the meeting.

In response to questioning, the Estates and Investment Manager advised that the difference between the projected and actual receipts in 2010/11 was due to the later than expected initiation of the Town Centre Development. It was true that the market had not been easy over the last two years but there was some improvement with residential housing and landbuyers coming back into the market. As long as this continued to improve, there was confidence that the projected figures would be met. Despite the risks, confidence remained that the capital receipts would be realised and it was not proposed to scale back the Borough Towns Initiative programme. For the last two years the Council had purposefully not entered the marketplace but prior to that all targets set had been met.

The Corporate Director advised that the position of capital receipts would be tracked and recognised in the programme until receipts came through. The options were to keep assets until a better market price could be secured or to accept a low receipt – in either case the difference could be made up in short term borrowing. This was an approach used in the Revenue Strategy in previous years as any slippage could be picked up in the next year by building in additional borrowing. It was acknowledged that this did incur a temporary cost. The Cabinet Member for Community Focused and Efficient Council advised that the total indebtedness for the authority was below average and would only come into line with that of similarly tiered authorities next year. Subject to risk management, the administration remained confident in the strategy to sell off poor performing assets to fund future investment and improve the long-term well being of the local economy for local residents. Whilst concerns were raised regarding the likelihood of an improving commercial market, the Estates and Investment Manager advised that the capital receipts related to the retail and residential markets; the retail market remained buoyant with a big demand for retail land.

What is the extent of the risk of capital grants being reduced or withdrawn, e.g. the BSF funding?

The Corporate Director advised that the programme set out in Appendix 3 to the report was based on all capital grants confirmed. At the time of reporting the Disabled Facilities Grant was outstanding but an assumed level (equating to the 2010/11 figures) had been used. The only area where there was a reduction was the BSF Programme; the previous allocation had been reduced and the project

re-jigged in order to deliver each site but to a different specification. There was no risk of the grant being withdrawn, nor should there be any problems if allocations were maintained. BSF was a multi year grant and other areas also received a two year allocation. It was noted that the Government was undertaking a major review of local government finance.

Will the increase in taxi licensing fees have a knock-on effect on taxi fares?

The Head of Housing and Planning advised the Committee that the decision to increase fees lay with the taxi trade itself. For the purpose of fares, the trade was split into two:

- Hackney Carriages – operators had to formally request the Council for fare cards to be changed, a decision which fell in the remit of the Licensing Committee. Fare cards had not increased since January 2007 but the onus was on operators to come forward to request a change.
- Private Hire – in this case each journey was a private contract and it was a matter for operators to determine the cost; each operator had its own system.

A Committee Member indicated that this question had been raised in the much broader context of the range of travel cuts and the impact on the community, focusing on whether a more holistic view had been taken.

In response the Cabinet Member for Community Focused and Efficient Council advised that Economic Impact Assessments (EIAs) had been undertaken on the travel proposals. Any increase in licensing fees was not within the jurisdiction of the Executive, although he supported a questioning of the appropriateness of the cost of the license to be subsidised by the tax payer rather than the full costs of administration being covered in fees. Separate contractual agreements related to the bus services.

The Chairman of the Licensing Committee advised that the increase in licensing fee had been decided at the last meeting of the Licensing Committee (1 December 2010) and explained that it was the Licensing Committee's view that, despite an increase in the price of petrol, even if the perceived increase in costs to the trade was passed on to the customer, any fare increase would be minimal.

The Head of Housing & Planning further advised that the current fee level resulted in a £45K deficit in covering the cost of administration which was subsidised by the tax payer. The increase in charges was the first since 2005 and the increase would ensure the costs of administering the licensing function were met in full by the trade. Licensing Committee had agreed that the level of proposed fees would be implemented via a staged increase over a period of two years. The increased fees were agreed to be proportionately fairer to larger operators who would now incur a charge per vehicle (£45), whereas individual drivers would face an increase from £125 to £150. A formal notice would be issued regarding the proposed increases and the trade had 28 days in which to respond; the Licensing Committee would then consider any representations received but if it was found that the decision was sound, then the increase would be approved and finalised.

One supplementary question arose which was addressed as follows: -

Would an EIA be undertaken on other contracts? EIA would be undertaken on all elements and would form part of the final report to Council.

With regard to the 2011/12 Detailed Non Staffing Savings Proposals (Appendix 5 of the report), what are the specific changes proposed with regard to Governance to achieve the saving and what risks are entailed?

The Head of Governance advised that, of the £400K indicated, £100K related to savings from general operational budgets within Legal, Scrutiny and Democratic Services consisting of training, printing etc and with no direct impact to quantify. The remaining £300K related to a dividend received from WMS.

One supplementary question arose which was addressed as follows: -

Was the £300K WMS dividend sustainable? The dividend received depended on performance. The company outperformed by £250K in the current year and based upon its track record it should be easily achievable.

With regard to the 2011/12 Detailed Non Staffing Savings Proposals (Appendix 5 to the report), how much of the projected saving for Civic Offices and Darby House was attributable to Business Rate Savings and how were these to be achieved?

The Estates and Investment Manager advised that no savings were made in business rates, the budget suggested a saving but the net position was not deliberate. Savings were made in energy costs (£105K per year) and repair and maintenance (£310K per year).

CFEC-13 AGREE COMMENTS ON THE BUDGET PROPOSALS IN SPECIFIC RELATION TO THE PRIORITY AREA, WHICH WILL BE CONSIDERED AT THE NEXT MEETING OF THIS COMMITTEE

The Committee decided that no further debate would take place on the following lines of enquiry since it was satisfied with the responses already received:

- The revenue cost of the capital programme
- The revenue budget for each service delivery area
- Treasury management - the Committee noted with congratulations that bringing some of the function in-house had resulted in savings and improved performance.
- The risk of capital grants being reduced or withdrawn
- Specific changes proposed to Governance to achieve savings
- Business Rate savings regarding Civic Offices & Darby House

The Committee remained concerned about the non-provision of the reserve for Single Status in 2011/12, although recognised that the risk of the one-off non-provision was counter-balanced by the opposing risks to the delivery of services subject to the major Service Reviews. Regarding the recently announced delay to

the Single Status programme, the Committee requested to receive the views of the Unions before drawing any conclusion.

The Committee remained concerned about drawing on reserves and the level of remaining balances, and the potential effect that risk mitigation may have on reserves and balances. Whilst they were assured that the Chief Financial Officer was satisfied that the Council's approach to reserves and balances within the total financial strategy was robust, they requested further assurance on the robustness of the process in the form of the Corporate Risk Register, support from the Audit Committee and the external auditors (KPMG).

Concern also remained about the risks of not realising the projected value of capital receipts and the potential exposure this would cause. The Committee Members sought additional assurance on this issue. It was agreed that the Disposal Programme 2010-2016 and the notes of the Community Focused and Efficient Council Scrutiny Committee meeting which reviewed capital receipts would be re-circulated to the Committee to address these concerns.

In addition, the Committee welcomed the Assistant Chief Executive's advice that EIAs were being done on the proposed budget arrangements and requested a report in this regard. The Committee also welcomed the Cabinet Member's commitment to consulting on the budget proposals with small traders in Ironbridge and looked forward to receiving his report on the outcome.

CFEC-14 DATE OF NEXT MEETING

It was noted that the date of the next meeting had been set for Monday, 31 January 2011.

The meeting ended at 8.08pm

Chairman:

Date:

COMMUNITY FOCUSED & EFFICIENT COUNCIL SCRUTINY COMMITTEE

Minutes of a meeting of the Community Focused & Efficient Council Scrutiny Committee held on Monday, 31st January 2011 at 6.00 pm in the Reception Suite, Civic Offices, Telford, Shropshire

PRESENT: Councillors C.P.R. Mollett (Chairman), D.R. Chaplin, L. Lomax, A.A. Meredith and W.L. Tomlinson

ALSO PRESENT: Mr. M. Viney and Mr. R. Williams (Co-opted Members)

IN ATTENDANCE: Councillors R.G. Chaplin and V.A. Fletcher

OFFICERS: Fiona Bottrill – Scrutiny Manager; Stephanie Jones - Scrutiny Officer; Felicity Mercer – Policy Planning Manager; Deborah Moseley - Assistant Democratic Services Officer; and Richard Partington - Assistant Chief Executive

CFEC-15 APOLOGIES FOR ABSENCE

Councillor S Kelly (Cabinet Member for Community Focused and Efficient Council) and Councillor A.D. McClements

CFEC-16 MINUTES

RESOLVED – that the minutes of the meeting of the Community Focused and Efficient Council Scrutiny Committee held on the 12th January 2011 be confirmed and signed by the Chairman;

CFEC-17 DECLARATIONS OF INTEREST

Councillor L. Lomax declared a personal interest in minute number CFEC-21.

CFEC-18 ALTERNATIVE BUDGET PROPOSALS

There were no alternative budget proposals for consideration.

CFEC-19 BUDGET STRATEGY COMMUNITY ENGAGEMENT FEEDBACK

The Policy Planning Manager advised that a specific programme of consultation on the draft budget proposals had been carried out during January 2011. This programme had included a postal survey of the Community Panel which had received a 60% response rate (compared to 40% the previous year); meetings with a range of external and internal groups and forums including the Parishes Forum, Young People's Forum, Connecting Communities Group, Disabilities Forum, Senior Citizen's Forum, Rural Forum, Voluntary and Community Sector Forum, Chamber of Commerce (Policy & Representation Board), JICF (trade unions) meeting, Corporate Employee Focus Group; publication and distribution of the 'Your Money, Your Views' consultation guide summarising the budget proposals and advising readers how to give their views by freepost, email, Facebook and Twitter; engagement at a range of locations across the Borough, including leisure centres,

supermarkets etc and consultation with Scrutiny Committees. In total over 800 responses had so far been received but a surge was anticipated on the last day of consultation. Engagement with young people had been a particular focus of the activities. Some disappointment was expressed at the low level of responses achieved through social media but this was expected to continue as an option in future years.

Looking forward, two pieces of follow-up work would be undertaken to enable understanding of specific impacts: a meeting with Ironbridge traders was scheduled for 7 February 2011 regarding proposed car parking charge increases (a topic which had been highlighted by this Committee) and telephone contact would be made with the 11 regular users of the Twister service regarding the proposed withdrawal of that service. The results of both would feed into the Cabinet report.

The Assistant Chief Executive reminded the Committee that the consultation period on the budget strategy did not close until midnight on the day of the meeting and, therefore, views were still being expressed. He emphasised that the consultation was a genuinely objective process. He was loathe to say anything about the messages garnered from the process so far as they had not yet been fully analysed and he wished Scrutiny to add their own important dimension to the consultation without external influence. However, he did feel it appropriate to advise that one of the big messages coming from the consultation was the lack of public support for the £61,000 savings around highways maintenance.

Referring to recent experiences, principally around reduced bus services which were felt to have been badly managed by Arriva, Members were concerned that the Council should give sufficient notice to service users who would be impacted by any of the cuts and sought a firm commitment from the Cabinet to ensure that this would be the case. The Chairman requested that the Assistant Chief Executive liaise with the Cabinet in this regard.

The results would be published on 14 February 2011 ready for the Cabinet Meeting to be held on 22 February 2011. The Policy Planning Manager was happy to receive any queries from Scrutiny Members on the published paperwork.

CFEC-20 RESPONSES TO THE COMMUNITY FOCUSED & EFFICIENT COUNCIL SCRUTINY COMMITTEE'S LINES OF ENQUIRY INTO THE BUDGET STRATEGY

Members had received generally satisfactory written and verbal responses to the lines of enquiry, however, despite welcoming the additional assurances relating to the value of capital receipts, some Members had continuing concerns in this regard.

CFEC-21 COMMENTS ON THE BUDGET STRATEGY FROM THE SCRUTINY COMMITTEES

The Committee received comments on the budget strategy from each Scrutiny Committee to be considered as part of the process and inform the final response.

Members considered each comment received from the Scrutiny Committees on its individual merits and debated the level of concern raised. From the list supplied, the Committee concluded that several recommendations should be particularly highlighted in the overall Scrutiny response for consideration by the Cabinet prior to the finalisation of the proposals and sought a written response from the Cabinet to demonstrate how the recommendations had been taken into account:

1. The Committee recommended that as decisions were made about savings in health and social care, safeguards would be put in place to ensure people who were most vulnerable and with the greatest need received appropriate support. Any reduction in service would be fully explained to service users.
2. The Committee recommended that the Council continued to work very closely with the PCT and existing and emerging NHS structures to ensure that in a time of great change signalled by the Health White Paper, services were delivered as efficiently and effectively as possible and the best possible use was made of money available within the Borough.
3. The Committee was confident that the Council could make the proposed savings from the reduction in grants to the voluntary sector, but were concerned that voluntary organisations may not be able to make the necessary changes to their culture or operation that the grant reductions would require for them to continue with reduced funding. The Committee commented that a small investment in a voluntary sector organisation could result in services of a much higher value being delivered.
4. The Committee recommended that within the revenue budget for rights of way, the budget for legal services was protected to maintain the level of service to process modification orders.

The Committee further concluded that all other comments would be appended to the report to inform the Cabinet's decision and sought responses where clarification had been sought.

CFEC-22 AGREE FINAL SCRUTINY RESPONSE TO BUDGET STRATEGY

The Committee generally accepted the overall Service and Financial Planning Strategy and whilst some hesitation remained, the Committee understood the necessity for making the level of savings required due to the unprecedented severe economic conditions. In particular, the Committee supported the prudent use of one off balances to bridge the budget gap during 2011/12, but cautioned that a similar level of savings would be likely to be required in subsequent years and this would be difficult to deliver.

The Committee recommended that the Cabinet take into account all the comments of all the Scrutiny Committees in their proposals and further work. Noting that the list included some requests for clarification on specific points, Scrutiny Members concluded that the Cabinet Members should be asked provide responses on those issues.

The Committee concluded that the Scrutiny Officer should prepare a report which reflected the concerns of the Members of this Scrutiny Committee and the Committee's discussion of the comments received from all Scrutiny Committees. The draft report would then be circulated to the Committee Members for consideration and comment before its finalisation and submission to Cabinet.

CFEC-23 DATE OF NEXT MEETING

It was noted that no further meetings were scheduled for the current municipal year and the next meeting of the group would be a Working Group.

Some Members considered that Scrutiny should meet when Financial Progress Reports were delivered to Cabinet and that Scrutiny should receive details of the Service Reviews and Restructures which were being made throughout the Council over the coming months. It was agreed that the Scrutiny Manager would approach the appropriate Corporate Director and Organisational Development & Change Manager for their input on how best the reviews and restructures could be scrutinised within the limited resources available. In the meantime, Scrutiny Members were advised that restructure proposals were published on the Council's intranet as and when they were launched for consultation with affected staff.

The meeting ended at 7.13pm

Chairman:

Date:

ADULT CARE & SUPPORT SCRUTINY COMMITTEE

Minutes of the meeting of the Adult Care & Support Scrutiny Committee held on Thursday, 13th January, 2011 at 2.00 p.m. in the Reception Suite, Civic Offices, Telford

PRESENT: Councillors R.G. Chaplin (Chairman), N.A. Dugmore (part), and V.A. Fletcher

Councillor J.M. Seymour (Cabinet Member: Adult Care & Support)
P. Clifford (Strategic lead – AC&S), P. Taylor (Social Care Specialist), R. Peach (Senior Finance Manager)

ACSSC-7 APOLOGIES FOR ABSENCE

Councillor K.L. Tomlinson

ACSSC-8 DECLARATIONS OF INTEREST

None

ACSSC-9 MINUTES

As the meeting was not quorate at this point, it was agreed to defer confirmation of the minutes of the last meeting. However, the notes of the Working Group held on 29 November 2010 were received.

ACSSC-10 SERVICE & FINANCIAL PLANNING 2011/12 - 2013/14 – ADULT CARE & SUPPORT

(a) Presentation of Budget Proposals

Councillor J.M. Seymour (Cabinet Member for Adult Care & Support) was invited to present the Cabinet's budget proposals in relation to the Council priority for Adult Care & Support. She stated that it was going to be a difficult budget with a number of budget pressures as well as the reductions in grant from the Government. However, in finding savings, it was the intention to minimise their impact on front-line services that protected the most vulnerable adults. Accordingly, it was proposed that £1.6m of savings would be re-invested back into adult social care services.

The Chairman reported that a number of questions/lines of enquiry had arisen from the seminar/workshop held on 4 January, and these were circulated along with the programme for the re-structuring of the Council's service areas. Members had previously received a copy of the Cabinet's Service and Financial Planning Strategy. Responses from the Cabinet Member, Strategic Lead – AC&S and the Social Care Specialist were then provided to the questions that had been circulated:

Re: deletion of residential rehabilitation budget for substance misuse (saving of £43,000):

What is the success rate for community based rehabilitation compared to residential rehabilitation? How do the costs for community based services and residential services compare? Will some of the money from the PCT be used to fund this service? What are the implications of the proposed changes to mental health services on the Council's budget?

Response – community based rehabilitation was usually the preferred option of service users, and in most cases was likely to be both more effective in terms of successful outcomes and in financial terms. This budget had historically been underspent, and it was recognised as an area where savings could be made. Very few service users were in residential care – probably no more than 2 or 3 at any one time. Part of the funding stream for this service was provided by the Primary Care Trust. In terms of the implications for mental health services, the revised county-wide Mental Health Strategy was based around investment in community based facilities, although the outcomes of such rehabilitation programmes would be closely monitored.

Re: ceasing of Putting People First (PPF) project (saving of £300,000):

What will the effects be for service users? Will there be any impact on the Council's ability to implement direct payments? What are the timescales for change? Will the services funded through PPF be replaced?

Response - Putting People First was always a short-term initiative, and the work of the team was due to finish in March 2011. It was recognised that some of the functions of PPF needed to be embedded in the base budget to reflect the changes in the way adult social care would be delivered as part of the Government's personalisation agenda. Therefore, from June 2011 these elements would become part of the mainstream service. In terms of direct payments, there would be no impact from the loss of the PPF team – advice and help to clients was provided through the mainstream service.

(Councillor Dugmore arrived at 2.25pm, and was present thereafter)

Re: Procurement savings (saving of £170,000):

What is the room for negotiation on price? What percentage of the budget does £170,000 represent?

Response – £170,000 represented about 0.6% of the £25m total purchasing budget. It was felt that there was scope to buy some services at a lower cost, eg: placements. While the ability to negotiate fees and prices was dependent on market capacity, there was a recent example of a tender where the Council had been able to negotiate prices down. Work was being undertaken to standardise prices on domiciliary care, and to accurately work out from an individual's care assessment the cost of meeting their needs.

Re: Reducing unused capacity in block contracts (saving of £150,000):

What were the timescales for renegotiation of these contracts?

Response – these varied from longer term contracts to ongoing “spot” contracts. Discussions were being held with residential care providers about re-negotiating prices, and it was stated that there was a recognition among external providers that public money was tight and that things might need to be done differently.

Re: Needs based assessment on Supporting People contracts to determine reconfiguration of service delivery and priority services (saving of £200,000):

What were the priorities that the needs assessment would be based on? Will this result in a reduction in continuity of care? How would objections to any reduction or withdrawal of service be handled?

Response - Supporting People contracts were focussed on providing support for people's housing needs. This support was largely standardised, and it was felt that better targeting could be achieved through a needs based assessment. This would assess whether a person really needed that level of service. This was likely to lead to fewer people receiving the service or a reduced service for some. However, those in most need would get the support they required. In terms of dealing with appeals against a needs assessment, it was envisaged that there would be a review process. Further details would be provided to Members.

Re: Review of Adult Social Care services (saving of £750,000):

What will the impact be of lower ongoing care package costs from investment in reablement and rehabilitation for service users?

Response - the transformation of adult services based on the personalisation model would involve being more selective in the use of intensive long-term care packages. It could be that clients received rehabilitation and care support for a short period to get a better understanding of their needs. From this, it could be identified that some people did not need long-term care, and that a lower level of support was more suitable to meet their needs. In terms of re-ablement, the Council needed to work closely with the NHS on delivering this investment.

Re: Increased income from Low Level Preventative Service (£50,000):

What are the low level preventative services that will see an increase in charges? Does this include aids and adaptations, and if so, is this provided in-house or contracted out?

Response – these were services that the Council did not have to provide, because they were below the threshold for mainstream services. No more than 2 hours a week support was provided to clients. It was proposed that the client's contribution be increased from £6 per hour to £8 per hour, although this would still mean the service was subsidised by the Council. Charges had not increased since 2008/09. This proposal did not apply to aids and adaptations.

In response to general questions regarding the adult care budget, the Senior Finance Manager reported that the percentage of savings for 2011/12 was around 4.2% increasing to an additional 12.8% in 2012/13 as the full effect of the restructuring proposals was phased in. The total annual contribution from charging was £5.6m. The Strategic Lead Officer added that future years' savings would have a significant impact on services, and that the Council was looking at completely reconfiguring adult care services to try and work within the reductions in Government grants. Some funding would be transferred to the Council from the Primary Care Trust, but there would still be a need to reduce funding for care packages from 2012/13 onwards. The Cabinet Member stated that it would be an opportunity to do things differently, with potentially a wider range of care options and help being provided at a more appropriate level to meet a client's needs. The personalisation of services would, in future, see the relationship between the Council and clients

change. The Council would provide a sum to help meet the assessed need, and the service user would commission the service from a provider. If the service user wished to receive an enhanced or modified service, they could do so by arranging and paying for it themselves. There would need to be further consultation on the changes to the way services were provided and on what options were available.

The Chairman thanked the Cabinet Member and Officers for their attendance.

(b) Comments on Budget Proposals

The Chairman advised that the Committee now had to consider any comments on the budget proposals relating to Adult Care & Support, which would be forwarded to the Community Focussed, Efficient Council Scrutiny Committee for consideration as part of the overall scrutiny response to the budget proposals.

RESOLVED – that the following comments be referred to the Community Focussed, Efficient Council Scrutiny Committee for consideration:

- The Committee are satisfied that the process to consider and agree the service and financial planning proposals for 2011/12 – 2013/14 has been open and transparent ;
- The Committee recognise that a significant proportion of the savings for 2011/12 are based on efficiencies already achieved and through one off savings. The Committee support this process to enable further consideration to be given to the major changes that will be required to make the further savings necessary during 2012/13 and 2013/14;
- The Committee welcome that the Council will consult the public, service users and the Scrutiny Committee on the proposal for future savings and the impact this will have on service provision;
- The Committee recognise the increase in personalisation and personal budgets will be a key part of the redesign of adult care services through which savings will be made. It is recognised that while individuals will have greater freedom to buy the services that best meet their needs, the amount of money available will be reduced;
- The Committee recommends that as decisions are made to make further savings, safeguards are put in place to ensure people who are most vulnerable and with the greatest need receive appropriate support. There need to be sufficient safeguards to ensure that any reductions in service, and the reasons for it, are clearly explained to service users;
- The Committee support the renegotiation of contracts to find further efficiencies and to ensure that the services provided are more personalised to individual needs;

- The Committee support the inclusion of funding for further development of Extracare provision in the Borough. Members requested clarification on the number of Schemes that could be supported by the provision made in the budget for 2011/12 (£ 1,200,000) and 2012/13 (£ 1,000,000);
- The Committee recommends that the Council continues to work closely with the PCT and NHS organisations to ensure that, in a time of great change, services are delivered as efficiently and effectively as possible. There needs to be proper monitoring of the £2.1m being transferred from the PCT so as to ensure that it is being spent effectively and in the right areas.

ACSSC-11 MINUTES

RESOLVED – that the minutes of the meeting held on 9th September 2010 be confirmed and signed by the Chairman.

ACSSC-12 SCRUTINY RESPONSE TO DEPARTMENT OF HEALTH CONSULTATION : TRANSPARENCY IN OUTCOMES – A FRAMEWORK FOR ADULT SOCIAL CARE

The Scrutiny Manager presented a report that set out a suggested response to a Department of Health consultation paper on the future regulation and assessment of adult social care. A copy of the document had been circulated to members of the Committee. Members had met on 13th December 2010 to finalise the Scrutiny response to the consultation, and the final draft was appended to the report.

The consultation document proposed new arrangements which would reduce top-down performance management and support transparency, as well as enabling the sector to take charge and innovate. Local communities would be empowered to hold Councils and providers to account. The general objectives were to improve outcomes for those with care and support needs and to improve the quality of social care services.

It was suggested that the Chairman liaise with Cabinet Members to decide if it would be appropriate to submit a joint Scrutiny and Executive response to the consultation paper.

RESOLVED –

- (a) that the draft response, as shown at Appendix 1 of the report, be approved;
- (b) that the decision to submit a joint Scrutiny and Executive response be delegated to the Scrutiny Manager, in consultation with the Chairman.

The meeting ended at 3.53 p.m.

Chairman:

Date:

ACTIVE LIFESTYLES, LEISURE & CULTURE SCRUTINY COMMITTEE

Minutes of the meeting of the Active Lifestyles, Leisure & Culture Scrutiny Committee held on Tuesday, 18th January, 2011 at 3.30 p.m. in Committee Room 3, Civic Offices, Telford

PRESENT: Councillors V.A. Fletcher (Chairman), K.T. Blundell, R.G. Chaplin and J.A. Francis
Ms D. Davis and Ms J Gulliver (Co-optees)

Also Present: Councillor V. Tonks

Councillor S. Bentley (Cabinet Member: Active Lifestyles, Leisure & Culture)
P. Clifford (Strategic lead – ALL&C), J. Rowe (Head of Environmental Services), P. Harris (Corporate Finance Manager)

ALSC-14 MINUTES

RESOLVED –

- (a) that the minutes of the meeting held on 27th September 2010 be confirmed and signed by the Chairman;
- (b) that the notes of the Working Group held on 1 December 2010 be noted.

ALSC-15 APOLOGIES FOR ABSENCE

Councillor F.R. Picken and Mr D Saunders (Co-optee), and A. Astley (Head of Customer Services, Leisure & Libraries)

ALSC-16 DECLARATIONS OF INTEREST

None

ALSC-17 SERVICE & FINANCIAL PLANNING 2011/12-2013/14 – ACTIVE LIFESTYLES, LEISURE & CULTURE

(a) Presentation of Budget Proposals

Councillor S. Bentley (Cabinet Member for Active Lifestyles, Leisure & Culture) was invited to present the Cabinet's budget proposals in relation to the Council priority for Active Lifestyles, Leisure & Culture. As part of this, documents were circulated showing monitoring information during Quarter 3 on actions in the Active Lifestyles Priority Plan, and a list of "quick wins" that were planned for delivery over the next 6 months. These included completion of the Playbuilder programme with the delivery of 11 further projects by the end of July, launch of the men's health project in partnership with AFC Telford and NHS Telford & Wrekin, development of a 'one-stop shop' website for activities and facilities, and development of a marketing &

communications plan. Key objectives were to provide a more positive message about the services that were provided, and to better promote the Council's leisure facilities and the health opportunities available to local residents.

The Chairman reported that a number of questions/lines of enquiry had arisen from the seminar/workshop held on 4 January, and these were circulated along with the programme for the re-structuring of the Council's service areas. Members had previously received a copy of the Cabinet's Service and Financial Planning Strategy. Responses from the Cabinet Member, Strategic Lead – ALL&L and the Head of Environmental Services were then provided to the questions that had been circulated:

Re: proposed investment for improving Telford Town Park:

Is the investment proposal for Telford Town Park a specific grant from a third party? If so, does the receipt of this grant release other funding for other initiatives? If this funding were not available would this work on the Town Park continue? Does this funding include the £25k previously discussed for the feasibility study for rugby facilities within the Park?

Response – the Council had been successful in getting Parks for People Stage 2 grant funding amounting to £2.135m for improvements to the Town Park. There were strict conditions on how the funding could be used, which meant there could be no flexibility in the agreed programme. The funding for the new visitor centre was related to the Southwater regeneration project, and a building had been agreed, subject to planning permission. In terms of other funding, the Friends of the Town Park group were being encouraged to submit their own bids for grant funding, supported by officers.

In relation to the cost of a feasibility study for rugby and other sports facilities, the Chairman invited Cllr V Tonks to address the meeting. Cllr Tonks stated that discussions had been held a while ago with the Rugby Club and representatives from other local sports clubs regarding the development of sporting facilities. In order to submit any funding bid, £25k was needed for a feasibility study. While it had been suggested that the Council could support this, no money or action had been forthcoming. In comparison to the £300k being spent on a 5-a-side facility at AFC Telford, it was wrong that £25k could not be found to help support the development of a number of local sports clubs.

Response - the Cabinet Member stated that he was not aware of any previous discussions on this issue, and that there was not £25k available in the proposed budget for 2011/12. In terms of the investment at AFC Telford, this would provide a high class community facility, including proper pitches, changing rooms, lighting etc. The suggestions for sporting facilities in the Town Park were from private clubs, and perhaps alternative ways could be found to fund the feasibility study (eg: access to money from the BSF programme). He would like to meet with Cllr Tonks to discuss the matter further, and would ask officers for information about the discussions that had taken place previously with the sporting bodies referred to. The Corporate Director added that any feasibility study would need to address where funding for any new facilities would come from, given the financial position facing the Council. Any request for match-funding from the Council could probably only be met by cutting back on other programmes.

Re: savings that would have to be made over the next 2 to 3 years:

Response – the Corporate Director stated that as well as the 20% staff savings, non-staff savings had been identified to help balance the books for 2011/12. However, a number of these were “one-off” savings, and wouldn’t be able to be carried forward into future years.

The Chairman thanked the Cabinet Member and Officers for their attendance.

(b) Comments on Budget Proposals

The Chairman advised that the Committee now had to consider any comments on the budget proposals relating to Active Lifestyles, Leisure & Culture, which would be forwarded to the Community Focussed, Efficient Council Scrutiny Committee for consideration as part of the overall scrutiny response to the budget proposals.

RESOLVED – that the following comments be referred to the Community Focussed, Efficient Council Scrutiny Committee for consideration:

- The Committee are satisfied that the process to consider and agree the service and financial planning proposals for 2011/12 – 2013/14 has been open and transparent ;
- The Committee recognise that significant savings must be made during 2012/13 and 2013/14, and recommend that consultation on these savings should be carried out. The Scrutiny Committee will expect to have a key role in this consultation process;
- The Committee welcome the additional funding for the Town Park, and were assured that the issues below have been included in the funding bid
 - better signage (with warden contact tel no)
 - appropriate lighting is installed
 - wardens are available during park opening hours
 - contact information for wardens and security is available
 - pathways are maintained so they do not become overgrown
 - Gateways to define entry into the Park
- The Committee recognise the Council does not have the resources to fund the feasibility study on the proposal to develop further sporting facilities in the Town Park eg: rugby, hockey, archery, cricket. However, the Committee recommend that:
 - the Cabinet Member for Active Lifestyles meets with the Scrutiny Member who raised the issue
 - the Cabinet Member for Active Lifestyles considers the work undertaken previously with local partner organisations
 - the Cabinet Member for Active Lifestyles investigates the lease of the land used in the Town Park for sporting facilities
 - that partner organisations and national sporting bodies are approached to consider investment opportunities in the Town

Park to develop sporting facilities, including contributing to a feasibility study if necessary.

- **Update reports on progress of this work be received.**

ALSC-18 SCRUTINY RESPONSE TO NHS CONSULTATIONS

The Scrutiny Manager presented a report which outlined the Committee's proposed response, in its role as the statutory health scrutiny body, to consultation exercises by two NHS organisations.

Under new government regulations, Primary Care Trusts were required to develop and publish a Pharmaceutical Needs Assessment (PNA) for their area by February 2011. The PNA would be used as the basis for market entry to provide NHS pharmaceutical services. The consultation document from NHS Telford & Wrekin had been circulated to Members and discussed at a Working Group on 1 December. The proposed response, based on the comments agreed at the Working Group, was appended to the report.

The West Midlands Ambulance Service (WMAS) was consulting on proposals to become a NHS Foundation Trust. As a Trust, it would have greater freedoms to enter into legal and financial agreements with partner organisations and re-invest any budget surplus. The governance arrangements would also change, with a Board of Directors managing the organisation on a day-to-day basis, and being held accountable by a Members Council consisting of members of the public, staff representatives, and representatives from partner organisations. The consultation document had been circulated to Members and discussed at a Working Group on 1 December. The proposed response, based on the comments agreed at the Working Group, was appended to the report.

RESOLVED – that the responses to the NHS consultations, as appended to the report, be approved.

The meeting ended at 4.56 p.m.

Chairman:

Date:

COMMUNITY PROTECTION & COHESION SCRUTINY COMMITTEE

Minutes of a meeting of the Community Protection & Cohesion Scrutiny Committee held on Thursday, 20th January 2011 at 4.00 pm in Committee Room 1, Civic Offices, Telford

PRESENT: A.A. Meredith (Chairman), D.G. Allen (Vice-Chairman) and A.A. Mackenzie.

OTHER MEMBER PRESENT: Councillor M.B. Hosken (Cabinet Member – Community Protection & Cohesion).

OFFICERS PRESENT: R. Partington – Assistant Chief Executive, J. Eatough – Head of Governance, C.J. Jones – Head of Family & Community Services, J. Bedesha – Safer Communities Strategic Manager, R. Peach – Finance Manager, S. Jones – Scrutiny Officer and A. Roberts – Democratic Services Officer.

CPCSC-7 MINUTES

RESOLVED – that the minutes of the Scrutiny Committee meeting held on 13th September 2010 be confirmed and signed by the Chairman and the notes of the meeting of the Working Group held on 7th December 2010 be received for noting.

CPCSC-8 APOLOGIES FOR ABSENCE

Councillors R.T. Kiernan, K.L. Tomlinson and H.J. Unwin.

CPCSC-9 DECLARATIONS OF INTEREST OR PARTY WHIP

None

CPCSC-10 SERVICE & FINANCIAL PLANNING STRATEGY 2011/12-2013/14 – COMMUNITY PROTECTION & COHESION

The Chairman referred the Committee to the Training and Briefing Session that occurred on the 4th January 2011 and that following the budget presentation that had been given the Committee members discussed the topics and questions that it wished to raise on the budget proposals linked to it's Council priority.

Members were reminded that the agreed questions had been dispatched to them prior to this meeting to the appropriate Cabinet Member – Councillor M.B. Hosken and senior officers. The Committee also noted that the appropriate senior officer was in attendance in order to respond to the questions that had been raised.

Question 1 – Please could you summarise what you see as the key impacts of the staffing and non-staffing savings on the delivery of services and how local residents would be affected?

The Assistant Chief Executive advised the meeting that in connection with each of the proposed saving proposals that the probable impact associated with the proposed savings had been indicated within the budget documentation. This showed

that the anticipated impact of the non-staffing savings was minimal, and the staffing impact was anticipated to be minor although this was not yet known because the restructure was not yet complete. In connection with Item 25 for example the savings target of £12500 related to reductions in Community Safety in relation to equipment, printing, stationery and mobile phones.

Question 2 – Please could you confirm the total reductions in relation to Item 23 concerning the small reductions in the H&S non-staffing budget?

The Head of Governance informed the Committee that the reductions related to reduced spending towards equipment, printing, stationery and mobile phones and equated to £1600 for 2011/12, £1600 for 2012/13 and £2900 for 2013/14.

Question 3 – In relation to the Housing Service please could further details be provided in connection with the reduced repair & maintenance expenditure on handbacks?

The Assistant Chief Executive informed the meeting that this question coupled with the questions numbered 4 and 5 were not for this particular Council priority as these functions had been transferred to Adult Care & Support Priority Area. However, the responses would be provided.

Members were advised by the Finance Manager that this particular budget head related to the repair costs of temporary housing that was transferred back into private ownership. The saving had been calculated at £40000 from an original budget allocation of £64000 with the reduction as a result of the lower number of residential properties that were required for temporary accommodation.

Councillor Mackenzie – requested details of the total costs that were expended in 2009/10 together with the number of properties that were in the ownership of the Council and those properties that are rented from private landlords. The Finance Manager informed the meeting that he was not aware of the split but that he would report back to the Committee with the actual answer in due course.

Question 4 – Please could you advise as to the level of the proportion the £4000 proposed saving towards the budget for maintenance and improved income collection?

The Assistant Chief Executive informed the Committee that the total budget in this regard totalled £150000 and that the proposed saving target of £4000 equated to about 2.5%. There had been spending on maintenance on an Invest to Save basis so that there was a current overspend but this would result in a substantial overall saving in future.

Question 5 – Please could there be confirmation as to how support to families needing emergency accommodation when there was a £100000 reduction to the Bed & Breakfast costs? Please could confirmation be provided as to the alternative provision that was being put in place?

The Assistant Chief Executive commented that the proposal was not a reduction in bed and breakfast accommodation but a reduction in the numbers that required temporary accommodation had reduced. There were approximately 70/80 people

currently in temporary accommodation. He mentioned to the Committee that the cost of each individual bed and breakfast unit was in the region of £300/£350 per week, although the cost of bed and breakfast was reduced by the ability to obtain Housing Benefit Subsidy Grant. Bed and Breakfast accommodation was only used in cases of emergency and the number of people being placed in B&B accommodation had significantly reduced over recent years due to a number of initiatives that had been put in place. Members were further informed that the total cost of bed and breakfast accommodation was £600000 in 2008/09; £450000 in 2009/10 and £350000 had been allocated for the ensuing 2011/12 financial year.

Councillor Mackenzie enquired as to the number of houses that the Council held and as to whether the number had increased. The meeting was informed that there was a requirement to have less than 49 houses otherwise the Council would be required to have a Housing Revenue Account, and that the number Council and private properties for temporary accommodation 2008-09 and 2010-11 would be provided after the meeting.

Question 6 – Does the Council fund any of the Youth Offending Service, and if so, would the funding be affected?

The Head of Family & Community Services confirmed that at present the Council contributed a total of £600000 into the Youth Offending Services – other external agencies also contributed sums of their individual budgets into the service. It was confirmed to the Committee that there were no proposals currently to reduce the investment into the service, although due to the late notification of the grant the amount had not been confirmed.

Question 7 – Has there been an assessment of the cost-effectiveness of the Anti-Social Behaviour hotline to show savings?

The meeting was advised by Councillor M Hosken – Cabinet Member: Community Protection & Cohesion that the present reporting system would remain for a further period of 6 months. In relation to any assessment he announced that there was insufficient data in order to complete this because the scheme had not been in operation long enough to undertake an assessment. However initial indications gathered so far did evidence that the scheme had been successful. The meeting was further advised that the number of calls reporting such incidents to the police had reduced since the introduction of the ASB Hotline and that people were using the line to report ASB which would previously have gone unreported.

Councillor M Hosken extended an invitation to the Scrutiny Members to visit the Hotline Centre in order to assess the programme for themselves.

The Cabinet Member and officers presenting information left at the end of this part of the meeting. The members of the Committee considered whether there were any concerns or comments they would like to make to the Community Focussed Efficient Council Scrutiny Committee about the budget proposals relating to the Community Protection & cohesion priority area. The Committee agreed that there were no comments they would like to make.

The meeting ended at 4.30 pm.

Chairman:

Date:

CHILDREN & YOUNG PEOPLE SCRUTINY COMMITTEE

Minutes of a meeting of the Children & Young People Scrutiny Committee held on Monday, 24th January 2011 at 4.30 pm in the Reception Suite, Civic Offices, Telford

PRESENT: Councillors A.Stanton (Chairman), C.P.R.Mollett (Vice-Chairman), E.A.Clare, J.A.Dixon, G.M.Green and Y.C.Hicks and Mrs.S.Harris (Headteacher Representative) and Dr.S.Ali (General Public Representative).

OTHER MEMBERS PRESENT: Councillors S.M. Burrell and E.J. Greenaway (Cabinet Members – Children & Young People).

OFFICERS PRESENT: Richard Partington – Assistant Chief Executive, Laura Johnston – Head of Safeguarding, Clive Jones – Head of Family & Community Services, Angela yapp – Service Delivery Manager: Placements, Stephanie Jones – Scrutiny Officer and Andrew Roberts – Democratic Services officer.

CYPSC-7 MINUTES

RESOLVED – that the minutes of the Scrutiny Committee meeting held on 13th September 2010 be confirmed and signed by the Chairman and the notes of the meetings of the Working Group held on 1st November and 13th December 2010 be received for noting.

CYPSC-8 APOLOGIES FOR ABSENCE

Mr.A.Atkinson (RC Diocese Representative)

CYPSC-9 DECLARATIONS OF INTEREST OR PARTY WHIP

None

CYPSC-10 SERVICE & FINANCIAL PLANNING STRATEGY 2011/12-2013/14 – CHILDREN & YOUNG PEOPLE

The Chairman referred the Committee to the Training and Briefing Session that occurred on the 4th January 2011 and that following the budget presentation that had been given the Committee members discussed the topics and questions that it wished to raise on the budget proposals linked to its Council priority.

Members were reminded that the agreed questions had been dispatched prior to this meeting to the appropriate Cabinet Members – Councillors S.P.Burrell and E.J.Greenaway and senior officers. The Members were reminded of the questions that had been raised and attached as Appendix D of the agenda. The Committee also noted that the appropriate senior officers were in attendance in order to respond to the questions that had been raised.

Question 1 – Grants – Young Carers and Child Development – What exactly is being cut and what impact will the cuts have?

The Cabinet Member: Children & Young People advised that both of these programmes which provided payments for parents to access Children Centres were specific targeted grants that were funded by Central Government. As a result of the economic measures taken by Central Government both of these grants were being stopped. However, it was stated that because this was a national cutback, it did not represent a Borough Council saving. It was mentioned that the cuts related to the grant for parents to take their children to Children's Centres and not to the services themselves. In connection with the Young Carers Grant this grant had been reasonably successful and the Council would seek to retain the key worker programme locally.

Question 2 – Youth Opportunity Fund Grant Cuts – proposed saving of £73k – what percentage of the YOF is this?

Councillor S Burrell informed the Committee that this grant was a nationally funded scheme which was being stopped. The £73k noted within the report was the remaining fund that was unallocated within the scheme. The total grant was £103k, of which £30k had been allocated.

Question 3 – Speech and Language Therapy and SMDS these areas show a combined saving of £71k. What exactly is being cut and how will the service be afforded in the future?

The Committee was advised that SMDS was a joint service with Shropshire Council and Speech and Language Therapy were delivered under a Service Level Agreement with a provider which would end next year. The savings were largely being realised through efficiencies and service restructuring, including the non-replacement of employees that were leaving the Council and posts being left vacant.

Question 4 – Review of milk provision and tender savings – Does this mean that there will be no more milk? Please provide more information.

Councillor S Burrell informed the meeting that the minimum provision would be retained which would see milk being provided in nursery schools 5 days per week and in primary and special schools for 2 days/week. However milk would be provided on a paid for service for the remaining portion of the week. He did mention that schools usually bought milk provision in bulk but there was a lot of waste – he also reminded Members of how the provision of milk was financed through the national milk scheme and that following a review of this wastage had been identified. Schools now provided fresh drinking water within all schools as part of the Healthy Schools scheme, and the Cabinet Member also commented that school milk was no longer necessary to make up the post-war dietary deficiencies that it was introduced to supplement.

Question 5 – (a) How has the additional £1.4 million investment for children's social care and children in care been budgeted? Councillor Burrell advised that this represented the amount that had been overspent for this year and that the budget had been set to manage and maintain current levels of spend. There had been an upward trend of children coming into care, and costs had risen due to the difficulty of moving children back home once they had been taken into care. Investment had been made last year into family intervention which supported families holistically. An evaluation of the cost avoidance from this investment in Q3 was being done, which

Councillor Burrell said pointed at significant cost avoidance, and that costs should start to come down.

(b) Why is this service consistently under-budgeted so that the Council always has to re-invest in this service? The Committee was reminded by Councillor Burrell that it was very difficult to predict costs with accuracy. The average cost of foster care was £400 per week, but specialist care could cost up to £5000 per week. These higher costs were difficult to predict with accuracy and a broad extrapolation would be a misjudgement. The average cost of care per week had reduced over the last three years and there had been an increase in the numbers placed in family unit. In reply to a further question about how the current service review would contribute to the budget, Councillor Burrell replied that the success of the cost avoidance from the Family Intervention Project gave an indication that the family centred approach would impact positively on the cost of service in the future, but emphasised that the broad aim was about delivering the right services and not about cutting budgets.

He also highlighted the tremendous work that was undertaken by officers that ensured that the Council had not encountered a headline case. In reply to a question about parental contributions for children in care, the Head of Safeguarding replied that this was being looked at with Shropshire Council.

(c) There is a perception that the Borough was a net importer of families requiring support from neighbouring conurbations and that these can have a large impact on the budget of the Council. Has this been identified as a problem and has any work been done to mitigate this impact?

Councillor Burrell informed Members that Officers acted robustly to establish whether Telford & Wrekin was the authority responsible for the incoming family, and once this had been ascertained, then a consistent approach to best care for children was adopted. As corporate parent, the Council treated all children in the Borough equally. The Head of Safeguarding stressed that there was a rigorous interrogation of circumstances of people moving into the Borough to make sure that Telford & Wrekin was the liable authority, and pointed out that there was also a net “balancing off” in that some families move out of the Borough as well as moving in.

(d) Are there any other factors such as stated in (c) above that are outside the Council’s control that influence the over spend within this area?

Councillor Burrell commented that he felt that when he was initially appointed as the Cabinet Member for Children’s Services he was of the initial view that there could be more preventative measures that could be employed to help reduce the demand on Children’s Services particularly for Children in Care. He was pleased to pay tribute to the hard work undertaken by officers on this early intervention and preventative work which helped to reduce the number of children coming into care. He also commented on the provision of highly skilled foster parents and the increase in the numbers of prospective foster carers that had been gained through the various recruitment activities undertaken by the Council.

Cabinet Members and officers giving evidence left the meeting at this point.

The Members discussed the evidence that they had heard and agreed that they would like to make the following comments on the budget proposals for Children and Young People to the Community Focused Efficient Council Scrutiny Committee:

1. With regard to the proposed combined savings of £71k across the Schools Multicultural Development Service and Speech and Language Therapy, the Scrutiny Committee noted the minimal impact and understood the reasons for making the savings. However, the members requested further clarification on how the £50k non-staff savings were being made to the Schools Multicultural Development Service (Appendix 5, item 17) and requested a copy of the Equality Impact Assessment on the changes to the service. The Committee reserved the right to monitor the impact of the savings in the future.
2. The Committee was concerned about the impact of the proposed saving on non-mandatory milk and how evidence of wastage had been gathered. The Committee requested that further investigation was done into the wastage figure, and would prefer that a non-carte blanche approach was taken.
3. The Committee understood the financial and budgetary constraints around children in care, but also understood the corporate parenting responsibility of all elected members for children in the authority's care and that this should always take precedence.
4. The Committee accepted the overspend on children in care and understood the reasons for it. The Committee further acknowledged that there were great strides being taken to reduce costs and that overspend on children in care was an annual occurrence which had to be recognised.
5. The Committee recommended that information about what underlies the cost of placements should be made more readily available to members, and reinforced the previous recommendation that corporate parenting training should be made mandatory for all members.

The meeting ended at 6.15 pm.

Chairman:

Date:

ENVIRONMENT & RURAL AREA SCRUTINY COMMITTEE

Minutes of the meeting of the Environment & Rural Area Scrutiny Committee held on Tuesday, 25th January, 2011 at 3.00 p.m. in the Civic Offices, Telford, Shropshire

PRESENT: Councillors T.J. Hope (Chairman), R.K.Austin, R. Aveley, R.E. Groom, C.F. Smith; and Mrs L Baker-Oliver (Co-optee)

ERASC-8 APOLOGIES FOR ABSENCE

R.T. Kiernan

ERASC-9 MINUTES

RESOLVED – that the minutes of the Scrutiny Committee meeting held on 15th September 2010 be confirmed and signed by the Chairman and the notes of the meetings of the Working Group held on 29th October and 10th January 2010 be received for noting.

ERASC-10 DECLARATIONS OF INTEREST

None

ERASC-11 SERVICE & FINANCIAL PLANNING 2011/12 - 2013/14 – ENVIRONMENT & RURAL AREA

Councillor A.Lawrence (Cabinet Member for Environment & Rural Area) was invited to present the Cabinet's budget proposals in relation to the Council priority for Environment & Rural Area. He stated that it was going to be a difficult budget with a number of budget pressures as well as the reductions in grant from the Government. However, it was intended to seek ways of doing 'more for less', together with maximising savings across the Authority.

The Chairman reported that a number of questions/lines of enquiry had arisen from the seminar/workshop held on 4 January, and those were circulated along with the programme for the re-structuring of the organisation services across the Council.

Those questions were as follows, together with the responses obtained from relevant officers in appropriate Service Areas.

Q	Provide more information on cuts to rural transport. What services will be reduced or cut and in which areas, what alternative provision will there be?
A	For 2011/12 it is proposed that a total of £362.5k could be saved from existing transport budgets through the following measures: - 1. £200k relates to achieving the full year effect of savings proposals introduced in 2010/11 relating to the Council's Transport Review – this

included putting in place a new taxi framework to get better value when we transport children and adults around the borough for social care and education. The saving also includes the changes during 2010/11 that have been made to the way Travelink is managed to deliver around £75k in savings.

2. **£65k** is the expected annual saving from **changes to the subsidised bus routes** provided in the borough that was approved by Cabinet in October 2010 with service changes implemented in November 2010. The Council has worked to minimise the impact of any changes and most areas have retained services with the local operator taking on services commercially. The focus for efficiencies was on those routes that were carrying fewest passengers and therefore subsidy levels can be high.
3. **£97.5k** – This is a proposal to remodel a number of demand responsive transport services including Wrekin Connect, Twister, Dial-a-Ride and the Voluntary Car Scheme.
 - a. The **Wrekin Connect Community Transport** service for the western area of the borough would be revised. This would mean that we would provide regular services connecting a number of rural settlements to Wellington, with services operating Monday to Friday, rather than just one or two days a week at present. Similar changes have been made to the Newport Town Wrekin Connect services which have saved the Council money, but have provided a better service to residents used by more passengers as it is available more regularly. The reconfiguration of the Wrekin Connect service has yet to be confirmed, so the routes of services are not known, however it is likely that some small settlements would not be served by a service. In reconfiguring the service the same principles would be used as with the Newport Town services where the areas that no longer receive a service would be in areas where services are currently not used or are least well used. This proposal delivers limited savings but based around the experience in Newport would significantly increase the level of service for the majority of users whilst reducing the cost per passenger of the service.
 - b. **Twister & Taxi Tokens** – the Council has operated the Twister Demand Responsive Transport service (i.e. people phone to book transport rather than it operating to a timetable) in the rural area as a pilot for the last few years. The service has a small number of regular users (around 45) and costs around £16k per year to run. To date the service has provided around 870 passenger trips, of which around 50% have been to two users. The cost of council funding per passenger trip is around £20, compared to levels of around £1 per passenger trip for subsidised bus routes. It is intended that the revised Wrekin Connect service will provide a better transport service for more people in the rural area. On bus consultation with users of the Twister service is being undertaken before the budget is finalised.
 - c. In addition it is also intended that the National Taxi Tokens scheme that the Council operates will also be revised. People who meet the disability eligibility criteria for a concessionary bus pass, can opt not to take a bus pass and have taxi tokens instead. This option is chosen by people who cannot use a bus or do not have access to a bus service. At present people who choose taxi tokens get £16 per year to put towards the cost of taxi fares. It is proposed as part of these

	changes that taxi token entitlement will be restricted to eligible people living in the rural area but with an increased token allowance of £30 per year. In the urban area people will have access to Dial-a-Ride services if they cannot access normal timetabled public transport to ensure that there is form of transport provision to meet their needs. These changes are expected to save the Council £7,300 per year of which £5,800 would be reinvested to fund the increase in taxi token allowance and to reduce the registration costs of Dial a Ride. d. Dial-a-Ride and Voluntary Car Scheme – We are proposing to review the way the Dial-a-Ride service is managed between the Council and CVS as it is believed it can be managed more cost effectively. Dial-a-Ride is available in the urban area for people who choose not to have a concessionary bus pass and meet the disability eligibility criteria. At present the booking of journeys is managed by CVS whilst the service is provided by the Council. In the rural area for people who cannot access conventional transport CVS also operate a Voluntary Car scheme, where people can be transported by volunteer drivers. At present the Council subsidises 45% of the cost of these trips (person pays 22p per mile and Council pays 18p per mile; total cost is 40p per mile). As part of the savings proposals it is intended that the subsidy of 18p per mile for the Voluntary Car scheme will be withdrawn. Through changes to the management/ administration of Dial-a-Ride between the Council and CVS and removing the subsidy to the Voluntary Car scheme it is expected that £80k per year can be saved. Meetings have started with CVS to discuss how changes could be implemented. As part of the changes to Dial-a-Ride it is intended to consider reducing or removing the registration costs of Dial-a-Ride (currently £2 per user to register).
Q	How much will the Rights of Way maintenance budget be reduced and what will this mean?
A	The Rights of Way revenue budget would be reduced by £8k from £22k to £14k. This budget is used to fund reactive maintenance (i.e. vegetation trimming, minor footway repairs) and the legal costs in progressing diversion, creation and modification orders on the borough's Rights of Way network. A capital improvement programme for Rights of Way would still exist to fund improvements to the network and the bids will be supported for grant funding to deliver improvements wherever possible (e.g. the team have supported a third party bid to deliver the Wrekin Trundle a proposed multi-user route near the Wrekin). To minimise the impact of budget reductions on the level of maintenance options to establish community groups to undertake low level maintenance (e.g. vegetation trimming). This has previously been discussed with the PCT with the opportunity of creating a 'Green Gym' type scheme which encourages people to participate in a form of physical activity as part of the preventative health agenda. Such as project my be appropriate for the £2m of funding allocated to joint health based projects between the PCT and the Council. In the absence of any alternative means of undertaking low level maintenance the reduction in budget would mean that the Council's ability to undertake minor repairs or progress legal orders associated with the Rights of Way network would be reduced.
Q	Concessionary travel: How has the figure of £184k for the extra half hour concessionary travel been arrived at?

A	The figure of £184k savings for concessionary travel is comprised of two elements: 1. £86k through removal of a budget for demographic growth – this is funding that has been allocated to absorb any increases in the number of people who are eligible for a concessionary pass registering for and using a pass, or through people who already have a pass using it more. Over the last few years of operating the national concessionary travel scheme the level of uptake and use has been less than expected. The removal of this budget has no direct impact on service users. If the numbers of people registering for a concessionary pass or the number of journeys that pass holders make increases significantly it would become a budget pressure for the Council. 2. £98k of savings would be achieved through reverting back to the statutory concessionary travel scheme (i.e. removing the 9.00a.m. – 9.30a.m. discretionary extension to the concessionary travel scheme). In switching back to the statutory scheme it would mean that passes cannot be used on buses until 9.30a.m. At present there are around 104,000 concessionary travel trips made between 9.00 a.m. and 9.30 a.m. each year. The Council has to cover the full cost of journeys made outside the times of the national concessionary travel scheme; this means that every concessionary travel journey before 9.30a.m. costs the Council approximately £1. Most local transport authorities are reverting back to the national concessionary travel scheme and removing and extension to the times. The proposal has been briefed to the Transport Action Group of the Senior Citizens' Forum – the main concern has been access to the hospital. The bus operators have advised that it would not be possible to administer a scheme that only permits trips to the hospital before 9.30a.m.

During the ensuing robust debate, a number of comments were expressed by Members, including

- A general understanding, by Members, of the circumstances under which the current level of savings had to be made by the Council.
- Whether the taxi drivers had been consulted regarding the proposals to revise the Taxi Token system, as it was viewed that not all taxi drivers welcomed the use of the tokens.
- Members commended the use of the Rural Forum to channel comments on rural issues in the Borough
- Some concern was expressed regarding the RoW Modification Orders reduced funding, as in recent times much headway had been achieved via Legal Services to reduce the backlog of pending applications.
- Members emphasised the importance of the Boroughs' Rights of Way network with potential liaison with a Bio-Diversity Group together with local Town & Parish Councils
- Members expressed some concern at the effect of the measures regarding concessionary travel upon the vulnerable and disadvantaged members of the community.
- Concern was expressed regarding the removal of certain bus services – Service from Hadley to Oakengates – Service 25 not calling at PRH Hospital – Service to Horsehay was considered poor. But, In response, it was pointed out the Arriva would only continue a service if proved commercially viable
- Cllr Groom enquired as to the nature of a "Waste Bulk Station" and officers stated that supporting information, including the recent Cabinet report

recommending its approval, together with the nature of the business case for the proposal, would be provided to Cllr Groom following the meeting

- Concern of the policy of charges for replacement refuse bins – particularly an issue when the loss is caused by the refuse bin falling into the refuse collection vehicle during emptying – therefore at no fault to the resident.
- Supermarkets should be requested to provide the recycling bins on their car parks not the Council
- The “quality” of road repairs was questioned
- The consequential effect of suggested savings proposals upon other services was questioned particularly to those residents who did not have access to a computer at home to get “on-line” information.
- Concern regarding the potential increased risks of suggested reductions to inspections of Spoil Mounds in the Borough
- Similar concern was expressed regarding the proposed reduced level of inspections of pools and reservoirs
- The use of reserves and balances for potential increased levels of winter maintenance/flooding was questioned

In conclusion the Committee recognised, acknowledged and appreciated the budget circumstances and the need for savings to be made.

The Scrutiny Manager stated that the views of the Committee would be conveyed to the Efficient & Community Focused Council Scrutiny Committee at its meeting on the following Monday.

The meeting ended at 4.43 p.m.

Chairman:

Date: