



Rural Capital of Food

Agenda

Meeting name	Governance Committee
Date	Tuesday, 27 March 2018
Start time	6.30 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray LE13 1GH
Other information	This meeting is open to the public

Members of the Governance Committee are invited to attend the above meeting to consider the following items of business.

Edd de Coverly
Chief Executive

Membership

Councillors	P. Cumbers (Chair)	J. Simpson (Vice-Chair)
	T. Beaken	M. Blase
	P. Chandler	J. Douglas
	P. Faulkner	A. Freer-Jones
	M. Glancy	J. Illingworth
Substitutes	M. Graham	T. Greenow

Quorum: 4 Councillors

Meeting enquiries	Catherine Richards
Email	crichards@melton.gov.uk
Agenda despatched	Monday, 19 March 2018

No.	Item	Page No.
1.	APOLOGIES FOR ABSENCE	
2.	MINUTES To confirm the minutes of the meeting held on 6 February 2018.	1 - 10
3.	DECLARATIONS OF INTEREST Members to declare any interest as appropriate in respect of items to be considered at this meeting.	11 - 12
4.	RECOMMENDATIONS FROM OTHER COMMITTEES There are no recommendations from other Committees.	
5.	UPDATE ON DECISIONS There are no outstanding decisions to consider at this meeting.	
6.	INTERNAL AUDIT UPDATE The Head of Internal Audit to submit a report to update Members on progress made in delivering the 2017/18 Annual Audit Plan and key findings arising from audit assignments completed.	13 - 30
7.	INTERNAL AUDIT ANNUAL PLAN 2018/19 The Head of Internal Audit to submit a report which provides the Committee with a copy of the draft Internal Audit Plan for 2018/19, for review and formal approval, in line with the requirements of the Public Sector Internal Audit Standards.	31 - 44
8.	LOCAL GOVERNMENT ASSOCIATION GOVERNANCE REVIEW The Chief Executive to submit a report which provides the Committee with the Local Government Association's Governance Review report and recommendations, enabling Members to consider initial next steps.	45 - 56
9.	GENERAL DATA PROTECTION REGULATIONS UPDATE The Monitoring Officer to submit a report advising Members of the current state of preparations to implement the EU General Data Protection Regulation (GDPR).	57 - 60
10.	EATON AND WALTHAM COMMUNITY REVIEW The Deputy Chief Executive to submit reports advising the Committee of the Terms of Reference for the Eaton Parish Council Community Governance Review and of a request for a Community Governance Review by Waltham on the Wolds and Thorpe Arnold Parish Council and to inform Members of key issues associated with such a review.	61 - 76

11.	<p>ANNUAL REVIEW OF THE CONSTITUTION 2017/18 The Monitoring Officer to submit a report to enable the Committee to consider an annual review of the Council's Constitution and any amendments for onward referral to the Council for approval as well as note changes to the Constitution approved by the Council since November 2016.</p>	77 - 122
12.	<p>CODE OF CONDUCT UPDATE The Monitoring Officer to submit a report to update the Committee on the latest position with regard to standards matters including the Code of Conduct, the Registration of Disclosable Pecuniary Interests and Other Interests and any complaints against Councillors dealt with under the Council's process.</p>	123 - 126
13.	<p>MAYOR'S AWARD OF MERIT SCHEME : AWARDEES 2017/18 The Director for Corporate Services to submit a report presenting the recommendations of the Award of Merit Task Group.</p> <p><i>Appendix A is exempt.</i></p>	127 - 134
14.	<p>URGENT BUSINESS To consider any other items that the Chair considers urgent.</p>	

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Minutes

Meeting name	Governance Committee
Date	Tuesday, 6 February 2018
Start time	6.30 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray LE13 1GH

Present:

Chair Councillor P. Cumbers (Chair)

Councillors J. Simpson (Vice-Chair) M. Blase
J. Douglas P. Faulkner
A. Freer-Jones M. Glancy
J. Illingworth

Observers

Officers Deputy Chief Executive
Director for Corporate Services
Head of Internal Audit
Administrative Assistant Elections & Member Support

Vishal Savjani, Ernest Young (External Auditor)

Minute No.	Minute
G44	<p>Apologies for Absence Apologies for absence were received from Councillors Beaken and Chandler.</p>
G45	<p>Minutes The minutes of the meeting held on 21 November 2017 were confirmed and authorised to be signed by the chair subject to the following amendment:-</p> <p><u>Minute G38 – Internal Audit Planning 2018/19</u></p> <p>CIL would be considered but may be more appropriate to be looked at in 2019/20.</p>
G46	<p>Declarations of Interest There were no declarations of interest.</p>
G47	<p>Recommendations From Other Committees <u>Policy, Finance and Administration Committee: 29 November 2017: Minute P41 Statutory Officers Disciplinary Procedure</u></p> <p>The Chair advised Members that the recommendation formed part of agenda item 10 (Constitution Update).</p> <p><u>RESOLVED</u> that</p> <ol style="list-style-type: none"> (1) amendment of this Council's substitute policy to reflect the restriction on a Member of Policy, Finance and Administration Committee from being a substitute on the Appeals Committee and visa versa be approved and referred to Full Council for adoption into this Council's Constitution. (2) a requirement for Members of the Policy, Finance and Administration Committee to undergo appropriate training prior to sitting as the Investigating and Disciplinary Committee be approved and referred to Full Council for adoption into this Council's Constitution.
G48	<p>Update on Decisions There were no outstanding decisions to consider at this meeting.</p>
G49	<p>Annual External Audit Plan Ernst Young, the External Auditor</p> <ol style="list-style-type: none"> (a) presented the 2017/18 Audit Plan (copies of which had previously been circulated to Members), which included an analysis of key risks, the audit strategy, reporting and timescale; (b) gave a brief overview of the report, detailing its scope and highlighting the

main items covered as follows:-

- the audit process and strategy, including mandatory procedures, in relation to reviewing and reporting on this Council's financial statements and its arrangements for securing economy, efficiency and effectiveness in its use of resources (value for money).
- this Council's responsibilities in respect of preventing and detecting fraud and error.
- External Audit's opinion on this Council's financial statements and assessment of significant risks (identified as the risk of fraud in revenue and expenditure recognition and the valuation of housing revenue account (HRA) assets) and other risks (identified as misstatements due to fraud or error, valuation of land and buildings, pension liability valuation and earlier deadline for production of the financial statements) and external audit's approach to these risks.
- Having considered both the potential financial impact of the issues identified and the likelihood that the issues would be of interest to local tax payers, the Government and other stakeholders, the Auditor confirmed one significant risk, identified as a risk to value for money. This Council's Medium Term Financial Strategy (MTFS) showed in the short-term a gap between funding and expenditure (the MTFS for the period 2018/19 to 2021/22 showed a shortfall from 2018/19 reversing to a surplus by 2021/22). It was anticipated that the short-term gap identified would be reduced considerably when the 2018/19 budget was approved.

Members commented on the national pension deficit figure and queried if this Council could take action to prevent the pension fund deficit worsening. The Director for Corporate Services assured that this Council did everything it could in relation to mitigating the deficit. She advised that a revaluation was undertaken every three years and MTFS pension contributions increased each year, in line with that recommended by the Pension Administrator. The pension fund deficit figure was predictive, relating to life expectancy and when individuals would access their pensions etc. Employer contributions could be increased further (pay higher voluntary contributions) but this may create unnecessary pressure on the budget.

The Chair noted the use of abbreviations in the report and requested that External Audit provide a glossary at the front of future reports for ease of reference. The External Auditor confirmed he would look in to this.

There being no further comments or questions, it was

RESOVED that the report be noted.

G50

Certification of Claims and Returns Annual Report

Ernst Young, the External Auditor

- (a) presented a report (copies of which had previously been circulated to Members), which summarised the results of grant certification work

undertaken for the financial year 2016/17;

(b) gave a brief overview of the report, highlighting:-

- External Audit had checked and certified the housing benefits subsidy claim with a total value of 8,475,469.
- External Audit found errors, mainly relating to the calculation of claimants' incomes but also to the application of tax credits and classification of overpayments, which this Council corrected. The amendments had a marginal effect on the grant due. No errors were identified from extended testing carried out.
- External Audit reported the errors to the Department for Work and Pensions in a qualification letter.
- It was noted that corrective steps had been undertaken to reduce repeated errors and there had been an improvement year on year. A similar recommendation to that of the previous year (that this Council focus on training its staff and undertake in year reviews of claims) was made as a result of the 2016/17 findings (to be implemented by 31 March 2018).
- External Audit acted as reporting accountants in relation to the Pooling of Housing Capital Receipts returns, providing separate reports to this Council with a total value of £943,955. There were no significant issues identified as part of this work.
- 2016/17 fees for the audit of claims and returns were detailed at section 3 of the report.
- From 2018/19, this Council would be responsible for appointing its own reporting accountant to undertake the certification of the housing benefit subsidy claim and Ernest Young would be pleased to undertake the work. Ernest Young had been appointed by Public Sector Audit Appointments Ltd, as this Council's statutory auditor.

A Member commented that the report was very easy to understand. There being no further comments or questions from Members, it was

RESOLVED that the report be noted.

G51

Internal Audit Update

The Head of Internal Audit

- (a) Submitted a report (copies of which had previously been circulated to Members), updating Members on progress made in delivering the 2017/18 Annual Audit Plan and key findings arising from audit assignments completed;
- (b) advised that this was the latest report on the outcome of Internal Audit assignments and the performance of the Internal Audit team;
- (c) confirmed the current status of all assignments was shown in Appendix A and that delivery was on track for March 2018, with 100% of assignments

either completed or in progress at the time of reporting;

(d) highlighted that since the last Committee meeting

- three audit reports had been finalised as follows:-
 - i. Out of Hours Standby. The new contract with HDC had been in place since 2016. The purpose of the review was to provide assurance that the service was operating effectively and the contract was fit for purpose. It was confirmed that a clearly defined service specification was in place, with opportunity to monitor and manage performance. Training and guidance was confirmed as in place and fit for purpose and a database of all calls was being maintained. Savings have exceeded that originally forecast. Overall the assurance opinion is the highest rating of Substantial for both design and compliance.
 - ii. Housing Benefits. Members had requested this audit last year. Internal Audit found that clear guidance and procedures were in place for officers assessing claims. It was noted that some controls, such as a monthly reconciliation had not been regularly undertaken following some staffing changes and these would be reinstated. It was also noted that the level of outstanding overpayments was high when benchmarked with other councils and there were a number of inactive cases where debts were not being pursued. Some were due to be written off as unrecoverable but some needed to be pursued in line with debt recovery procedures. Some recommendations had been made to strengthen procedures and assist this Council in minimising errors and recovery of overpayments. Overall, a Satisfactory assurance rating had been issued, with moderate risk remaining until actions were implemented. All of which were due to be implemented within the next couple of months.
 - iii. Development Control. Internal Audit reviewed the processes and procedures operating in the handling of development control. It was noted that the planning service had experienced a number of changes in staffing and structure which meant that some improvements had been delayed. The audit had assisted in developing an action plan to target these issues and to take this forward as a project. Some particular issues were identified in relation to performance management, where calculation of statistics could not be verified or confirmed as compliant with national guidance. Thirteen recommendations to improve the procedures and controls had been made, all of which were accepted by management and would be progressed as a project/implementation plan. Currently a Limited assurance on design has been issued, with a moderate risk overall.
- Appendix 3 of the report provided an overview of the implementation of actions from audit reports. Fifteen actions had been completed by

this Council since the last report and thirty-two remained overdue. Of the overdue actions, there was only one which was high priority and over three months overdue. Full details were provided at Appendix 4 of the report.

- The additional recommendation at 2.2 of the report.

The Chair thanked the Head of Internal Audit for her work and reminded Members that copies of individual audit reports were available to them on request.

A Member drew attention to Appendix 3 of the report, querying how the number of unimplemented recommendations correlated with those at neighbouring Authorities. The Head of Internal Audit advised that this Council's figures were slightly higher but highlighted that this Council was generally very good on implementation of audit recommendations. A number of the recommendations fell within Strategic Planning and Regulatory Services and this Department had experienced delays in implementation due to the resources targeted to Local Plan work. Updates on all outstanding actions had been received and it was anticipated that most would be implemented shortly.

The Member asked if the figures added weight to the view that an increase in staffing would be beneficial. If this was the case, Members should support this.

The Deputy Chief Executive advised that the realignment would begin to deal some of these issues and capacity would be addressed.

The Chair commented that it was important to be supportive and understanding of staffing issues.

There being no further comments or questions from Members, it was

RESOLVED that

- (1) the report be noted together with the progress made by the Internal Audit Team in delivery of the Audit Plan;
- (2) the Audit Plan be amended to incorporate a review of the new Housing Repairs contract approach and the consultancy support on the Transformation programme be removed.

G52

Code of Conduct Update

The Monitoring Officer

- (a) submitted a report, updating the Committee on the latest position with regard to standards matters including the Code of Conduct, the Registration of Disclosable Pecuniary Interests and Other Interests and any complaints against Councillors dealt with under the Council's process;
- (b) advised that the Independent Persons Workshop referred to at 3.5 of the

report had been cancelled. This Council awaited further details of a future workshop event;

There being no comments or questions from Members, it was

RESOLVED that the update on the position of standards matters including Parishes' Registration of Disclosable Pecuniary Interests and Other Interests and complaints against Councillors dealt with under the provisions of the Localism Act be noted.

G53

Constitution Update

The Monitoring Officer

(a) submitted a report, enabling the Committee to consider items relating to the Council's Constitution for onward referral to the Council for adoption and incorporation into the Council's Constitution;

(b) highlighted the recommendations at 2.1 of the report, stating

- (a) Contract Procedure Rules. This amendment aimed to bring the Constitution in to line with the Corporate Director having delegated authority for a legislative amendment to the EU thresholds within the Contract Procedure Rules. The Corporate Director had already exercised this delegated authority.
- (b) Substitute Policy amendment – recommendation from Policy, Finance and Administration Committee. This amendment had been considered, approved and referred to Full Council earlier at this meeting.
- (c) Part 3 – Scheme of Delegations to Officers – Head of Communities and Neighbourhoods. This amendment related to the termination of the role of Head of Communities and Neighbourhoods within this Council's management structure, with effect from 11 February.
- (d) Part 3 – Scheme of Delegations to Officers – Authorisation to act. This amendment related to increasing resilience and ensuring sufficiency of cover for day to day decisions by allowing the Corporate Director to deputise and act for the Chief Executive and the Deputy Chief Executive.
- (e) Part 3 – Scheme of Delegations to Officer – Debt Recovery. This amendment related to technical issues concerning housing benefit debt recovery.
- (f) Management structure realignment – Consequential amendments to Parts 2, 3, 4, 5, 6, 7, 9, and 10. This amendment related to the minor and operational constitutional changes (with regard to officer job title changes) which the Monitoring Officer had exercised delegated authority to make, ensuring these align with the new management structure.

(c) Confirmed that the recommendation at 2.2 of the report was as standard.

The Chair noted the provision within the Constitution for officers to issue cautions to individuals and asked in what circumstances this authority could be exercised. The Monitoring Officer confirmed that he would look into this and provide a full response.

Members referred to the frequent constitutional updates they received in hard copy and requested that only electronic updates be issued to them. The Director for Corporate Services advised that the Senior Democracy Officer would canvass all Members on this matter. The Chair advised that a searchable version of the Constitution would be available on this Council's website shortly.

There being no further comments or questions from Members, it was

RESOLVED that

- (1) the following changes to the Constitution be approved and referred to Full Council for adoption in the Constitution:-

(a) Contract Procedure Rules : EU Thresholds

To note that the Director for Corporate Services had exercised her delegation for a legislative amendment to the EU thresholds within the Contract Procedure Rules as set out at Appendix A and which came into effect from 1 January 2018 and will apply for two years.

(b) Substitute Policy amendment – recommendation from Policy, Finance and Administration Committee

Subject to approval of Agenda item 4, the Substitute Policy be amended with the tracked changes as set out at Appendix B.

(c) Part 3 – Scheme of Delegations to Officers – Head of Communities and Neighbourhoods

Following the departure of the Head of Communities and Neighbourhoods and the termination of the role in the Council's management structure on 11 February 2018, the Scheme of Delegations to Officers be amended as set out in tracked changes at Appendix C.

(d) Part 3 – Scheme of Delegations to Officers – Authorisation to act

The Officer Delegations be amended to state that the Director for Corporate Services is able to deputise and act for the Chief Executive and the Deputy Chief Executive.

(e) Part 3 – Scheme of Delegations to Officers – Debt Recovery

The Officer Delegations in respect of debt recovery be amended due to a change in policy for housing benefit overpayment. There is an addition to the existing delegation and a new delegation included as follows, changes shown in red :-

‘To administer, formulate and amend the Council’s procedures to deal with debt recovery and Housing benefit overpayments and to take any action including the instigation of legal proceedings and the authorisation of officers to appear in court in connection therewith.

Any write off of Housing Benefit overpayments that are still within the Housing Benefit system will be dealt with in line with the Housing benefit overpayment policy’.

(f) Management structure realignment – Consequential amendments to Parts 2, 3, 4, 5, 6, 7, 9, and 10

To note that the Monitoring Officer has exercised his delegation to make minor procedural and operational changes to Parts 2, 3, 4, 5, 6, 7, 9 and 10 of the Constitution with regard to Officer job title changes as a result of the Management structure realignment approved by the Full Council on 12 December 2017.

- (2) To note that the Monitoring Officer has delegated authority to make amendments following legislative or other statutory changes and minor procedural and operational changes. Such changes will be reported to the Governance Committee and subsequently the Council, as soon as practicable thereafter.

G54

Urgent Business

There was no urgent business.

The meeting closed at: 7.20 pm

Chair

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Advice on Members' Interests

COUNCIL MEETINGS - COMMITTEE MINUTES : DECLARATION OF INTERESTS

Interests need not be declared at Full Council in relation to Committee Minutes which do not become the subject of debate at Full Council (i.e. Minutes referred to solely on a page by page basis when working through the Minutes of each Committee.)

An interest must be declared at Full Council as soon as it becomes apparent that a relevant Committee Minute is to be debated – this applies even if an interest has been declared at Committee and is recorded in the Minutes of that Committee.

PERSONAL AND NON-PECUNIARY INTERESTS

If the issue being discussed affects you, your family or a close associate more than other people in the area, you have a personal and non-pecuniary interest. You also have a personal interest if the issue relates to an interest you must register under paragraph 9 of the Members' Code of Conduct.

You must state that you have a personal and non-pecuniary interest and the nature of your interest. You may stay, take part and vote in the meeting.

PERSONAL AND PECUNIARY INTERESTS

If a member of the public, who knows all the relevant facts, would view your personal interest in the issue being discussed to be so great that it is likely to prejudice your judgement of the public interest and it affects your or the other person or bodies' financial position or relates to any approval, consent, licence, permission or registration then **you must state that you have a pecuniary interest, the nature of the interest and you must leave the room***. You must not seek improperly to influence a decision on that matter unless you have previously obtained a dispensation from the Authority's Governance Committee.

DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

If you are present at any meeting of the Council and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, if the interest is not already registered, you must disclose the interest to the meeting. You must not participate in the discussion or the vote and you must leave the room.

You may not attend a meeting or stay in the room as either an Observer Councillor or *Ward Councillor or as a member of the public if you have a pecuniary or disclosable pecuniary interest*.

BIAS

If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias) then you should not take part in the decision-making process; you should leave the room. **You should state that your position in this matter prohibits you from taking part.** You may request permission of the Chair to address the meeting prior to leaving the room. The Chair will need to assess whether you have a useful contribution to make or whether complying with this request would prejudice the proceedings. A personal, pecuniary or disclosable pecuniary interest will take precedence over bias.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you are aware of the issue being discussed.*

*There are some exceptions – please refer to paragraphs 13(2) and 13(3) of the Code of Conduct

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GOVERNANCE COMMITTEE

27th March 2018

REPORT OF HEAD OF INTERNAL AUDIT

INTERNAL AUDIT UPDATE

1.0 PURPOSE OF REPORT

- 1.1 To update Members on progress made in delivering the 2017/18 Annual Audit Plan and key findings arising from audit assignments completed.

2.0 RECOMMENDATIONS

- 2.1 **That Members note the report and progress made by the Internal Audit team in delivery of the Audit Plan.**

3.0 UPDATE ON DELIVERY OF THE INTERNAL AUDIT PLAN

- 3.1 The progress achieved to date in delivering the 2017/18 Audit Plan is set out in Appendix A. Since the last Governance committee meeting, three reports have been finalised. At the time of reporting, 100% of planned assignments are either complete or in progress and the team is on track to exceed the target for delivery of 90% of the plan to draft report stage by the end of March 2018.

- 3.2 The key findings of the audit assignments from 2017/18 completed to date are provided within Appendix A.

4.0 IMPLEMENTATION OF RECOMMENDATIONS

- 4.1 The Council's Management Team review progress made on implementing agreed management actions on a regular basis. At the date of reporting, there are 37 agreed management actions which are overdue for implementation. Reasons have been requested for the overdue actions. There are a number of overdue actions which have been delayed due to a change in officers' responsibilities and these have now been reallocated to the relevant lead officer and are subject to revised timescales. Further details are provided in Appendix A.

5.0 UNPLANNED WORK

- 5.1 An update is provided in Appendix A in relation to the fraud investigation deliver by Internal Audit in 2016/17. In February 2018, the former Council officer and his wife both pleaded guilty to both counts of Fraud by Abuse of Position and Acquisition of Criminal Property. This has been a welcome outcome which demonstrates the Council's zero tolerance to fraud and the effectiveness of the fraud response plan.

6.0 POLICY AND CORPORATE IMPLICATIONS

- 6.1 The report allows the Committee to develop independent assurance about the quality of the Council's internal control framework.

7.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

- 7.1 There are no financial or other resource implications arising directly from this report.

8.0 **LEGAL IMPLICATIONS/POWERS**

8.1 There are no legal implications arising directly from this report

9.0 **COMMUNITY SAFETY**

9.1 There are no community safety implications arising directly from this report.

10.0 **EQUALITIES**

10.1 There are no equalities implications arising directly from this report.

11.0 **RISKS**

11.1 If Internal Audit does not deliver the approved Audit Plan the assurance that it can provide about the Council's control framework would be compromised.

12.0 **CLIMATE CHANGE**

12.1 There are no climate change implications arising directly from this report.

13.0 **CONSULTATION**

13.1 N/A

14.0 **WARDS AFFECTED**

14.1 All wards are indirectly affected by the report.

Contact Officer Rachel Ashley-Caunt

Date: 09/03/2018

Appendices : A – Internal Audit Update Report

Background Papers: N/A

Reference : N/A



MELTON BOROUGH COUNCIL

INTERNAL AUDIT UPDATE

MARCH 2018

Date: 27th March 2018

Introduction

- 1.1 LGSS provides the internal audit service for Melton Borough Council and has been commissioned to provide 235 audit days to deliver the 2017/18 Annual Audit Plan and undertake other work commissioned by the client.
- 1.2 The Public Sector Internal Audit Standards (the Standards) require the Governance Committee to scrutinise the performance of the Internal Audit Team and to satisfy itself that it is receiving appropriate assurance about the controls put in place by management to address identified risks to the Council. This report aims to provide the Committee with details on progress made in delivering planned work, the key findings of audit assignments completed since the last Committee meeting, updates on the implementation of actions arising from audit reports and an overview of the performance of the Consortium.

Performance

2.1 Will the Internal Audit Plan for 2017/18 be delivered?

LGSS is set the objective of delivering at least 90% of the Internal Audit plans to draft report stage by the end of March 2018.

At the date of reporting, 12 assignments have been finalised and fieldwork is either in advanced stages or complete on all remaining assignments.

As such, at the time of reporting, 100% of the Audit Plan is either complete or in progress.

Progress on individual assignments is shown in Appendix 1.

2.2 Are audits being delivered to budget?

Internal Audit is on target to deliver the Audit Plan within the 235 days budget. Any overruns on individual assignments are managed within the overall budget.

2.3 Are clients satisfied with the quality of the Internal Audit assignments?

Responses received to the Customer Satisfaction Questionnaire show that clients have rated all aspects of the audit assignments completed during the year to date as 'good' or 'outstanding'. A summary of the responses is provided in Appendix 2.

2.4 Is the Internal Audit team achieving the expected level of productivity?

As at week 47, the team had been delivering 94% productivity, against the target set of 90%.

2.5 Based upon recent Internal Audit work, are there any emerging issues that impact upon the Internal Audit opinion of the Council's Control Framework?

Since the last Governance Committee meeting, three final reports have been issued for assignments from the 2017/18 Internal Audit Plan. The key findings arising are as follows:

Financial Systems Key Controls

A review of the Council's financial systems was undertaken to provide assurance that sufficiently robust controls are in place, and operating consistently. The audit focussed on key controls relating to creditor payments, housing rents, and council tax and national non-domestic rates (NNDR) discounts, exemptions and reliefs.

Audit testing confirmed that controls for the creditors' function are robust and operating effectively in practice. Furthermore, sample testing of key controls in relation to purchase invoices, credit notes, BACS payments, control account reconciliations and aged creditor reviews all confirmed 100% compliance with controls.

The Council use the Northgate system to administer housing rents. A review of user access to this system identified that nine leavers had not had their access removed, however this access was reviewed during the audit and has now been revoked.

Sufficient processes are in place to ensure that rental properties acquired are added to the rent roll without delay and that properties disposed of are removed from the rent roll promptly. However, it would be best practice to perform an annual reconciliation of the rent roll (Northgate) to legal property records to ensure that rent is being charged for all properties owned by the Council.

There are appropriate arrangements in place to ensure that approved rent decreases are applied accurately to all tenancies.

The Council has a well-defined process for the recovery of housing rents. Testing confirmed that appropriate action was taken where required and the recovery of debt is reviewed regularly by officers. Income is collected and allocated to accounts in a timely manner and unallocated payments are reviewed daily.

Local guidance on the frequency on which council tax and NNDR reliefs, discounts and exemptions should be reviewed and the type(s) of evidence that is accepted for each application is not documented. This can potentially lead in inconsistent application of processes, which could increase the potential risk of fraud.

Based upon the findings, Internal Audit has given the following assurance opinions over the management of the associated risks:

Assurance Opinion		
Control environment	Good	●
Compliance	Good	●
Organisational impact	Minor	●

Leisure Vision Phase 2

In 2017, the Council commenced work on Phase 2 of the Leisure Vision project. This phase of the project was established to secure the ongoing operation of the Melton Sports and Leisure Village and potential future development involving the design, build, operation and maintenance of leisure facilities including a community stadium.

A comprehensive competitive dialogue process was undertaken by the Council, engaging a number of potential operators and exploring options for future development of the facilities. Given the predicted value of the contract and the application of competitive dialogue, it is of assurance that procurement and finance professionals have been engaged in key stages. The Invitation to Submit Detailed Solutions (ISDS) stage highlighted a number of future opportunities but also concerns from all bidders regarding the affordability of the new development in the current environment (i.e. competition, infrastructure) and, as such, it has been proposed that no further development be planned at this point. An informed decision has therefore be made that the wider, procurement process for a Design, Build, Operation and Maintenance (DBOM) contract should no longer progress at this point and will be deferred for longer term planning and development. A contract for the ongoing management of the facilities had been an option in the procurement process, for which bids were invited, and a recommendation has been approved by Full Council for the award of this contract, which should generate savings for the authority.

The project's governance and decision making arrangements were clearly established at the outset and evidence provided demonstrates compliance with these during the project to date. Risk identification at the initiation stage was comprehensive and well documented and project highlight reports have been provided detailing progress and matters arising. Some areas for improvement in relation to ongoing recorded risk management have been discussed with management.

Based upon the findings, Internal Audit has given the following assurance opinions over the management of the associated risks:

Assurance Opinion		
Control environment	Good	●
Compliance	Good	●
Organisational impact	Minor	●

Waste Contract Procurement

Effective waste management and street cleaning supports the Council's key priority of delivering well respected and value for money customer focused services with pride and efficiency. The Council's current contract with Biffa Municipal has been in place since 2003

and was due to end on 31st March 2017. The contract was extended to 30th September 2018 to provide sufficient time to explore a range of options for future service delivery.

The project to consider options for the future provision of waste and street cleaning services was initiated in August 2014. Following completion of an initial exercise to assess market interest the formal procurement process commenced in March 2017 using the competitive dialogue approach. It was agreed that Internal Audit would carry out an ‘embedded assurance’ review of the project to assess progress and governance arrangements at key stages in its life cycle and provide reports at the appropriate time. The first stage review was conducted in summer 2017 and the draft report issued in September 2017 (finalised November 2017).

Internal Audit’s stage one report concluded that the project was being well managed and made just two recommendations for improvement. Both recommendations have been implemented and overall governance arrangements remain sound. There has been some minor slippage in the timetable but this has been managed effectively to ensure no impact on the proposed contract start date. Evaluation of final bids has recently been completed and savings targets are expected to be achieved or exceeded. Authority is being sought from Melton Economic and Environmental Affairs Committee (MEEA) and Full Council to award preferred bidder status, with final contract optimisation arrangements delegated to the Chief Executive and Leader of the Council.

As previously reported, the project management budget for consultancy support has significantly exceeded initial estimates primarily due to a greater than expected market interest leading to more work to support additional rounds of dialogue, assessment, evaluation and moderation. Consequently, MEEA have agreed to recommend Council approval of a supplementary estimate of £99k, increasing the project budget to £159k. Officers are confident that the revised budget will be sufficient to see the project through to completion.

Based upon the findings, Internal Audit has given the following assurance opinions over the management of the associated risks at this time:

Assurance Opinion		
Control environment	Substantial	●
Compliance	Good	●
Organisational impact	Minor	●

Members can request copies of all final Internal Audit reports from the Head of Internal Audit or Director for Corporate Services at any time.

2.6 Are clients progressing audit recommendations with appropriate urgency?

At the date of reporting, there are 37 agreed management actions which are overdue for implementation. Reasons have been provided and revised dates for implementation have been agreed, where appropriate. An analysis of the implementation of actions is provided in Appendix 3. Of the overdue actions, one is of a 'high' priority and has been overdue for more than three months – as such, full details are provided in Appendix 4.

2.7 Update on Fraud investigation work

In 2016/17 the Head of Internal Audit delivered an investigation into an alleged fraud by a Council officer. The allegation was that the officer had failed to declare a connection with a company to whom a contract had been awarded. From the investigation work, evidence was identified to support the allegation and falsified documentation was found in relation to the contract award. The Head of Internal Audit produced a comprehensive evidence bundle and recommended to the Council's senior management that the findings be referred to the police as alleged Fraud by Abuse of Position, under the Fraud Act. Senior management fully supported the police referral and ongoing investigation work.

A criminal investigation has been underway since 2016 and on 22nd February 2018 both the former Council officer and his wife pleaded guilty on both counts of Fraud by Abuse of Position and Acquisition of Criminal Property. The outcome has been publicised to promote the Council's zero tolerance to fraud and sentencing will take place in March 2018.

Appendix 1: Progressing the Annual Internal Audit Plan

KEY
Current status of assignments is shown by 

Assignment	Budget	Actual	Not Started	Planning	Field Work Underway	Field Work Complete	Draft Report	Final Report	Control Environment	Compliance	Org Impact	Comment
Corporate Governance & Counter Fraud												
Cyber Security	15	1.5			●							
Whistleblowing training	3	3						●	N/A			Training delivered
Key Corporate Controls & Policies												
Key Financial Controls	15	16.5						●	Good	Good	Minor	See 2.5
Procurement Compliance	10	6.6				●						
Data Management	15	18						●	Satisfactory	Satisfactory	Moderate	
Safe Driving at Work	3	4						●	Good	Limited	Minor	
Corporate Objective: Place												
Waste Contract Procurement (stage 1)	8	8.3						●	Good	Good	Minor	
Waste Contract Procurement (stage 2)	4	4						●	Substantial	Good	Minor	See 2.5
Development Control	15	17.6						●	Limited	Satisfactory	Moderate	




Assignment	Budget	Actual	Not Started	Planning	Field Work Underway	Field Work Complete	Draft Report	Final Report	Control Environment	Compliance	Org Impact	Comment
Housing Repairs (consultancy)	7	6.6						●	N/A			
Corporate Objective: People												
Leisure Vision Phase 1	10	1.7				●						
Leisure Vision Phase 2	15	5.8						●	Good	Good	Minor	See 2.5
Melton Lottery	5	4.9						●	Satisfactory	Satisfactory	Minor	
Anti Social Behaviour & Community Safety	12	14.6						●	Good	Good	Minor	
Me and My Learning	12	1.1			●							
Corporate Objective: Agile Council												
Housing Benefits	14	18.6						●	Satisfactory	Satisfactory	Moderate	
Out of Hours	12	6.4						●	Substantial	Substantial	Minor	

Assignment	Budget	Actual	Comments
Other Client Support			
Advice & Assistance	2	6.4	
Unplanned work – investigations / support	7	7	

Assignment	Budget	Actual	Comments
Other Client Support			
Committee Work, Support & Annual Report	15	7.4	
Recommendation Follow-Up	3	1.5	
Client Meetings, AGS/NFI & External Audit, Audit Planning	15	9.6	
Internal Audit Management & Development	21	9.9	




At the completion of each assignment the Auditor will report on the level of assurance that can be taken from the work undertaken and the findings of that work. The table below provides an explanation of the various assurance statements that Members can expect to receive.

Compliance Assurances		
Level	Control environment assurance	Compliance assurance
Substantial ●	There are minimal control weaknesses that present very low risk to the control environment.	The control environment has substantially operated as intended although some minor errors have been detected.
Good ●	There are minor control weaknesses that present low risk to the control environment.	The control environment has largely operated as intended although some errors have been detected.
Satisfactory ●	There are some control weaknesses that present a medium risk to the control environment.	The control environment has mainly operated as intended although errors have been detected.
Limited ●	There are significant control weaknesses that present a high risk to the control environment.	The control environment has not operated as intended. Significant errors have been detected.
No ●	There are fundamental control weaknesses that present an unacceptable level of risk to the control environment.	The control environment has fundamentally broken down and is open to significant error or abuse.

Organisational Impact		Definition
Major		The weaknesses identified during the review have left the Council open to significant risk. If the risk materialises it would have a major impact upon the organisation as a whole.
Moderate		The weaknesses identified during the review have left the Council open to medium risk. If the risk materialises it would have a moderate impact upon the organisation as a whole.
Minor		The weaknesses identified during the review have left the Council open to low risk. This could have a minor impact on the organisation as a whole.

Category of Recommendations

The Auditor prioritises recommendations to give management an indication of their importance and how urgent it is that they be implemented. By implementing recommendations made managers can mitigate risks to the achievement of service objectives for the area(s) covered by the assignment.

Priority		Impact & Timescale
Essential		Action is imperative to ensure that the objectives for the area under review are met.
Important		Requires actions to avoid exposure to significant risks in achieving objectives for the area.
Standard		Action recommended to enhance control or improve operational efficiency.

Appendix 2: Customer Satisfaction

At the completion of each assignment, the Auditor issues a Customer Satisfaction Questionnaire (CSQ) to each client with whom there was a significant engagement during the assignment. The Head of Service and the Line Manager receive a CSQ for all assignments within their areas of responsibility. The standard CSQ asks for the client's opinion of four key aspects of the assignment. The responses received in the year to date are set out below.

Aspects of Audit Assignments	N/A	Outstanding	Good	Satisfactory	Poor
Design of Assignment		6	3		
Communication during Assignments		6	3		
Quality of Reporting		5	4		
Quality of Recommendations		2	7		
Total	-	19	17	-	-

Appendix 3: Implementation of Audit Recommendations

	'High' priority recommendations		'Medium' priority recommendations		'Low' priority recommendations		Total	
	Number	% of total	Number	% of total	Number	% of total	Number	% of total
Actions due and implemented since last Committee meeting	-	-	3	14%	1	6%	4	10%
Actions due within last 3 months, but <u>not implemented</u>	1	50-	8	36%	6	35%	15	37%
Actions due <u>over 3 months</u> ago, but <u>not implemented</u>	1	50%	11	50%	10	59%	22	53%
Totals	2	100%	22	100%	17	100%	41	100%

Appendix 4: 'High' Priority actions overdue for more than three months

Audit Title and Year	Service Area	Issue / Outstanding Action	Update and Reason for Revised Implementation Timescale	Officer Responsible	Original Date	Revised Date
Staff Development & Training 2016/17	Communications /HR	Mandatory training – monitoring of completion	<p>There have been issues with the reporting function in MIKE. The upgrade has been approved and is in progress which should resolve this.</p> <p>Meeting with supplier in February was postponed due to unforeseen circumstances – revised date set of May 2018.</p>	Communications Manager	30/04/2017	31/05/2018

Appendix 5: Limitations and Responsibilities

Limitations inherent to the internal auditor's work

The Consortium is undertaking a programme of work agreed by the council's senior managers and approved by the Governance Committee subject to the limitations outlined below.

Opinion

Each audit assignment undertaken addresses the control objectives agreed with the relevant, responsible managers.

There might be weaknesses in the system of internal control that the Consortium are not aware of because they did not form part of the programme of work; were excluded from the scope of individual internal assignments; or were not brought to the Consortium's attention. As a consequence, the Governance Committee should be aware that the Audit Opinion for each assignment might have differed if the scope of individual assignments was extended or other relevant matters were brought to the Consortium's attention.

Internal control

Internal control systems identified during audit assignments, no matter how well designed and operated, are affected by inherent limitations. These include the possibility of poor judgement in decision making; human error; control processes being deliberately circumvented by employees and others; management overriding controls; and unforeseeable circumstances.

Future periods

The assessment of each audit area is relevant to the time that the audit was completed in. In other words, it is a snapshot of the control environment at that time. This evaluation of effectiveness may not be relevant to future periods due to the risk that:

- The design of controls may become inadequate because of changes in operating environment, law, regulatory requirements or other factors; or
- The degree of compliance with policies and procedures may deteriorate.

Responsibilities of management and internal auditors

It is management's responsibility to develop and maintain sound systems of risk management; internal control and governance; and for the prevention or detection of irregularities and fraud. Internal audit work should not be seen as a substitute for management's responsibilities for the design and operation of these systems.

The Consortium endeavours to plan its work so that there is a reasonable expectation that significant control weaknesses will be detected. If weaknesses are detected additional work is undertaken to identify any consequent fraud or irregularities. However, Internal Audit procedures alone, even when carried out with due professional care, do not guarantee that fraud will be detected, and its work should not be relied upon to disclose all fraud or other irregularities that might exist.

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GOVERNANCE COMMITTEE

27th March 2018

REPORT OF HEAD OF INTERNAL AUDIT

INTERNAL AUDIT PLAN 2018/19

1.0 PURPOSE OF REPORT

1.1 To provide Members with a copy of the draft Internal Audit Plan for 2018/19 for review and formal approval, in line with the requirements of the Public Sector Internal Audit Standards.

2.0 RECOMMENDATIONS

2.1 **That Members review and approve the Internal Audit Plan for 2018/19.**

2.2 **That delegated authority is given to the Director for Corporate Services in consultation with the Chair of the Governance committee to agree amendments to the Plan during the financial year, if required.**

3.0 INTERNAL AUDIT PLAN 2018/19

3.1 In order to ensure that the Audit Plan for 2018/19 addresses the Council's key risks and adds value, the Head of Internal Audit has identified and prioritised the areas for coverage by:

- Reviewing the Council's Risk Registers and Corporate Plan;
- Analysing coverage of Internal Audit reviews over the last four years and the assurance opinions provided following each review, to identify any assurance gaps or areas where follow up work would be of value;
- Identifying any other sources of assurance for each of the Council's key risks, which may reduce the added value of an Internal Audit review and where work could be aligned with other assurance providers;
- Identifying any areas of the Audit Universe (a list of potential areas for audit review across the Council) which have not been subject to Internal Audit review during the last four years;
- Discussion at Governance Committee on the planning process and areas where Members require assurances from Internal Audit during 2018/19; and
- Meeting with members of Management Team to discuss key risks and emerging risk areas for the year ahead and any areas where Internal Audit support would be beneficial either in an assurance or consultancy role.

3.2 The process has also incorporated consideration of potential audits which can be undertaken by drawing upon similar emerging themes from the Councils across the LGSS client base.

3.3 Following this consultation and review, a Draft Internal Audit Plan has been compiled and is provided in Table 1 of Appendix A. Also provided, in Table 2 of Appendix A, is a reserve list of audit assignments which were considered for inclusion in the plan but, following consultation with management, it has been agreed that these are lower risk or would be of greater value in 2018/19. If the risk environment changes during 2017/18 the Audit Plan can be amended and these assignments can be re-assessed for possible coverage.

3.4 Appendix A to this report provides further detail on the development of the 2017/18 Audit

Plan and a copy of the draft Internal Audit Plan.

4.0 ONGOING REVIEW OF AUDIT PLAN

4.1 To ensure that the Internal Audit activities are consistently focused upon the Council's key risks, the plan will remain subject to ongoing review by the Head of Internal Audit throughout the year and will be subject to regular consultation with senior management. To enable the Internal Audit team to be responsive and amend the planned activities to address any new or emerging risk areas as required, it is recommended that a mechanism be agreed to allow for changes to the Audit Plan between Governance Committee meetings. Any such amendments could be subject to formal approval by the Director for Corporate Services in consultation with the political groups' nominated consultees for the Governance committee and any such amendments would be reported at the subsequent Governance Committee meeting.

5.0 POLICY AND CORPORATE IMPLICATIONS

5.1 The report allows the Committee to develop independent assurance about the quality of the Council's internal control framework.

6.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

6.1 There are no financial or resource implications arising from this report. The plan is based on the 235 days commissioned by the Council on an annual basis.

7.0 LEGAL IMPLICATIONS/POWERS

7.1 There are no legal implications arising directly from this report

8.0 COMMUNITY SAFETY

8.1 There are no community safety implications arising directly from this report.

9.0 EQUALITIES

9.1 There are no equalities implications arising directly from this report.

10.0 RISKS

10.1 If Internal Audit does not deliver a risk based Audit Plan with appropriate coverage of key risk areas the assurance that it can provide about the Council's control framework would be compromised.

11.0 CLIMATE CHANGE

11.1 There are no climate change implications arising directly from this report.

12.0 CONSULTATION

12.1 N/A

13.0 WARDS AFFECTED

13.1 All wards are indirectly affected by the report.

Date: 04/04/2017
Appendices : A – Internal Audit Plan 2017/18

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Internal Audit Plan
2018/19
MELTON BOROUGH COUNCIL



Head of Internal Audit: Rachel Ashley-Caunt

INTERNAL AUDIT PLAN 2018/19

1. Introduction

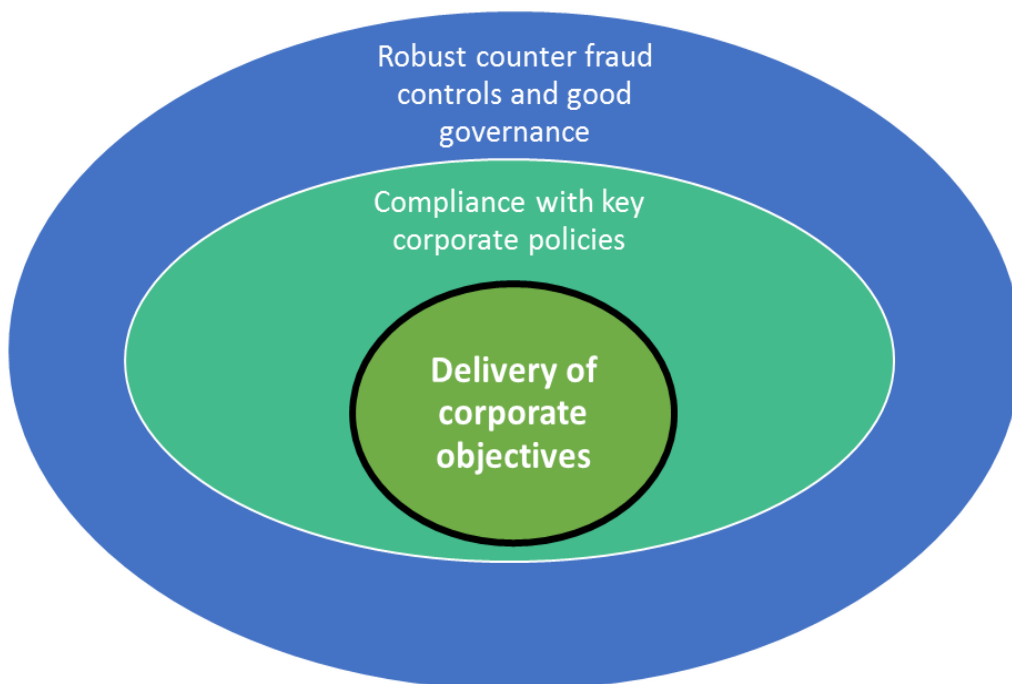
- 1.1 This report sets out the proposed work of Internal Audit at Melton Borough Council for 2018/19 for review and approval by the Governance Committee.
- 1.2 Internal Audit provides independent assurance designed to add value and support the Council in achieving its priorities and objectives. To deliver this, Melton Borough Council commissions 235 days for delivery of the Internal Audit service on an annual basis.
- 1.3 The provision of assurance services is the primary role for Internal Audit in the UK public sector. This role requires the Head of Internal Audit to provide an annual Internal Audit opinion based on an objective assessment of the framework of governance, risk management and control.
- 1.4 Internal Audit also provide consultancy services which are advisory in nature and are generally performed at the specific request of the organisation, with the aim of improving governance, risk management and control and contributing to the overall opinion. Any proposed consultancy work is clearly specified as such on the Audit Plan.
- 1.5 In setting the annual Audit Plan, the Public Sector Internal Audit Standards require:
- The audit plan should be developed taking into account the organisation's risk management framework and based upon a risk assessment process undertaken with senior management and the Audit Committee;
 - The audit plan should be reviewed and approved by an effective and engaged Audit Committee to confirm that the plan addresses their assurance requirements for the year ahead; and
 - The Head of Internal Audit should consider accepting proposed consulting engagements based on the engagement's potential to improve management of risks, add value and improve the organisation's operations. Accepted engagements must be included in the plan.

2. The Audit Plan

- 2.1 The Audit Plan covers the two key component roles of Internal Audit:
- The provision of an independent and objective opinion to the Section 151 Officer/ Head of Central Services and the Governance Committee on the degree to which risk management, control and governance support the achievement of Council objectives; and
 - The provision of an independent and objective consultancy service specifically to help line management improve the organisation's risk management, control and governance arrangements.

- 2.2 At the centre of the organisation, is the core delivery of the Council’s corporate objectives and corporate plan. The risk based audits are focused upon providing independent assurance over the controls in place to manage risks faced in achieving these objectives.
- 2.3 In order to protect the Council in delivering these objectives, it is essential that the Council’s key corporate controls and policies are operating effectively to prevent the risk of financial loss, failure to comply with legislation, lack of accountability and reputational damage. These controls and policies range from key financial controls and systems to health and safety policies, from data management to procurement rules. These policies and controls must be complied with by all service areas to secure the Council’s standing.
- 2.4 Further protecting and underpinning the Council’s ongoing delivery of its objectives are robust counter fraud controls and good governance. Without these, the Council would be exposed to the risk of fraud and corruption (both internally and externally), uninformed or non-transparent decision making, loss of accountability and direction, poor risk management and failure to embed and demonstrate ethical behaviours and values.
- 2.5 As such, the Audit Plan is designed to deliver independent, objective assurance on each of these areas – which are vital to the successful delivery of the Council’s objectives and services. See Exhibit 1.

Exhibit 1. Assurance areas



Value for money

- 2.6 In addition to assurance over governance, risk management and controls, the Audit Plan should also provide assurance over the Council's delivery of value for money. Assurance over value for money is embedded within each audit assignment.
- 2.7 The National Audit Office¹ refers to the following three key requirements in relation to value for money, which will form areas of assurance in the risk based audits proposed for 2018/19, as applicable to the risk area:
- **Informed decision making**
 - Acting in the public interest, through demonstrating and applying the principles and values of sound governance;
 - Understanding and using appropriate and reliable financial and performance information to support informed decision making and performance management;
 - Reliable and timely financial reporting that supports the delivery of strategic priorities; and
 - Managing risks effectively and maintaining a sound system of internal control.
 - **Sustainable resource deployment**
 - Planning finances effectively to support the sustainable delivery of strategic priorities and maintain statutory functions;
 - Managing and utilising assets effectively to support the delivery of strategic priorities; and
 - Planning, organising and developing the workforce effectively to deliver strategic priorities.
 - **Working with partners and other third parties**
 - Working with third parties effectively to deliver strategic priorities;
 - Commissioning services effectively to support the delivery of strategic priorities; and
 - Procuring supplies and services effectively to support the delivery of strategic priorities.
- 2.8 The proposed Audit Plan for 2018/19 will provide assurances over these key areas within the context of the assignments detailed.

¹ Auditor Guidance Note 3 Auditors' Work on Value for Money Arrangements (November 2015)

3. Planning Process

2.9 In order to ensure that the Audit Plan for 2018/19 addresses the Council's key risks and adds value, the Head of Internal Audit has identified and prioritised the areas for coverage by:

- Reviewing the Council's Risk Registers and Corporate Plan;
- Undertaking an assurance mapping exercise against the risks identified to highlight any gaps in the assurance framework and identifying any other sources of assurance for each of the Council's key risks, which may reduce the added value of an Internal Audit review and where work could be aligned with other assurance providers;
- Identifying any areas of the Audit Universe (a list of potential areas for audit review across the Council) which have not been subject to Internal Audit review during the last four years;
- Paper to the Governance Committee in November 2016 to agree the audit planning process and consult Members on any areas where assurance is sought; and
- Meeting with members of Management Team to discuss key risks and emerging risk areas for the year ahead and any areas where Internal Audit support would be beneficial either in an assurance or consultancy role.

2.10 The process has also incorporated consideration of potential audits which can be undertaken by drawing upon similar emerging themes from the Councils across LGSS.

2.11 Following this consultation and review, a Draft Internal Audit Plan has been compiled and is provided in Table 1. Also provided, in Table 2, is a reserve list of audit assignments which were considered for inclusion in the plan but, following consultation with management, it has been agreed that these are lower risk or would be of greater value in 2019/20. If the risk environment changes during 2018/19, the Audit Plan can be amended and these assignments can be re-assessed for possible coverage.

2.12 In order to ensure the Audit Plan addresses the Council's key risks and that the service is able to respond to any in year changes to the organisation's business, risks, operations, programs or systems, it is vital that the content of the Plan be subject to ongoing review throughout the financial year. To enable the service to be responsive and ensure all audit resources are used effectively and add maximum value, it is recommended that arrangements be agreed to allow changes to the Plan to be made between Governance and Audit Committee meetings, involving consultation between the Head of Internal Audit, the S151 Officer and Chair of the Governance Committee.

3 Resources

3.1 The audit assignments for all of the LGSS clients are delivered by a team of audit staff including a mix of highly regarded professional qualifications (including ACCA, CIPFA and IIA) and extensive experience in the public and private sector. Absences and resource gaps/vacancies can be filled by the wider LGSS team, providing the resilience and stability of a shared service.

- 3.2 Efforts are constantly made to ensure all clients benefit from the shared service arrangement. This includes achieving efficiencies in delivering assignments, sharing of knowledge and experience and opportunities to deliver cross-cutting reviews.
- 3.3 On an annual basis, the Head of Internal Audit completes a self-assessment of the Internal Audit service against the Public Sector Internal Audit Standards. In doing so, the Head of Internal Audit must consider whether the resource base and mix is adequate and would highlight to the S151 officer and Members if there were any concerns that the resources in place could not provide the required coverage to inform the annual Assurance Opinion.

Table 1: Draft Internal Audit Plan 2018/19

Assurance Areas	Internal Audit Assignments (including assurances sought and basis for inclusion)	Audit days	Initial timing
Corporate Governance and Counter Fraud	Code of Corporate Governance (Consultancy) To review and support development of the Council's Code of Corporate Governance to ensure compliance with best practice and good governance.	4	Q1
	Risk Management To provide assurance over the Council's arrangements for effectively identifying, reporting, managing and monitoring risks. Public Sector Internal Audit Standards require Internal Audit to review the organisation's risk management on a regular basis, to inform the annual assurance opinion.	10	Q4
	General Data Protection Regulations (GDPR) To provide assurance over the Council's compliance with the new data management regulations which come into force in May 2018.	12	Q3
	Freedom of Information (FOI) and Environmental Information Requests (EIR) To provide assurance over the Council's procedures for handling formal information requests and to assess compliance with these in practice, based on sample testing. Following recent areas for improvement highlighted.	10	Q2
	Council Tax Support – fraud prevention To provide assurance that the Council has robust controls in place to prevent, detect and handle attempted fraud through the Council Tax Support scheme. Highlighted through annual fraud risk assessment.	12	Q3
	Right to Buy – fraud prevention To provide assurance over the Council's controls for handling of right to buy applications, to ensure fraud and money laundering risks are being suitably managed. Highlighted through annual fraud risk assessment.	5	Q2
Key Corporate Controls and Policies	Key Financial Controls To provide assurance over the design and compliance with key controls across the Council's key financial systems – to include key controls on housing rents.	15	Q4
	IR35 compliance To provide assurance over the Council's consistent compliance with IR35 legislation in relation to agency staff.	10	Q1
	Absence Management To provide assurance over the effective management of employee absence and leave.	12	Q1
	Debt Management (Consultancy) To undertake benchmarking on the Council's performance in recovery of debts against comparator authorities and identification of any good practice solutions adopted elsewhere, which the Council may wish to adopt.	7	Q1

Assurance Areas	Internal Audit Assignments (including assurances sought and basis for inclusion)	Audit days	Initial timing
	Business Continuity and Emergency Planning To provide assurance over the robustness and completeness of the Council's business continuity plans and the arrangements in place to fulfil the Council's duties as a Category 1 responder in the case of a major incident in the local area.	10	Q2
	Travel expense claims To provide assurance over compliance with the Council's travel expense claim policy.	7	Q2
Corporate Objective: Place	Beckmill Court regeneration – capital project To provide assurances over the management of this high value capital project – including procurement regulation compliance, governance, risk management and project planning.	10	TBA
	Gretton Court – capital project To provide assurances over the management of this high value, high profile capital project – including working with partner organisations, financial management, procurement regulation compliance, governance, risk management and project planning.	15	TBA
	Housing Repairs To provide assurance over the management of the new housing repairs contract, to ensure the value for money is maximised; quality is effectively managed; and risks of fraud/overpayment are robustly controlled.	15	Q3
	Environmental Health To provide assurance over the effective prioritisation of service delivery, efficient processes and delivery of expected service levels.	15	Q1
Corporate Objective: People	Safeguarding To provide assurance that the Council is fulfilling its responsibilities in safeguarding the most vulnerable members of the community. To include assurance that suitable training and policies are provided, appropriate checks are exercised before granting of taxi and private hire licences and suitable DBS checks on undertaken for relevant posts.	11	Q3
Support to Melton Borough Council	Including support and reporting to Governance Committee, management support and engagement, ad-hoc advice and assistance, annual Internal Audit report, follow ups on audit recommendations and partnership working with external auditors.	35	
Management & development of delegated Internal Audit service	Development and management of Internal Audit service in line with the Public Sector Internal Audit Standards, including annual standards assessment, continuous improvement, internal audit charter and manual, management, training and development of the team and performance reporting.	20	

Assurance Areas	Internal Audit Assignments (including assurances sought and basis for inclusion)	Audit days	Initial timing
Total days		235	

Table 2: Reserve list 2018/19

Audit area and basis for lower priority assessment	Action if not covered in 2018/19
Assets of community value – work is underway in this area, as such, audit would be of greater value in 2019/20.	On reserve list – to include in Audit Planning 2019/20 process
Insight (consultancy support) – lower priority than assurance audits included on plan, agreed with senior management.	On reserve list – if not covered, to include in Audit Planning 2019/20 process
Procurement Compliance – extensive review in last three years, a number of recommendations that are being monitored for implementation. As such, lower priority than other assignments this year.	On reserve list – if not covered, to include in Audit Planning 2019/20 process

GOVERNANCE COMMITTEE

27 MARCH 2018

REPORT OF THE CHIEF EXECUTIVE

LOCAL GOVERNMENT ASSOCIATION GOVERNANCE REVIEW REPORT

1.0 PURPOSE OF REPORT

- 1.1 To receive and note the Local Government Association's (LGA) report and recommendations at Appendix A and consider initial next steps.

2.0 RECOMMENDATIONS

- 2.1 To receive and note the report and recommendations from the LGA Governance Review set out at Appendix A.

- 2.2 To support the establishment of an informal member and officer development group to review the findings and develop proposals to improve, streamline and clarify the committee and related group structures. These proposals to be considered by an ad hoc Governance Committee in April with a view to any agreed changes being recommended to the Council AGM in May.

- 2.3 To ask the development group to undertake further research in relation to the other findings and recommendation set out in the report.

- 2.4 To ask the Leader of the Council to nominate up to 4 members to work with him and officers within the development group.

3.0 KEY ISSUES

- 3.1 Following the LGA Peer Challenge held in December 2017 a report and list of recommendations together with an Action Plan were accepted by Full Council on 22 February 2018. One of the recommendations is to improve the Council's governance and decision-making arrangements. The Local Government Association (LGA) has been invited to assist in this work and a review on the Council's current arrangements was held on 12-14 March 2018.

The remit of the review was to *explore where the council can improve, streamline and clarify its policy development, committee system and decision making arrangements*. The review was undertaken by a peer member and an officer from the LGA. They met with approximately 20 members during 3 different focus group sessions, alongside a number of officers involved in supporting the decision making processes. Having already provided some initial verbal feedback, the LGA's report is attached at Appendix A for the Committee's consideration. The recommendations reflect the opportunities to develop a clearer route for policy development, strengthening the role of committees as decision making structures, removing duplication, and clarifying the important role of lead members (Chairs and the Leader) in helping to shape policy. The report also sets out observations in relation to increasing trust between Members and Officers and streamlining and improving the approach to Officer delegations.

Members will have a further opportunity to hear the presentation from the LGA on 9th April at the corporate visioning and prioritisation exercise. To enable further consideration of the findings and recommendations it is proposed that an informal development group be established, where a small group of members and officers develop proposals to improve, streamline and clarify the committees and associated structures. It is further recommended that these proposals be presented to a future ad hoc Governance Committee with a view to making a number of recommended changes to the Council AGM in May 2018. It is also proposed that this group undertake further research on the other recommendations within the report.

4.0 POLICY AND CORPORATE IMPLICATIONS

4.1 Ensuring effective governance is a key component to making the best use of resources and ensuring effective delivery against the Council's Corporate vision and objectives.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 Any financial and resource implications will be met from existing resources.

6.0 LEGAL IMPLICATIONS/POWERS

6.1 There are no direct legal implications associated with this report but any subsequent recommendations will need to be considered in the context of current legislation.

7.0 COMMUNITY SAFETY

7.1 There are no community safety implications relating to this report.

8.0 EQUALITIES

8.1 There are no direct equalities implications associated with this report.

9.0 RISKS

9.1 There are no direct risks associated with this report but any recommendations considered by a future committee will be need to have the risks carefully considered.

10.0 CLIMATE CHANGE

10.1 There are no direct climate change implications

11.0 CONSULTATION

11.1 A wide range of Members and relevant officers were involved in shaping the findings of the governance review.

12.0 WARDS AFFECTED

12.1 All wards are indirectly affected by this report.

Contact Officer Edd de Coverly
Date: March 2018

Appendices : Appendices : Appendix A LGA Governance Review report

Background Papers: LGA Peer Challenge Report and Action Plan

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Governance Review **Melton Borough Council**

12th – 14th March 2018

Feedback Report

1. Report

Policy Development

How and where policy is developed across the council is not clear to members, officers or to us as external observers. There do not appear to be enough informal arenas for ideas and potential policies to be explored, developed, adopted as policy or discarded; and there is not enough shared understanding of the existing roles including those of Conservative Chairs. In addition there is too much emphasis placed on the formal committee meeting for policy development to take place, and whilst this might feel inclusive for members, it does not aid officer capacity or members themselves in coming to fully rounded and informed conclusions and decisions. Nor does it allow for competing ideas to be weighed against each other or for projects to be prioritised. Whilst task and working groups may have been created to develop policy, the role of the parent committees and the role of the respective chairs of both task and working groups can become unclear, making it difficult for officers to know where to obtain an overall policy steer. Overall how policy is developed at the moment is difficult to describe and appears sometimes to be haphazard.

Senior members in chairing roles, by virtue of being in those roles, have a responsibility to take a lead in developing policy for their committees. This includes engaging with officers to discuss emerging issues, as well as taking a lead within the group, and being accountable for ideas as they develop into policy. There also needs to be an agreed place within the governance arrangements where the Leader and policy chairs can work informally with officers to develop policy.

Existing arrangements can be better utilised to provide opportunities to discuss ideas:

- Group meetings could focus on ideas and give a direction for officers, so they can undertake the necessary research and thinking to help inform members
- Chairs playing a leading role in shaping policy
- Members working more closely with officers, as the latter need to be able to talk to members on an informal basis much earlier on in the process
- Consider revising the Conservative Chairs group with a smaller membership of policy chairs and vice-chairs; and develop an alternative forum for the chairs and vice-chairs of the regulatory committees

Roles of the Leader, Chairs and Lead Members

It is very clear that members have a strong focus on governance being very inclusive, and this extends to the engagement and involvement of the two opposition members on the council. Undoubtedly some members feel very strongly about continuing to be very inclusive, yet the extent of the inclusion and involvement gives an impression that the council's leadership is widely dispersed. This creates problems for officers in determining who is in charge and who should be consulted across the membership, and seems to involve senior officers regularly having to consult a wide number of members on an individual basis. It also causes frustration for some councillors. Even when policy discussions are held with lead members in advance, the involvement of significant numbers of members, sometimes across multiple committees, leads to uncertainty about

whether a recommendation will be supported or not. This leads to the potential to generate lots of work which becomes unrealised or abortive, and which further exacerbates capacity issues.

We suggest that the pendulum has swung too far in favour of everyone being involved in everything, as there appears to be strong resistance to any degree of hierarchy across the membership. This is despite the constitution setting out senior roles, which are then allocated special responsibility allowances. Members at the senior level including the Leader and Chairs need to be allowed to lead, as that is what they are being paid for.

Some clarification is needed between the roles of Chairs, Lead Members, Champions and the Leader. It is not clear what the roles of Lead Members and Champions are, relative to the Chair and Leader roles. The council should consider significantly rationalising the number of ancillary roles to bring greater clarity on the role of the Leader and policy chairs in setting direction.

Attention also needs to be given to balancing urgent business against the usual business in a Committee meeting. We heard that the number of items of urgent business can outnumber the number of scheduled items. This could be due to a number of factors:

- A lack of clarity about how to get items onto the agenda
- A lack of discipline from members about respecting due process
- A lack of understanding about what genuinely constitutes an urgent and pressing item for consideration.

Chairs have a stronger and more overt role in developing the agendas for meetings, and being clear about what can and cannot be considered as an urgent item. Participating members should indicate to the Chair before the meeting, of their desire to discuss an urgent item. Chairs should be willing to say no about those items if they are not genuinely urgent: and members should respect their views.

Training to develop the new approach should consider the following issues:

- When and how to engage earlier with officers, both on an individual basis as well as collectively through a forum for policy development
- Chairs' roles in defining and shaping reports
- Developing a clearer stance about the role of the Committee.

Committees and Decision Making

There are overlaps between the committees and examples of the same issue being bounced across committees. It is not clear whether this is because the remit of each committee is fully understood, or whether there is an unwillingness to make a decision. There is much inclusivity but less apparent ownership from some councillors. The current arrangements need streamlining, and Terms of Reference need reviewing. This is a particularly important factor in addressing any overlaps across the committees. Members and officers can work on this together, so that the rationale is clearly understood by all.

At officer level the reporting to more than one committee creates unnecessary duplication and uses up valuable capacity, and although one could argue that officers are already paid for, there is an opportunity to reduce the costs involved or at least re-focus capacity. It also saps energy and headspace to work on other issues of importance for members. As the council's finances become tighter over the next two years, it will become increasingly important to ensure that it is as efficient as possible, and that activities are focused on priorities. Members also are a resource that is potentially over used when there is duplication.

A consideration going forward should be to devolve some degree of expenditure to each committee so that decisions that could be made by one committee are not then referred to the Policy, Finance and Administration Committee or its future equivalent, for approval.

Another issue is the volume of reports going to members for information. Some meetings are relatively short, even if they include a number of "for information" reports. Again this is a poor use of resources, for both members and officers. A better way to do this would be to develop a members' information resource, such as a newsletter, to keep them informed of new ideas, national policies and progress: there are plans to provide this over the next few months.

Committees are for making decisions: that is their primary purpose and if this does not happen, it suggests that the current arrangements are out of kilter.

The role of Town Area Committee is not widely understood. It appears to overlap with other committees and as it does not have a decision making role, it is an expensive resource to maintain. Consideration needs to be given to the future of the Special Expenses Account and this should be the subject of a review to broaden understanding of its value and what the few other councils who have a Special Expenses arrangement do with theirs, including consideration of its overall role.

Engaging with the public and the town's business and other stakeholders may be better served through a partnership approach, perhaps through a Town or Place Partnership. This would create an opportunity to focus on more strategic issues with greater impact for the town.

Working Groups, Task Groups and Boards

There are many examples of Working Groups, Task Groups and Boards, to the extent that the structure as currently shown in the February 2018 version of the constitution is cluttered and difficult to understand. Members and officers offered a variety of explanations as to why some of these sub-structures exist, although we repeatedly heard that a number of the groups were redundant, did not meet or had not met for a long time. The existence of so many smaller groups dilutes the importance and significance of the committees, and therefore disempowers the main committees. It also increases the amount of officer time and energy in servicing them, and again risks creating ambiguity about who is driving overall policy direction.

In particular the reporting of performance should not be delegated to a Working Group: council performance is a significant, corporate matter which should be discussed and visible at a senior level.

The number of sub groups across the structure should be radically reduced, and going forward members should be ruthless in resisting the temptation to create a plethora of new permanent groups.

Delegation Scheme

The council's delegation scheme is also not understood by members or officers. It is variable across the council's functions and can be described as somewhat behind the times. The low levels of delegations to officers are an indication of poor levels of member trust in the professional officer resources they employ to deliver on behalf of the council.

Going forward the scheme of delegation needs revision: members and officers can work together on this to develop a new scheme which is in accordance with the business of a modern borough council; particularly one that wishes to become more commercial in approach. In doing so, members need to be prepared to let go of some of that control exerted through the scheme.

Design Principles

Overall the council's governance arrangements need a radical approach. Although what happens now may feel comfortable for members, the system feels archaic and out of kilter with other councils and how they operate.

The arrangements need to be more closely aligned to the Corporate Plan priorities and new senior management structure which is currently being implemented. They also need to be more efficient and commensurate with the size and resources of Melton BC.

Committees and not the sub-structures such as Task Groups, Working Groups and Boards, should be where the main business of the council is undertaken.

A streamlined system should focus on fewer main committees and involves sub structures which are time bound and are actively disbanded once the primary focus has been achieved. As much as possible they should report to the main committee and not directly to the Full Council. A proposed structure is attached at Appendix A.

Whilst radical changes to the current Committee System are needed, there should also be some active consideration of a Leader and Cabinet model. This does not appear to have been explored for nearly two decades in Melton, and yet there is strong and active member resistance to the Cabinet model, without any real understanding of what a Cabinet model involves. In many of our discussions it felt that people were circling around this model, and our observation is that there is a possibility that the 4th option Committee System has been exhausted in the council.

The next steps for governance in Melton should be to take some active and decisive steps in improving how the current committee system and related structures work. In the longer

term consideration should be given to members and officers working together to actively explore the advantages and disadvantages of the Cabinet model, including visiting other councils to talk to members and officers about how it works for them.

2. Key recommendations

There are a range of suggestions and observations within the main section of the report that will inform some 'quick wins' and practical actions, in addition to the conversations onsite, many of which provided ideas and examples of practice from other organisations. The following are our key recommendations to the Council about how the current committee system can be improved and which we think could be adopted at the Annual Council Meeting in May 2018:

- These changes should focus on reducing the number of main committees to four, as follows:
 - Corporate to include Finance and Performance Management
 - Place
 - People
 - Retaining the existing separate Governance Committee, which appears to work well
- Dramatically reduce unnecessary sub-structures including some working groups, task groups and boards, and consolidate those responsibilities within the committees and roles of chairs
- Replace the Conservative Chairs groups with an informal policy development forum involving the policy chairs and vice-chairs, and consider an alternative forum for the lead members from the regulatory committees
- Create a Town or Place Partnership with a broader membership which is less constrained by the council's formal structures and governance processes to focus on the particular needs of Melton Mowbray
- Revise the scheme of delegation through members and officers working together to determine what is required

In addition, over the next 12 months the council should explore the merits of the Leader and Cabinet model and consider whether it is the right approach and right time for it to be introduced. The LGA can signpost to other councils, if required.

3. Summary of the Governance Review approach

The peer team

The peers who reviewed the governance arrangements at Melton BC were:

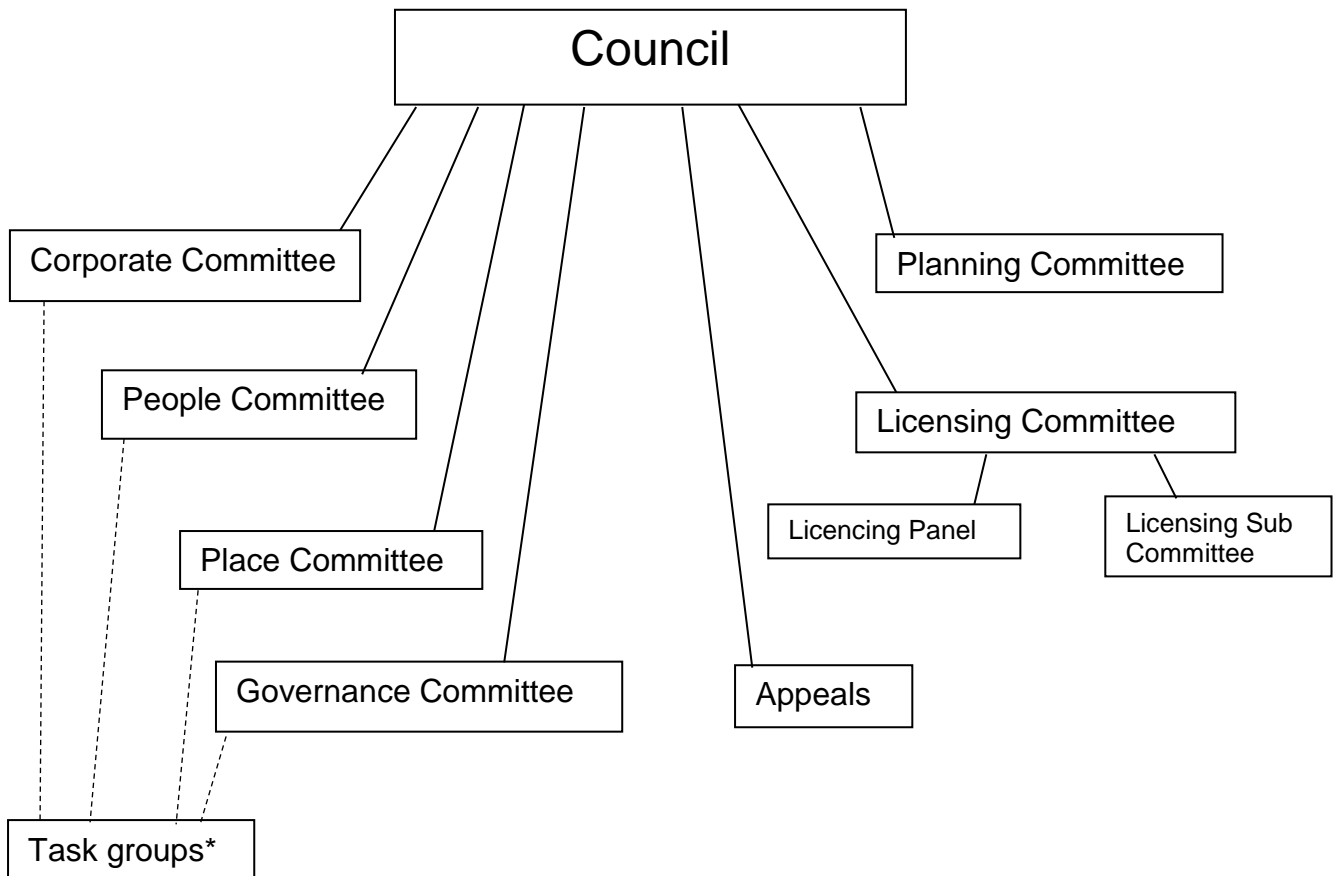
- Cllr Heather Goddard, Cabinet Member for Communities and Tourism, South Gloucestershire Council
- LGA programme manager: Judith Hurcombe

Scope and focus

We were asked to consider where the council can improve, streamline and clarify its policy development, committee system and decision making arrangements.

The process

We spent 3 days onsite at Melton Borough Council, from Monday 12th March – Wednesday 14th March 2018. We spoke to members and officers across various meetings and gave feedback to the council on Wednesday 14th March. This report is based on that feedback.



Notes

*A small number of task or development groups, actively disbanded as soon as the task is completed. The terms of reference for these needs to be updated to ensure effective informal policy development

To work effectively the proposed structure will need the Leader, chairs and vice-chairs of policy committees to work informally with officers through a newly created policy development forum, replacing the Conservative Chairs group.

GOVERNANCE COMMITTEE

27 MARCH 2018

REPORT OF THE MONITORING OFFICER

GENERAL DATA PROTECTION REGULATION – IMPLEMENTATION UPDATE

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to advise Members of the current state of preparations to implement the EU General Data Protection Regulation (GDPR).

2.0 RECOMMENDATIONS

It is recommended that:

2.1 The contents of the report be noted.

3.0 KEY ISSUES

3.1 There are a number of key tasks, in relation to categories supplied by the Information Commissioner's Office, which are required to be completed by data controller organisations. The following table sets out the current state of the Council's preparations.

	Task	Completed Items	Remaining Items
1	Awareness	Monthly Corporate Messenger articles started from September 2017. ACTNOW training sessions completed	Remaining months' Corporate Messenger articles to be circulated. A new MIKE module to replace the existing data protection module to be prepared
2	Information held	Information Asset Register draft close to finalisation	Information Asset Register draft to be finalised
3	Privacy Notices	Privacy notices drafted	Privacy notices to be finalised and website data protection page wording to be amended
4	Subject Access	Draft document set completed; Information Governance & Risk Policy, Clear Desk Policy, CCTV Protocol, Parkside Information Incident procedure ready for Monitoring Officer approval	Monitoring Officer to approve, following consideration by Management Team. The Council's ICT provider to update the ICT policy set with GDPR wording.
5	Direct Access to Records	Software updates being supplied by software suppliers.	Software updates to be implemented by MBC staff with ICT provider assistance
6	Erasure	Software updates being	Software updates to be

		supplied by software suppliers.	implemented by MBC staff with ICT provider assistance
7	Consent	Review of consent processes flowcharts complete including draft IHMS	Privacy notices to be finalised and website data protection page wording to be amended, to enable consent processes to
8	Children	Children's services are within the remit of Leicestershire County Council, and Melton BC does not have any children-specific services within the meaning of GDPR	
9	Breaches	The Parkside Information Incident documentation has been updated to allow for GDPR. The other policies have also been updated or replaced, and are to be approved by the Monitoring Officer	The ICT provider to update ICT policy set with GDPR wording.
10	Impact Assessments and data protection 'by design'	The draft document set, including a worked example has now been made available for project consultation documentation	
11	Data Protection Officer (DPO) post	The GDPR DPO role forms part of the new Legal & Democratic Service, in accordance with the new Council structure that has been agreed.	The new GDPR DPO to be selected and appointed, and an appropriate senior officer to be deputised to act for the Council in the interim as required
12	Record keeping	The ICO's Documentation of Processing document template is virtually complete. The LGA's LG Inform Plus system to provide new retention guidance	The ICO's Documentation of Processing document to be finalised. The LGA's LG Inform Plus new retention guidance to be made available to staff and the public via the website
13	Elected Members and notification	Elected Members will be able to use the Council's GDPR Data Protection Officer for advice. Notification will be replaced by a new national fees structure, which will take effect from the next date that notification fees are due.	A description of Elected Members' data processing should be determined for the ICO's Documentation of Processing template
14	Security of processing	The security of ICT infrastructure and systems remains a requirement under GDPR as it was under DPA 1998	To be confirmed with ICT
15	Profiling	The Council does not operate	

		automated profiling within the meaning of GDPR	
16	Contracts	The Council's Legal Services have identified new clause wordings for GDPR, and the Council has received guidance from the Crown Commercial Service	The Council's Legal Services are to finalise the new contract clause wording for GDPR. Existing contracts continuing beyond the implementation date in May 2018 which will need amending will be amended as required

3.2 Following the Council's approval of the structure changes, the GDPR Data Protection Officer duties will be undertaken by the Principal Solicitor in the Legal & Democratic Service. The Chief Executive as Head of Paid Service will ensure that the duties are discharged in the interim by an appropriate officer until the post is permanently filled.

4.0 POLICY AND CORPORATE IMPLICATIONS

4.1 The completion of the remaining tasks by the implementation deadline of 25 May 2018 should forestall any implications for Council policy or corporate requirements.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 There should be no specific implications for resources not already planned in relation to the new corporate structure. Paragraph 10 of the Crown Commercial Service's Guidance of December 2017 specifically states that suppliers of services should regard the costs of GDPR compliance as arising from the requirements of doing business in the European Union, and that these costs are not attributable to the United Kingdom public sector. The Council should not therefore be charged for software compliance costs in relation to software updates to systems. Issues relating to the requirement to replace the Council's Customer Relationship Management (CRM) system are discussed at point 9.0 below.

6.0 LEGAL IMPLICATIONS/POWERS

6.1 There are no particular requirements arising from this report, as completion of implementation tasks by the deadline will forestall any such implications.

7.0 COMMUNITY SAFETY

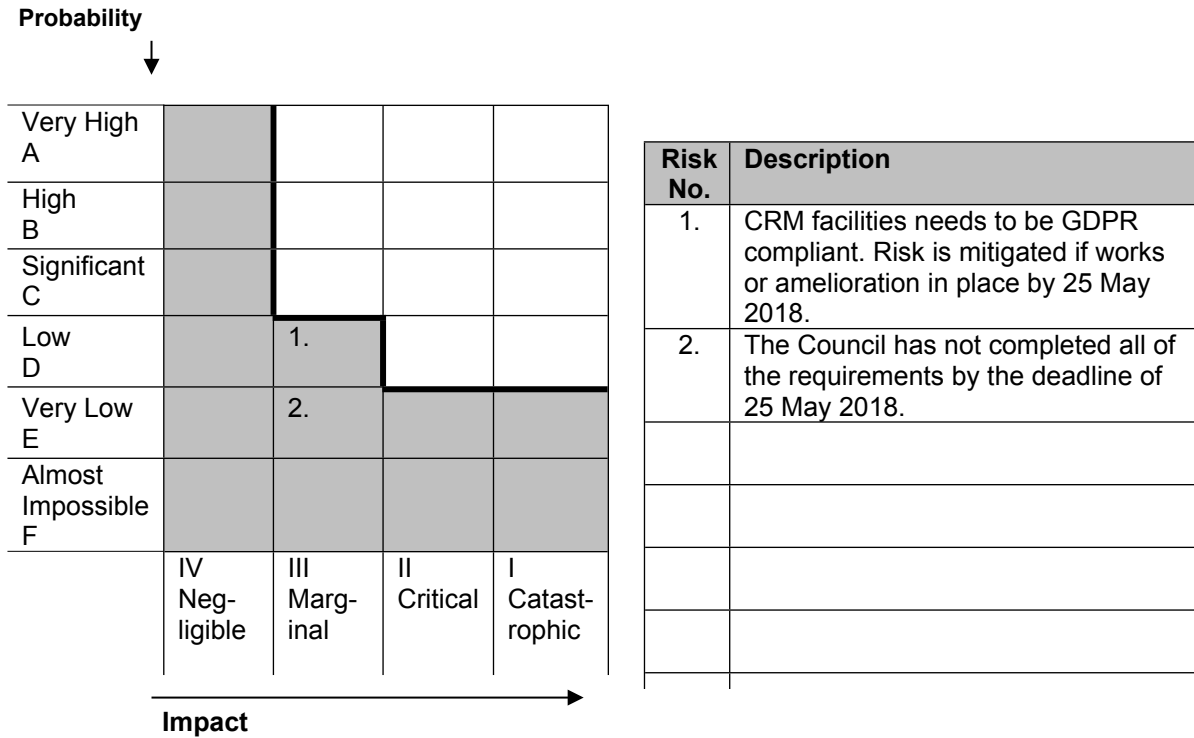
7.1 There are no implications arising from this report.

8.0 EQUALITIES

8.1 Any change to process or procedure that requires an Equality Impact Assessment will receive one. It is likely that the revised policy documents and processes may not require an EIA, as they merely translate into Melton's policy set and processes the legislative requirements which themselves have already been made compatible with the ECHR rights incorporated into UK law by the Human Rights Act 1998.

9.0 RISKS

9.1 There is one specific risk issue arising from this report, in relation to the requirement to replace the Council’s CRM system, and to ensure that the current CRM facilities are compliant in the interim.



10.(CLIMATE CHANGE

10.1There are no implications arising from this report.

11.(CONSULTATION

11.1The Trade Unions have been advised of the consideration of making certain elements of Council Officer training compulsory.

12.(WARDS AFFECTED

12.1All.

Contact Officer Keith Aubrey, Monitoring Officer

Date: 15.03.2018

Appendices : None

Background Papers: None

Reference : X : Committees\Gov Cttee

GOVERNANCE COMMITTEE

27 March 2018

REPORT FROM DEPUTY CHIEF EXECUTIVE

COMMUNITY GOVERNANCE REVIEW

1.0 PURPOSE OF REPORT

- 1.1 To Advise members of the Terms of Reference for the Eaton Parish Council Community Governance Review.

2.0 RECOMMENDATIONS

- 2.1 **To agree to Terms of Reference for the Eaton Parish Council Community governance Review set out in Appendix A.**

3.0 KEY ISSUES

- 3.1 The Local Government and Public Involvement in Health Act 2007 (Part 4) devolved power from the Secretary of State to principal councils to carry out community governance reviews and put in place or make changes to local community governance arrangements.
- 3.2 Community governance reviews provide the opportunity for principal councils to review and make changes to community governance within their areas.
- 3.3 A community governance review offers an opportunity to put in place strong, clearly defined boundaries, tied to firm ground features, and remove anomalous parish boundaries that may exist.
- 3.4 The 2007 Act allows principal councils to determine the terms of reference under which a community governance review is to be undertaken. It requires the terms of reference to specify the area under review and the principal council to publish the terms of reference. If any modifications are made to the terms of reference, these must also be published. If members approve a Community Governance review for Eaton Parish Council the terms of reference will be brought to an appropriate Committee for approval.
- 3.5 The recommendations made in a community governance review ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.
- 3.6 A review has not been undertaken since 2003 and Councils should exercise their discretion, but it would be good practice for a principal council to consider conducting a review every 10-15 years – except in the case of areas with very low populations when less frequent reviews may be adequate. In the interests of effective governance, consideration has been given to the benefits of undertaking a review of the whole of the area in one go. However, given the resources available a full review is not considered appropriate at this time but will be undertaken within the recommended timescales.
- 3.7 The council will consult local people and take account of any representations received in connection with the review. When undertaking the review regard will be taken to the need to secure that community governance reflects the identities and interests of the community in the area under review, and the need to secure that community governance in that area is effective and convenient.
- 3.8 Principal councils are required to complete the review, including consequential recommendations to the LG BCE for related alterations to the boundaries of principal area

wards and/or divisions, within 12 months of the start of the community governance review. The review begins when the council publishes terms of reference of the review and concludes when the council publishes the recommendations.

4.0 POLICY AND CORPORATE IMPLICATIONS

There are no direct policy and corporate implications.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 This will be undertaken within existing budgets.

6.0 LEGAL IMPLICATIONS/POWERS

6.1 In addition to the 2007 Act, legislation relating to parishes can also be found in the Local Government Act 1972 (in particular, provision about parish meetings and councils, the constitution of a parish meeting, the constitution and powers of parish councils and about parish councillors) and the Local Democracy, Economic Development and Construction Act 2009 (reviews of, and recommendations about, electoral areas by the LGBCE), as well as in other enactments.

7.0 COMMUNITY SAFETY

There are no direct community safety issues.

8.0 EQUALITIES

8.1 An initial equalities impact assessment will be undertaken

9.0 RISKS

9.1 *There are no direct risks. This is business as usual.*

10.0 CLIMATE CHANGE

10.1 There are no climate change implications.

11.0 CONSULTATION

11.1 Under the 2007 Act principal councils are required to consult both those local government electors in the area under review, and others (including a local authority such as a county council) which appears to the principal council to have an interest in the review. In the case of a community governance review where a parish council already exists, as a local authority, it too should be consulted. Other bodies might include local businesses, local public and voluntary organisations - such as schools or health bodies. The principal council must take into account any representations it receives as part of a community governance review.

12.0 WARDS AFFECTED

12.1 All indirectly.

Contact Officer: Sally Ann Renwick, Elections Manager

Date: March 2018

Appendices: Appendix A

Background Papers:



MELTON BOROUGH COUNCIL

COMMUNITY GOVERNANCE REVIEW

TERMS OF REFERENCE

PARISH OF EATON

These Terms of Reference have been published by the Council on

1st April 2018

Submissions and comments on these Terms of Reference Document should be
made by

31st May 2018

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

Community Governance Review – Distribution of Councillors within Eaton Parish Council Parish Wards and the change of one of the Parish Ward names

TERMS OF REFERENCE

Introduction

Melton Borough Council (the Council) is undertaking a Community Governance Review (CGR) to consider whether the distribution of Councillors within the Parish Wards of Eaton Parish Council should be changed and also whether one of the Parish Wards names within the Eaton Parish Council should be changed.

Why we are conducting this review?

Following a request from Eaton Parish Council, the Council has resolved to undertake a Community governance Review (CGR) in order to consider

- a) The distribution of councillors between the two Parish Wards within Eaton Parish Council with one of the Parish Council seats from Eaton Ward of the Eaton Parish Council to the Eastwell Ward of the Eaton Parish Council
- b) The renaming of the Eastwell Ward within Eaton Parish Council to the Eastwell and Goadby Marwood Ward

There would be no alteration to the parish boundaries as part of this review.

What is a Community Governance Review (CGR)?

A Community Governance Review (CGR) is a legal process whereby Councils can create parish councils, review and change parish boundaries and in extreme cases, abolish parishes. The Council must ensure that community governance in the area under review reflects the identities and interest of the community in that area, as is effective and convenient. It is important that the recommendations made through a CGR should bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

This means making sure that elector and other interested groups have a say in how local services are delivered in their area. Electors and interested parties will be notified of the proposals by way of public notice and their feedback will be sought.

A community governance review can consider one or more of the following options:-

- ❖ Creating, merging, altering or abolishing parishes;
- ❖ The naming of parishes and the style of new parishes and the creation of town councils;

- ❖ The electoral arrangements for parishes (for instance, the ordinary year of election; council size; the number of councillor to be elected to the council, and parish warding);
- ❖ Grouping parishes under a common parish council or de-grouping parishes;
- ❖ Other types of local arrangements

The Council is required to ensure that community governance within the area under review:-

- ❖ Will be reflective of the identities and interest of the community in that area;
- ❖ Consider what community governance arrangement is effective and convenient to the community in that area;
- ❖ Consider what other arrangements there could be for the purpose of community governance or engagement;
- ❖ Consider the size, population and boundaries of the local community or parish

Area under Review

Eaton Parish Council

- A) Eaton Ward – reduction in the number of Councillors – transfer of one councillor from Eaton Ward to Eastwell Ward
- B) Eastwell Ward – increase in the number of Councillors
- C) Eastwell Ward – change of name to Eastwell and Goadby Marwood Ward

The ordinary year of election

The Local Government Act 1972 states that the ordinary election of parish councillors shall take place in 1976, 1979 and every fourth year thereafter (ie 2007, 2011, 2015, 2019). The Government however, has indicated that if wants a parish council electoral cycle to coincide with the cycle of the Borough Council so that the cost can be shared.

If the review finds that it is appropriate to

The changes will come into effect no later than at the next ordinary day of election on 2nd May 2019.

Parish Council Requirements

Legislation set out the following limits for a parish council

- ❖ Where the number of electors is 1,000 or more – a parish council must be created

- ❖ Where the number of electors is 151 – 999 a parish council may be created, with a parish meeting being an alternative form of governance
- ❖ Where the number of electors is 150 or fewer a parish council should not generally be created.

The current electorate/councillor ration for the parish of Eaton is

Electorate (1 st December 2017)		Number of Councillors	Ratio
Eaton Ward	257	4	64.25
Eastwell Ward	274	2	137

The proposed number of councillor, electorate/councillors ration for the parish of Eaton is:

Electorate		Proposed number of Councillors	Ratio
Eaton Ward	257	3	85.66
Eastwell Ward	274	3	85.66

What considerations cover the number of parish councillors?

Both the Government and the Council believe that it is an important democratic principle that each person's vote should be of equal weight so far as possible (having regard to other legitimate competing factors) when it comes to the election of councillors.

Whilst the number of parish councillors for each parish council must not be less than five, there is no maximum number. By Law, the Council must have regard to the following factors when considering the number of electors to be elected for the parish.

- ❖ The number of local government electors for the parish
- ❖ Any change in that number which is likely to occur in the period of five years beginning with the day the review starts
- ❖ The Council will also have regard to the National Association of Local Council recommendations set out in the table below

Number of parish councillor guidelines

Electors	Councillors	Electors	Councillors
Up to 900	7	Up to 10,400	17
Up to 1,400	8	Up to 11,900	18
Up to 2,000	9	Up to 13,500	19
Up to 2,700	10	Up to 15,200	20
Up to 3,500	11	Up to 17,000	21
Up to 4,400	12	Up to 18,900	22

Up to 5,400	13	Up to 20,900	23
Up to 6,500	14	Up to 23,000	24
Up to 7,700	15	Up to 45,000	25
Up to 9,000	16		

Consultation

The Council intends to undertake a consultation with electors, Ward and Parish councillors and interested stakeholders in the area by way of Notice of Review on the Eaton Parish Council notice boards and the Melton Borough Council website.

Melton Borough Council will be pleased to receive comments from any person or body that wishes to make representations during the review.

The consultation responses will be published on Melton Borough Council website and will be held on deposit for inspection at Melton Borough Council Offices, Parkside, Station Approach, Burton Street, Melton Mowbray, LE13 1GH.

Community Governance Review Timetable

Eaton Parish Council

Stage	What Happens	Timescales	Timescale 2018
Commencement of Review	Publication of terms of reference Consultation period Submissions are invited		April 1 – 31 May
Stage Two	Consideration of submissions received – Draft Recommendations are prepared and published	One Month	June 1 – 30 June
Stage Three	Second Consultation Period. Final proposals prepared and published	Two Months	July 1 – August 31
Stage Four	Principal Council agrees and published final recommendation	One Month	September 1 – September 30
Stage Five	Full Council Decision		10 th October 2018

How can you have your say?

A letter will be sent to all households in the area under review inviting submission of responses to the consultation. The letter will be accompanied by a Consultation response form and a copy of the Terms of Reference.

Other organisations affected by the review will also be invited to respond to the consultation.

Alternatively you can send your comments, recommendation and views on the various aspects of the review to the address below:

Electoral Services, Melton Borough Council, Parkside, Station Approach, Burton Street, Melton Mowbray, LE13 1GH.

GOVERNANCE COMMITTEE

27 March 2018

REPORT OF DEPUTY CHIEF EXECUTIVE

COMMUNITY GOVERNANCE REVIEW

1.0 PURPOSE OF REPORT

- 1.1 To advise Members of a request for a Community Governance Review by Waltham on the Wolds and Thorpe Arnold Parish Council. To advise members of the key issues associated with such a review.

2.0 RECOMMENDATIONS

- 2.1 To agree to undertake a Community Governance Review of the Waltham on the Wolds and Thorpe Arnold Parish Council area and to agree the Terms of Reference set out in Appendix A.**

3.0 KEY ISSUES

- 3.1 The Local Government and Public Involvement in Health Act 2007 (Part 4) devolved power from the Secretary of State to principal councils to carry out community governance reviews and put in place or make changes to local community governance arrangements.
- 3.2 Community governance reviews provide the opportunity for principal councils to review and make changes to community governance within their areas.
- 3.3 A community governance review offers an opportunity to put in place strong, clearly defined boundaries, tied to firm ground features, and remove anomalous parish boundaries that may exist.
- 3.4 The 2007 Act allows principal councils to determine the terms of reference under which a community governance review is to be undertaken. It requires the terms of reference to specify the area under review and the principal council to publish the terms of reference. If any modifications are made to the terms of reference, these must also be published. If members approve a Community Governance review for Eaton Parish Council the terms of reference will be brought to an appropriate Committee for approval.
- 3.5 The recommendations made in a community governance review ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.
- 3.6 A review has not been undertaken since 2003 and Councils should exercise their discretion, but it would be good practice for a principal council to consider conducting a review every 10-15 years – except in the case of areas with very low populations when less frequent reviews may be adequate. In the interests of effective governance, consideration has been given to the benefits of undertaking a review of the whole of the area in one go. However, given the resources available a full review is not considered appropriate at this time but will be undertaken within the recommended timescales.
- 3.7 The council will consult local people and take account of any representations received in connection with the review. When undertaking the review regard will be taken to the need to secure that community governance reflects the identities and interests of the community in the area under review, and the need to secure that community governance in that area is effective and convenient.

- 3.8 Principal councils are required to complete the review, including consequential recommendations to the LGBCE for related alterations to the boundaries of principal area wards and/or divisions, within 12 months of the start of the community governance review. The review begins when the council publishes terms of reference of the review and concludes when the council publishes the recommendations.
- 4.0 **POLICY AND CORPORATE IMPLICATIONS**
There are no direct policy and corporate implications.
- 5.0 **FINANCIAL AND OTHER RESOURCE IMPLICATIONS**
- 5.1 This will be undertaken within existing budgets.
- 6.0 **LEGAL IMPLICATIONS/POWERS**
- 6.1 In addition to the 2007 Act, legislation relating to parishes can also be found in the Local Government Act 1972 (in particular, provision about parish meetings and councils, the constitution of a parish meeting, the constitution and powers of parish councils and about parish councillors) and the Local Democracy, Economic Development and Construction Act 2009 (reviews of, and recommendations about, electoral areas by the LGBCE), as well as in other enactments.
- 7.0 **COMMUNITY SAFETY**
There are no direct community safety issues.
- 8.0 **EQUALITIES**
- 8.1 An initial equalities impact assessment will be undertaken
- 9.0 **RISKS**
- 9.1 There are no direct risks. This is business as usual.
- 10.0 **CLIMATE CHANGE**
- 10.1 There are no climate change implications.
- 11.0 **CONSULTATION**
- 11.1 Under the 2007 Act principal councils are required to consult both those local government electors in the area under review, and others (including a local authority such as a county council) which appears to the principal council to have an interest in the review. In the case of a community governance review where a parish council already exists, as a local authority, it too should be consulted. Other bodies might include local businesses, local public and voluntary organisations - such as schools or health bodies. The principal council must take into account any representations it receives as part of a community governance review.
- 12.0 **WARDS AFFECTED**
- 12.1 All indirectly.

Contact Officer: Sally Ann Renwick, Elections Manager

Date: March 2018

Appendices: Appendix A

Background Papers:



MELTON BOROUGH COUNCIL

COMMUNITY GOVERNANCE REVIEW

TERMS OF REFERENCE

PARISH OF WALTHAM ON THE WOLDS AND THORPE ARNOLD

These Terms of Reference have been published by the Council on

1st April 2018

Submissions and comments on these Terms of Reference Document should be
made by

31st May 2018

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

Community Governance Review – Increase in the number of Parish Councillors within Waltham on the Wolds and Thorpe Arnold Parish Council

TERMS OF REFERENCE

Introduction

Melton Borough Council (the Council) is undertaking a Community Governance Review (CGR) to consider whether the distribution of Councillors within the Parish Wards of Waltham on the Wolds and Thorpe Arnold Parish Council should be changed and also whether one of the Parish Wards names within the Waltham on the Wolds and Thorpe Arnold Parish Council should be changed.

Why we are conducting this review?

Following a request from Waltham on the Wolds and Thorpe Arnold Parish Council, the Council has resolved to undertake a Community governance Review (CGR) in order to consider:-

- a) To increase the number of Parish Councillors from 6 to 8

There would be no alteration to the parish boundaries as part of this review.

What is a Community Governance Review (CGR)?

A Community Governance Review (CGR) is a legal process whereby Councils can create parish councils, review and change parish boundaries and in extreme cases, abolish parishes. The Council must ensure that community governance in the area under review reflects the identities and interest of the community in that area, as is effective and convenient. It is important that the recommendations made through a CGR should bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

This means making sure that elector and other interested groups have a say in how local services are delivered in their area. Electors and interested parties will be notified of the proposals by way of public notice and their feedback will be sought.

A community governance review can consider one or more of the following options:-

- ❖ Creating, merging, altering or abolishing parishes;
- ❖ The naming of parishes and the style of new parishes and the creation of town councils;
- ❖ The electoral arrangements for parishes (for instance, the ordinary year of election; council size; the number of councillor to be elected to the council, and parish warding);

- ❖ Grouping parishes under a common parish council or de-grouping parishes;
- ❖ Other types of local arrangements

The Council is required to ensure that community governance within the area under review:-

- ❖ Will be reflective of the identities and interest of the community in that area;
- ❖ Consider what community governance arrangement is effective and convenient to the community in that area;
- ❖ Consider what other arrangements there could be for the purpose of community governance or engagement;
- ❖ Consider the size, population and boundaries of the local community or parish

Area under Review

Waltham on the Wolds and Thorpe Arnold Parish Council

- A) Waltham on the Wolds and Thorpe Arnold Ward – increase in the number of Parish Councillors from 6 to 8

The ordinary year of election

The Local Government Act 1972 states that the ordinary election of parish councillors shall take place in 1976, 1979 and every fourth year thereafter (ie 2007, 2011, 2015, 2019). The Government however, has indicated that if wants a parish council electoral cycle to coincide with the cycle of the Borough Council so that the cost can be shared.

If the review finds that it is appropriate to

The changes will come into effect no later than at the next ordinary day of election on 2nd May 2019.

Parish Council Requirements

Legislation set out the following limits for a parish council

- ❖ Where the number of electors is 1,000 or more – a parish council must be created
- ❖ Where the number of electors is 151 – 999 a parish council may be created, with a parish meeting being an alternative form of governance
- ❖ Where the number of electors is 150 or fewer a parish council should not generally be created.

The current electorate/councillor ration for the parish of Waltham on the Wolds and Thorpe Arnold is

Electorate (1 st December 2017)		Number of Councillors	Ratio
Waltham on the Wolds and Thorpe Arnold Ward	800	6	133

The proposed number of councillor, electorate/councillors ration for the parish of Waltham on the Wolds and Thorpe Arnold is:

Electorate		Proposed number of Councillors	Ratio
Waltham on the Wolds and Thorpe Arnold Ward	800	8	100

What considerations cover the number of parish councillors?

Both the Government and the Council believe that it is an important democratic principle that each person's vote should be of equal weight so far as possible (having regard to other legitimate competing factors) when it comes to the election of councillors.

Whilst the number of parish councillors for each parish council must not be less than five, there is no maximum number. By Law, the Council must have regard to the following factors when considering the number of electors to be elected for the parish.

- ❖ The number of local government electors for the parish
- ❖ Any change in that number which is likely to occur in the period of vie years beginning with the day the review starts
- ❖ The Council will also have regard to the National Association of Local Council recommendations set out in the table below

Number of parish councillor guidelines

Electors	Councillors	Electors	Councillors
Up to 900	7	Up to 10,400	17
Up to 1,400	8	Up to 11,900	18
Up to 2,000	9	Up to 13,500	19
Up to 2,700	10	Up to 15,200	20
Up to 3,500	11	Up to 17,000	21
Up to 4,400	12	Up to 18,900	22
Up to 5,400	13	Up to 20,900	23
Up to 6,500	14	Up to 23,000	24
Up to 7,700	15	Up to 45,000	25
Up to 9,000	16		

Consultation

The Council intends to undertake a consultation with electors, Ward and Parish councillors and interested stakeholders in the area by way of Notice of Review on the Waltham on the Wolds and Thorpe Arnold Parish Council notice boards and the Melton Borough Council website.

Melton Borough Council will be pleased to receive comments from any person or body that wishes to make representations during the review.

The consultation responses will be published on Melton Borough Council website and will be held on deposit for inspection at Melton Borough Council Offices, Parkside, Station Approach, Burton Street, Melton Mowbray, LE13 1GH.

Community Governance Review Timetable

Waltham on the Wolds and Thorpe Arnold Parish Council

Stage	What Happens	Timescales	Timescale 2018
Commencement of Review	Publication of terms of reference Consultation period Submissions are invited		April 1 – 31 May
Stage Two	Consideration of submissions received – Draft Recommendations are prepared and published	One Month	June 1 – 30 June
Stage Three	Second Consultation Period. Final proposals prepared and published	Two Months	July 1 – August 31
Stage Four	Principal Council agrees and published final recommendation	One Month	September 1 – September 30
Stage Five	Full Council Decision		10 th October 2018

How can you have your say?

A letter will be sent to all households in the area under review inviting submission of responses to the consultation. The letter will be accompanied by a Consultation response form and a copy of the Terms of Reference.

Other organisations affected by the review will also be invited to respond to the consultation.

Alternatively you can send your comments, recommendation and views on the various aspects of the review to the address below:

Electoral Services, Melton Borough Council, Parkside, Station Approach, Burton Street, Melton Mowbray, LE13 1GH.

GOVERNANCE COMMITTEE

27 MARCH 2018

REPORT OF THE MONITORING OFFICER

ANNUAL REVIEW OF THE CONSTITUTION 2017 18

1.0 PURPOSE OF REPORT

- 1.1 To consider an annual review of the Council's Constitution and any amendments for onward referral to the Council for approval as well as note changes to the Constitution approved by the Council since December 2016.
- 1.2 To provide an opportunity for comments on the proposed Calendar of Meetings for 2018 19 before it is finalised for presenting for approval at the Annual Meeting.

2.0 RECOMMENDATIONS

- 2.1 To approve the proposed actions as set out at Appendix A including the documents listed below in the order that they appear and refer the same to the Council for adoption :-

A1 Revised Substitute Policy

A2 Revised Code of Conduct for Members and Officers dealing with Planning matters

- 2.2 To note that any changes to the Constitution may be subject to amendment following the review of Governance arrangements as explained in paragraph 3.2.
- 2.3 To note the items that have been approved for inclusion in the Constitution at Council Meetings since December 2016 and which are set out at Appendix B.
- 2.4 **Part 3 – Terms of Reference of Policy, Finance and Administration**
To note that the Monitoring Officer has exercised his delegation to make a minor procedural and operational change to the Constitution in respect of an amendment to the existing Terms of Reference to the Policy, Finance & Administration Committee to remove the words in brackets being '(5 Members, politically balanced)' at item 14 to align with the previously approved wording at Full Council on 12 December 2017.
- 2.5 To comment on the Calendar of Meetings 2018 19 (Appendix C) before it is finalised for Members' consideration at the Annual Meeting of the Council.
- 2.6 To note that due to the Constitution being a living document there may be requirements for changes within the year. Therefore as well as the annual review, items will continue to be referred to the Committee as these arise.
- 2.7 To note that the Monitoring Officer has delegated authority to make amendments following legislative or other statutory changes and minor procedural and operational changes. Such changes will be reported to the Governance Committee and subsequently the Council, as soon as

practicable thereafter.

3.0 KEY ISSUES

- 3.1 In line with good practice an annual review has been carried out to ensure that the Constitution is up to date and this report reflects that review for 2017/18. Proposed changes are set out in a table for the Committee's consideration at Appendix A. Where relevant the associated document's appendices attributable to the relevant item within Appendix A are also enclosed and are numbered accordingly.
- 3.2 There is a separate report to this Committee outlining the arrangements for a governance review. It is likely that as a result of this work there will be an impact on the Constitution and the Calendar of Meetings. Therefore it will be necessary to carry out an in-depth review of the affected parts of Constitution and any such proposals for change will be presented to this Committee and subsequently referred to Full Council for adoption.
- 3.3 The Committee is to refer its recommendations for amending the Constitution to the Full Council for approval and inclusion in the Constitution.
- 3.4 Whilst considering this review of the Constitution, the Committee is also requested to note the items previously adopted for inclusion in the Constitution at Council Meetings since December 2016 and these are set out at Appendix B. This document also includes an item to report and note where the Monitoring Officer has exercised his delegated authority since the last Committee meeting and this is also referenced at Recommendation 2.4 above.
- 3.5 As well as this annual review, it is current practice that as the Constitution is a living document any additions or changes are brought to the Committee's attention as soon as these come to light to enable the Council's work to move forward and the Constitution to be as up to date as possible. The Council's Management Team and T3 (Third Tier Officer Group) are involved in updating their respective areas of the Constitution.
- 3.6 Calendar of Meetings 2018 19
The proposed Calendar of Meetings for 2018 19 is enclosed at Appendix C and there is an opportunity for the Committee to comment before it is finalised for presenting for approval at the Annual Meeting. The Annual Calendar of Meetings is designed each year to ensure the statutory requirements of the Council's decision-making are followed as well as allows for policy and regulatory decisions to be made which contribute to the running of the Council and meeting the public's expectations. At the request of the Town Area Committee, the main meetings of this Committee have been brought forward to be the first meeting in each cycle so that comments may be passed to other relevant policy Committees within the same cycle.
- 3.7 The meeting timetable has also been drafted to take account of bank holidays, school holidays, Full Council meetings of the Leicestershire County Council as well as various conferences. There are five cycles of Committees within the Calendar of Meetings and each one includes each of the policy and regulatory Committees and ends with a Full Council Meeting. In addition there are more Town Area Committees with five of these per year being allocated as Main Committees and the remainder for consultation. The Recruitment Committee is

not included as this is convened as required.

3.8 Apart from the Planning Committee meetings which start at 6 p.m. and the Annual Meeting which starts at 7, all other meetings start at 6.30 p.m. Meetings are scheduled to be held at Parkside apart from during the period leading up to an election when the Council Chamber is engaged for that purpose.

3.9 In addition to the Calendar of Meetings, Extraordinary Council and Ad hoc Committee meetings are convened for business that cannot wait until the next Committee cycle or where an item of business is of a high level of significance to need a meeting dedicated to that purpose.

4.0 POLICY AND CORPORATE IMPLICATIONS

4.1 Due to the Constitution being a living document there are times when amendments are needed to enable the organisation to function efficiently. Therefore items will be referred to the Committee as required.

4.2 The regular reviews and updates to the Constitution and ensuring it is up to date on its decision-making processes supports the Council's priority for being an 'Agile Council'.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 Any financial and resource implications will be met from existing resources.

6.0 LEGAL IMPLICATIONS/POWERS

6.1 Any change in legislation overrides the current wording of the Constitution and the Monitoring Officer has delegated authority to make amendments following legislative or other statutory changes and minor procedural and operational changes. Such changes will be reported to the Governance Committee and subsequently the Council, as soon as practicable thereafter.

7.0 COMMUNITY SAFETY

7.1 There are no community safety implications relating to this report.

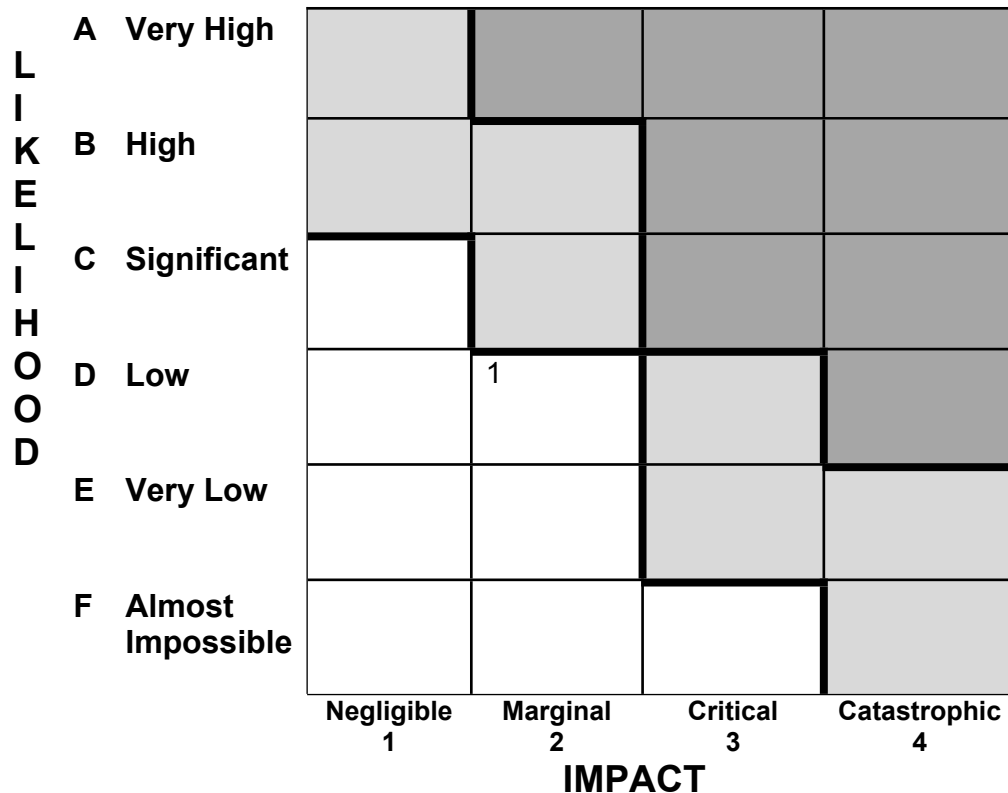
8.0 EQUALITIES

8.1 Equalities Screening Assessments have been drafted on the items within the report and most items presented relate to the legality of decision-making.

9.0 RISKS

9.1 The risks associated with report are considered to relate to following legal and constitutional procedures in decision-making.

9.2



Risk No	Risk Description
1	Decisions challenged due to appropriate processes not followed.

10.0 CLIMATE CHANGE

10.1 The Constitution is available on the Council’s website and electronically to Members and Officers to meet the Council’s corporate commitment to meet green targets.

11.0 CONSULTATION

11.1 As well as the internal consultation for this annual review with MT and T3, there is regular internal consultation with Management Team and T3 to ensure the Constitution reflects the Council’s current responsibilities and arrangements.

12.0 WARDS AFFECTED

12.1 All wards are indirectly affected by this report.

Contact Officer: Keith Aubrey / Sarah Evans
Date: March 2018

Appendices :
 Appendices : Appendix A List of new items for consideration
 Appendix A1 Revised Substitute Policy
 Appendix A2 Updated Code of Conduct for Members and Officers when dealing with planning matters
 Appendix B List of Items previously approved at Full Council since Dec 2016
 Appendix C Proposed Calendar of Meetings 2018 19

Background Papers: Constitution 2016 17 and 2017 18

Reference : X : Committees\Governance\2017 18\270318\Review of the Constitution 2017 18

**Review of Constitution 2017 18
Items for Consideration**

No	Part	Item	App Ref
1.	Part 3A	<p><u>Responsibility for Functions</u></p> <p><u>Transfer the following Terms of Reference from the Planning Committee to the Policy, Finance & Administration Committee (PFA)</u></p> <p><i>To supervise the collection of revenues and accounts due to the Council and not paid by the date of settlement and to give such directions as may be necessary for the recovery thereof.</i></p> <p><i>To exercise the enforcement powers and duties of the Council and Returning Officer in relation to elections.</i></p> <p>Action Proposed To agree the transfer of 2 items from the Terms of Reference of the Planning Committee to the PFA Committee as set out above.</p>	
2.	Part 3A	<p><u>Responsibility for Functions</u></p> <p><u>Transfer the following Terms of Reference from the Planning Committee to the Melton Economic & Environmental Affairs Committee (MEEA)</u></p> <p><i>To exercise the Council's regulatory and enforcement powers and duties in respect of authorisations, licences, permits, consents or similar, under all statutory provisions other than those specifically reserved to other Committees.</i></p> <p><i>To exercise the Council's powers and duties to review, make, amend, revoke or re-enact By-Laws.</i></p> <p><i>To exercise the Council's enforcement powers and duties under all statutes, regulations, codes of practice and conditions of service relating to Health and Safety and to respond to enforcement by other agencies against the Council.</i></p> <p><i>To exercise the enforcement powers and duties of the Council in respect of animals.</i></p> <p><i>To exercise the regulatory and enforcement powers and duties of the Council in respect of pollution control.</i></p> <p><i>To exercise the regulatory and enforcement powers and duties</i></p>	

		<p><i>of the Council in respect of food safety.</i></p> <p><i>To exercise the regulatory and enforcement powers and duties of the Council in respect of premises for wholesale or retail sale.</i></p> <p><i>To exercise the regulatory and enforcement powers and duties of the Council in relation to the enforcement of any statutes, regulations. Codes of Practice, Bye Laws or other provisions enforceable by the Council other than those specifically reserved to other Committees.</i></p> <p><u>Action Proposed</u> To agree the transfer of 8 items of the Terms of Reference of the Planning Committee to the MEEA Committee as set out above.</p>	
3.	Part 3A	<p><u>Responsibility for Functions</u></p> <p><u>To delete 10 items of the Terms of Reference of the Planning Committee (items 1 and 2 above refer)</u></p> <p><u>Action Proposed</u> To agree the deletion of items 4-13 of the Planning Committee Terms of Reference which are transferred to MEEA and PFA.</p>	
4.	Part 3A	<p><u>Responsibility for Functions</u></p> <p><u>Welland Partnership – Joint arrangements</u></p> <p>To remove reference to the joint arrangements of the Welland Partnership as this body no longer exists.</p> <p><u>Action Proposed</u> To remove the joint arrangements with the Welland Partnership</p>	
5.	Part 3B	<p><u>Delegations to Officers</u></p> <p><u>Delegations to Assistant Director for Strategic Planning and Regulatory Services :</u></p> <p><u>Item 35 – to be updated as follows :-</u></p> <p><i>To make objections and representations to National Planning Policy and Guidance, any Regional Planning Guidance, the Leicestershire Minerals and Waste Local Plans, the Development Plans of neighbouring planning authorities and other proposals and policies prepared by other authorities that could be expected to affect the development of the Borough or the planning of its development.</i></p> <p><u>Action Proposed</u> To agree the update to item 35 of the delegations of the Assistant Director for Strategic Planning and Regulatory</p>	

		Services as set out above.	
6.	Part 3B	<p><u>Delegations to Officers</u></p> <p><u>3 new delegations to the Assistant Director for Strategic Planning and Regulatory Services relating to Planning Policy matters :-</u></p> <p>(1) Authority to designate a Neighbourhood Plan Area, unless objections to the designation have been received and</p> <p>(2) To determine whether a Neighbourhood Plan should proceed to Referendum following the receipt of an Examiner's report, except where either:</p> <p>(i) the 'qualifying body' do not accept the Examiner's recommendations;</p> <p>(ii) it is proposed to deviate from the Examiner's recommendations.</p> <p>(3) To compile and publish the following documents:</p> <ul style="list-style-type: none"> • The Annual Monitoring Report • Brownfield Land Register (and updates) • Statements of Community Involvement <p><u>Action Proposed</u> To agree the 3 new delegations to the Assistant Director for Strategic Planning and Regulatory Services as set out above.</p>	
7.	Part 3B	<p><u>Delegations to Officers</u></p> <p><u>Changes to delegations to Assistant Director for Strategic Planning and Regulatory Services</u></p> <p>Item 13, page 34, introductory text, 2nd 3rd and final bullet points to be deleted and replaced with :</p> <p><u>Introductory Text:</u></p> <p><i>To determine (i.e. allow or refuse) all applications for work on trees in conservation areas and Permitted Development Order 2015 'Prior Notifications' (whether or not subject to any representations of support or objection);</i></p> <p><i>To determine all applications for planning permission, advertisement consent, listed building consent, conservation area consent, Certificates of Lawfulness and for works on trees covered by a Tree Preservation Order; except an application for which:</i></p> <ul style="list-style-type: none"> • 2nd : The recommendation departs from the provisions of the Melton Local Plan and/or; • 3rd : letters of objection have been received from more than 	

		<p>10 separate households, or a petition or ‘pro-forma’ letters from over 25 signatories - where the grounds of objection are on bona-fide planning grounds - and the recommendation conflicts with the representations received.</p> <ul style="list-style-type: none"> • Final; Delete (notifications and Tree applications) <p><u>Action Proposed</u> To agree the changes to the delegations to the Assistant Director for Strategic Planning and Regulatory Services as set out above <u>upon adoption of the Melton Local Plan.</u></p>	
8.	Part 3B	<p><u>Delegations to Officers</u></p> <p><u>Changes to delegations to Assistant Director for Strategic Planning and Regulatory Services</u></p> <p>To add:</p> <p>Notices under part 8 of the Anti social Behaviour Act 2004 (‘High Hedge Notices’)</p> <p><u>Action Proposed</u> To agree the addition to the delegations of the Assistant Director for Strategic Planning and Regulatory Services as set out above.</p>	
9.	Part 3B	<p><u>Delegations to Officers</u></p> <p><u>Changes to delegations to Assistant Director for Strategic Planning and Regulatory Services</u></p> <p>Transfer items 59, 61 and 69 as listed below from the Assistant Director for Strategic Planning & Regulatory Services to the Director of Growth and Regeneration.</p> <p><i>59 To be responsible for the management of the Council’s Waste Management Contract.</i></p> <p><i>61 To be responsible for the management of the Council’s internal Health and Safety arrangements.</i></p> <p><i>69 In consultation with the Chair of the Melton Economic & Environmental Affairs Committee (MEEA), to make relevant changes to the method of operational delivery within the waste collection and street cleaning contract where there is no impact on service delivery to the end user and where financial savings can be made.</i></p> <p><u>Action Proposed</u> To agree the transfer of delegations 59, 61 and 69 of the Assistant Director for Strategic Planning and Regulatory Services to the Director for Growth and Regeneration as set out</p>	

		above.	
10.	Part 3B	<p><u>Delegations to Officers</u></p> <p><u>Changes to delegations of the Director for Corporate Services</u></p> <p><u>Delete item 38 as follows :-</u></p> <p><i>38 In consultation with the Deputy Chief Executive to make any necessary changes to the Retail Relief Scheme, in accordance with further guidance from Central Government, consultation with partners across Leicestershire and to improve the scheme based on experience from delivery of the scheme.</i></p> <p><u>Transfer item 39 as follows to the Deputy Chief Executive :-</u></p> <p><i>39 To adjust the Local Council Tax Support scheme annually with regard to uprating personal allowances and premiums and changes to the universal Credit Scheme affecting the Local Council Tax Support Scheme as announced by Central Government.</i></p> <p><u>Transfer the following delegation from the Director for Corporate Services to the Deputy Chief Executive in consultation with the Director for Corporate Services :-</u></p> <p><i>52 In consultation with the Director for Corporate Services to adopt local business rate relief schemes, where it is in the interest of local businesses and the Council to do so, following guidance from Central Government.</i></p> <p><u>Action Proposed</u></p> <p>To agree the deletion of item 38 and the transfer of delegations 39 and 52 from the Director for Corporate Services to the Deputy Chief Executive as set out above.</p>	

11.	Part 3B	<p><u>Delegations to Officers</u></p> <p><u>Proper Officer Provisions</u></p> <p>The Proper Officer for the performance of the duties of the Data Protection Officer under General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018, under GDPR Articles 37, 38, and 39, will be the Council's Principal Solicitor as follows :-</p> <table border="1" data-bbox="384 456 1262 680"> <tr> <td data-bbox="384 456 842 680"> General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018 GDPR Articles 37, 38, 39 The Data Protection Officer </td> <td data-bbox="842 456 1262 680">The Principal Solicitor</td> </tr> </table> <p>In the interim, until the permanent appointment of the Principal Solicitor in the Legal & Democratic Service, the Chief Executive, as Head of Paid Service, will designate an appropriate person to act as the named Data Protection Officer.</p> <p><u>Action Proposed</u> To agree that the Principal Solicitor be the Proper Officer in respect of Data Protection as set out above and in the interim until a Principal Solicitor is appointed, the Chief Executive will designate an appropriate person to act as the named Date Protection Officer.</p>	General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018 GDPR Articles 37, 38, 39 The Data Protection Officer	The Principal Solicitor	
General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018 GDPR Articles 37, 38, 39 The Data Protection Officer	The Principal Solicitor				
12.	Part 4	<p><u>Rules of Procedure</u></p> <p><u>Substitute Policy</u></p> <p>The Substitute Policy has been revised at the request of Members to remove the requirement for substitutes to be appointed by the Group Leader and to simplify the process for Members.</p> <p><u>Action Proposed</u> To agree the revised Substitute Policy at Appendix A1</p>	A1		
13.	Part 4	<p><u>Financial Procedure Rules</u></p> <p>In order to reflect the changes required under the new IFRS9 accounting standards a greater emphasis is required by budget holders to ensure the correct processes are followed which includes finance sign off and provision of data. Therefore the following new section is proposed.</p> <p><u>Section 3 – Financial Systems and Procedures</u></p> <p>Asset and Vehicle Leasing (new section) 2.62 Budget Holders</p>			

		<p>a) All staff must consult financial services before entering into any proposed leasing arrangements to ensure appropriate options appraisal are considered.</p> <p>b) In order to undertake an options appraisal staff must collate and provide the information outlined in section 2.3 of the budget manual to finance as part of the decision making process.</p> <p>c) Following a full financial appraisal a lease can only be taken to the next stage for entering in to once approved by a qualified member of the Finance Team</p> <p>d) Before any lease is signed any legal documentation provided by the potential supplier must be reviewed by a member of the legal services team</p> <p>e) Once a lease is approved all the information required should be entered onto the lease register maintained by property services and property is to be informed of any changes should they arise.</p> <p><u>Action Proposed</u> To agree insertion of the above to the Financial Procedure Rules.</p>	
14.	Part 5	<p><u>Codes and Protocols</u></p> <p><u>Code of Conduct for Members and Officers dealing with Planning Matters</u></p> <p><u>Action Proposed</u> To agree the tracked changes proposed to the Code of Conduct for Members and Officers dealing with Planning Matters as set out at Appendix A2.</p>	A2

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Substitute Policy for Committees & Sub Committees

This policy is to enable the appointment of Substitute Members at Committee and Sub Committee meetings, where a Committee or Sub Committee Member cannot attend. The aims of the policy are :-

- To allow a significant and comprehensive attendance by Members at all Committee and Sub Committee meetings
- To help ensure quoracy
- To support accountability in Committees and Sub Committees and thereby encourage positive public perception in the decision making process
- To be fair and acknowledge political balance where this is required

1. Politically balanced Committees and Sub Committees

A Substitute Member who replaces a Committee or Sub Committee Member at a meeting must be of the same political Group as the Committee or Sub Committee Member.

2. The Licensing and Regulatory Committee does not require political balance and therefore it is not necessary for the Committee Member and the Substitute Member to be of the same political group.
3. The Substitute Member must have received the appropriate training to enable them to substitute at the following Committees or Sub Committees :-
 - Appeals
 - Planning
 - Licensing and Regulatory
 - Policy, Finance and Administration prior to sitting as the Investigating and Disciplinary Committee
 - Governance Sub Committees 1 and 2
4. It is the responsibility of the Substitute Member to ensure they are appropriately trained and should this need to be checked, the training records are accessible by the Committee Administrator.
5. Apart from the following exceptions, and bearing in mind political balance, any appropriately trained Member is allowed to substitute on any Committee or Sub Committee :
 - Due to Members of the Policy, Finance and Administration Committee also having the function to sit as the Investigating and Disciplinary Committee, these Members may not substitute on the Appeals Committee when it is considering an appeal against a decision in which the Member took part
 - Members who have taken part at a meeting of the Governance Sub Committee 1 may not then substitute at a meeting of the Governance Sub

Committee 2 when it is considering the same matter that was considered by Governance Sub Committee 1

- A Member who was part of Governance Sub Committee 1 or Governance Sub Committee 2 where a matter was considered which led to a decision, may not substitute on the Appeals Committee when it is considering an appeal against that decision
6. Substitute Members will have all the powers and duties of the Committee or Sub Committee Member, but will not be able to exercise any special powers or duties exercisable by the person they are substituting for.
 7. The Substitute Member will ensure they have the relevant meeting documentation.
 8. Should the Committee or Sub Committee Member arrive before the start of the meeting having previously appointed a Substitute Member, and should the Committee or Sub Committee Member wish to take part in the meeting, the Substitute Member may only remain as an observer.
 9. If the Committee or Sub Committee Member whose place has been substituted by a Substitute Member subsequently attends the relevant meeting after its start, the Committee Member may only do so as an observer.
 10. The substitution applies for the whole of the meeting and
 - if the Committee or Sub Committee meeting which the Substitute Member is attending as Substitute, is adjourned, then the Substitute Member should attend the reconvened meeting as Substitute and the Committee or Sub Committee Member can only attend the reconvened meeting as an observer
also
 - if the meeting which the Committee or Sub Committee Member is attending as Committee or Sub Committee Member, is adjourned, then the Committee or Sub Committee Member should attend the reconvened meeting as Committee or Subcommittee member.
 11. If sufficient notice has been given, a Member substituting on the Planning Committee will be expected to attend the Planning Site Visit. But the Substitute Member could still take part in the Planning Committee meeting, even if they had not attended the Planning Site Visit.
 12. It will be the responsibility of the Committee Member to give an apology for absence, arrange for a substitute and to notify the Committee Administrator for that Committee or Sub Committee and the Chair of the Committee or Sub Committee, of the substitution.

13. Notice of substitution may be by email (preferably) or phone and must be given at least 30 minutes before the start of the meeting and must be clear as to :-
 - the name and date of the Committee or Sub Committee
 - the name of the Substitute Member
 - the name of the Committee Member being substituted for
14. It can then be ensured that the Substitute Member is appropriately trained, arrangements are adjusted accordingly (eg. seating, nameplates) and the substitution is formally recorded in the minutes.
15. Before taking part in the meeting, the Substitute Member
 - will sign the Attendance Register
 - add the Committee Member's initials who they are substituting for next to their name
 - indicate their role as a substitute in the 'Substitute Column'
 - add their name to the Committee Member's signature box

This method of signing will ensure a cross reference between the Committee Member and the Substitute Member.

Appendix A shows an Attendance Register and the signing arrangements.

Example Attendance Register Procedure for Substitute Members



Members' Attendance Register

Name of Meeting : Meeting name
Date & Times : Date **End Time :**
Venue : Parkside

No.	Councillor	Attendance Signature	Observer	Substitute	Absent	Claim
1.	Name					
2.	Name					
3.	Name					
4.	Name					
5.	Name					
6.	Councillor C	Councillor C (CG)		<input checked="" type="checkbox"/>		
7.	Name					
8.	Name					
9.	Councillor G	Councillor C			<input checked="" type="checkbox"/>	
10.	Name					
11.	Name					
12.	Name					
13.	Name					
14.	Name					
15.	Name					
16.	Name					
17.	Name					
18.	Name					
19.	Name					
20.	Name					
21.	Name					
22.	Name					
23.	Name					
24.	Name					
25.	Name					
26.	Name					
27.	Name					
28.	Name					
	Total					

1. Sign your name in the usual place, followed by printing the initials of the Committee Member you are substituting for

2. Tick this column, in line with your name

3. Enter your name in the Committee Member's signature box

CODE OF CONDUCT FOR MEMBERS AND OFFICERS DEALING WITH PLANNING MATTERS

This Code has been prepared having regard to:-

- The recommendations of the Nolan Committee (1997)
- The Local Government Association's "Probity in Planning" ~~2013(1997) and revised Guidance Notes 2009~~
- The Members' Code of Conduct

~~"The Role of Elected Members in Plan Making and Development Control" -- a study commissioned by the Royal Town Planning Institute from Oxford Brookes University (1997)~~

- The Royal Town Planning Institute's "Code of Professional Conduct" (20~~16~~04)

~~the Government's "General Principles of Conduct in Local Government" (2001)~~

~~Standards Board for England 2007 Members Guide on the Code of Conduct and occasional paper on predisposition, predetermination and bias;~~

~~Association of Council Secretaries and Solicitors Model Member's Planning Code of Good Practice 2007;~~

~~Planning Advisory Service Effective engagement advice.~~

The Code was adopted by Melton Borough Council on 23 February 2017.

1. INTRODUCTION

1.1 Planning decisions affect everyone, influencing the shape of the physical environment and the profitability of businesses. Planning decisions often attract considerable public interest, representations and objections, and can have a huge impact on land values, with the potential to make or lose substantial sums of money for owners.

1.2 Planning authorities have an important task in assuring the public that they maintain high standards of conduct. Councillors are governed by the developing National Code of Conduct and must have regard to this in all their actions. Officers are affected by specific codes or professional practice rules issued by their own professional bodies such as the Royal Town Planning Institute. The Code that follows is not intended to replace or contradict the contents of these documents, but is intended to supplement and provide

additional guidance. Throughout, the terms "Councillors" and "Members" are used inter-changeably.

- 1.3 The purpose of the Code is to ensure that the manner in which planning decisions are reached is, and is seen to be, fair, open and impartial and that only relevant matters are taken into account.
- 1.4 The Code covers decisions relating to the making of development plans and supplementary planning guidance, the determination of planning applications, decisions on enforcement matters, and the managing of planning obligations.
- 1.5 Only Officers and Members of the Council who are prepared to observe the guidance contained within this Code should be involved in making decisions on planning matters. Failure to follow the recommendations of the Code would be taken into account in investigating cases of possible maladministration, and have implications for the standing of both Councillors and Officers.

2. THE GENERAL ROLE AND CONDUCT OF COUNCILLORS AND OFFICERS

- 2.1 Councillors and Officers have different, but complementary, roles. Both serve the public but Councillors are responsible to the electorate while Officers are responsible to the Council as a whole. Officers advise Councillors and the Council and carry out the Council's work. They are employed by the Council, not by individual Councillors, and it follows that instructions may only be given to Officers through a Council or Committee decision. A successful relationship between Councillors and Officers can only be based upon mutual trust and understanding of each other's positions. This relationship and the trust which underpins it must never be abused or compromised.
- 2.2 Councillors once elected serve all their Ward constituents and the people of the District as a whole and not just those who may have voted for them. In dealing with planning applications Members must fulfil a number of roles both as representatives of the people and as decision makers, objectively considering the facts and deciding upon them. This is particularly pertinent to Councillors serving on a planning committee or who become involved in making a planning decision. In the past the Courts have tended to emphasise the quasi-judicial part of their function. However a number of recent Court judgments together with the guidance given by Lord Nolan show that whilst this remains important it is also right for Members to take into account considerations relating to public concern, representations they have received and their assessment of what may be appropriate or inappropriate for an area.
- 2.3 The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process and opposing views are often strongly held by those involved. Whilst Officers and Councillors should take account of those views, they should not favour any person, company, group or locality and not put themselves in a position where they appear to do so. Councillors who do not feel that they can act in this way should consider whether they are best suited to serving on a planning committee. Officers and Councillors should also be very cautious about accepting gifts and hospitality. The Council maintains a register of gifts and hospitality. Advice can be obtained from the Chief Executive or the Solicitor to the Council.

2.4 Decisions should be based on an assessment of the provisions of the Development Plan (Local and Neighbourhood Plans) and all material planning considerations including National policy and Planning Practice Guidance. The Town and Country Planning Act 1990 (as amended) requires that decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. The provisions of the Development Plan are therefore the starting point of the decision making process. Material considerations can vary from application to application but include National Policy, the siting, design, and external appearance of buildings, and the means of access to them. They also include landscaping, impact on the neighbourhood or street scene, and the availability of infrastructure flood risk etc. They rarely include the personal circumstances of the applicant.

2.5 About 80% of planning application decisions are delegated to the Assistant Director of Strategic Planning and Regulatory Services. Delegation is a Chief or other Senior Officer taking executive action on behalf of the Council, and determining planning applications and related matters, in accordance with clearly stated and published rules. Delegation is not a process that will change the outcome of an application, or a transfer of power from elected Members to Officers. The purpose of delegation is to:-

- simplify procedures;
- speed up the processing and decision making on applications;
- minimise the costs of the development control service;
- leave Committee Members more time to concentrate on major or controversial planning issues.

The current Scheme of Delegations to Officers is set out in Part 3 of the Constitution.

2.6 Not all planning decisions are 'technical' in the sense that only one outcome is dictated by planning law or policy. Many decisions require an element of judgement. In deciding how to determine applications Members must retain a fair and open-minded approach to the decision making process.

2.7 Council Officers have a number of roles to fulfil. Much of the Officers' work is done behind the scenes before an application is determined. Planning Officers in particular carry a very heavy caseload of applications dealing on a day to day basis with applicants, objectors, Members and other professional agents. Again they must have a fair, open-minded and objective approach and attempt to give as much assistance as possible to any member of the public who requires it whether in a capacity as an objector or as an applicant. Officers of the Council will also advise on policy, law and procedure both at Council meetings and outside.

3. TRAINING

3.1 It is recognised that planning is a complex area and that newly appointed Members may have little background knowledge to help them with their responsibilities. The Nolan Committee recommended that all Members should receive adequate training to assist them in the performance of their duties.

3.2 The Chief Executive in conjunction with the Assistant Director for Strategic Planning and Regulatory Services will ensure that training is available and that all Members receive a proper grounding in the area of planning law,

policy and practice and that update seminars/training are arranged. The Council expects that all Members who will make planning judgements will receive training. An appropriate level of training in the basic essentials of the planning system will be given to new Members before they serve on any decision making body dealing with planning matters.

- 3.3 Members may not participate in decision making at meetings dealing with planning matters unless they have attended the mandatory planning training sessions.
- 3.4 They should endeavour to attend any other specialised training sessions provided, since these will be designed to extend their knowledge of planning law, regulations, procedures, codes of practice and development plans, which will assist them in carrying out their role properly and effectively. Follow up training may also be regularly offered on probity and ethical issues, as may be required to reflect changes in legislation and major changes in policy and other material considerations.

4. **INTERESTS**

- 4.1 Conflicts of interest will arise not only when an issue affects the wellbeing of the Member, but also when it affects their family, friends, or any organisation with which they are associated. Councillors and Officers should therefore be guided by the advice contained in the following paragraphs.
- 4.2 It is a fundamental point of principle that decisions should not be made by those who have a pecuniary interest in the outcome. The Council is committed to this approach in order to avoid public confidence in the planning system becoming eroded.
- 4.3 Councillors who have substantial property interests, or other interests which would prevent them from voting on a regular basis, should avoid serving on the Planning Committee.
- 4.4 Guidance on what constitutes a pecuniary interest is contained in the Members' Code of Conduct and in the Ombudsman's Guidance. The general rule is that a Member or Officer should not use his/her position to further a private or personal interest, rather than the general public interests, or give grounds for such suspicion.
- 4.5 Seminars will be held to give guidance to Members on the declaration of interests, and any other issues in the Code. In the interim, the Chief Executive or the Monitoring Officer will give guidance. In the final analysis, however, only the Member can have a full appreciation of the nature of his or her interest and the responsibility for applying the test to any particular interest must rest with the Member.
- 4.6 Members with a pecuniary interest should not speak or vote in the decision making process. If they insist on so doing the decision reached by the Planning Committee may be held to be void if challenged in Court on the basis of being contrary to the rules of natural justice.
- 4.7 Members who indicate before a meeting of the Planning Committee that they have reached a conclusive view on an application, should carefully consider whether their continued involvement in determining the application would

prejudice the integrity of the planning process. Their continued involvement could amount to maladministration.

4.8 Officers should also act in accordance with the above Code.

5. DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS AND COUNCIL DEVELOPMENT

5.1 Proposals to their own authority by serving and former councillors,

officers and their close associates and relatives can easily give rise

to suspicions of impropriety. So can proposals for a council's own development. Serving Councillors and Officers of this Council should never submit or promote applications or act as agents (paid or unpaid) for individuals (including a company, group or body) pursuing a planning matter within this Council's area. If Councillors or Officers submit their own development proposal to the Council, they should take no part in its processing. Moreover, Members or Officers, who are seeking to influence the Development Plan or supplementary planning guidance to further their own private interest should play no part in its preparation. The Monitoring Officer should be informed of all such instances as soon as possible.

5.2 Proposals for the Council's own development (or a development involving the Council and another party) should be treated in the same way as those by private developers. The same administrative process, including consultation, should be carried out in relation to the Council's own planning applications, and that they should be determined against the same policy background (i.e. the Development Plan and any other material planning considerations). This paragraph also applies to applications in respect of Council owned land (e.g. prior to a land sale being agreed or negotiated). Decisions must be made strictly on planning merits and without regard to any financial or other gain that may accrue to the Council if the development is permitted. It is important that the Council is seen to be treating such applications on an equal footing with all other applications as well as actually doing so.

5.3 Proposals submitted by Councillors and Officers and their immediate family must be reported to Committee and not dealt with ~~by Officers~~ under delegated powers. As part of the report the fact that the application is a Councillor's/Officer's should be highlighted. Also the report should confirm whether it has been processed normally.

5.4 The consideration of a proposal from a Councillor –is considered as a prejudicial interest and as such the councillor would be required withdraw from any consideration of the matter. The Councillor should not seek improperly influence a decision about the matter'. It is important to emphasis that this does not imply that a Councillor should have any fewer rights than a member of the public in seeking to explain and justify their proposal to an officer in advance of –consideration by a Committee. However, whilst a member with a prejudicial interest may address the Committee under the code if the Member should consider whether it would be wise to do so in the circumstances of the case, including the nature of the interest and the relationship of the Councillor with the remainder of the Committee.

6. LOBBYING OF AND BY COUNCILLORS AND ATTENDANCE AT PUBLIC MEETINGS

- 6.1 If Members are to undertake fully their constituency roles it is inevitable that they will be, subject to lobbying particularly on planning applications. Great care will often then be essential to maintain the integrity of the planning process, the Council and the Member concerned. Lobbying can lead to the impartiality of a Councillor being called into question. However, lobbying can lead to the impartiality and integrity of a councillor being called into question. When being lobbied, councillors (members of the **P**lanning **C**ommittee in particular) should take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. The information provided by lobbyists and others is likely to represent an incomplete picture of the relevant considerations governing a planning matter. The views of consultees, neighbours and the assessment of the application by the planning officer all need to be considered before a member of Planning Committee is in a position to make a **comprehensive** balanced judgement on the merits of the particular planning matter.
- 6.2 There is nothing improper in Members receiving comments and representations from their **W**ard constituents, but Members should adopt an impartial stance in dealing with both applicant and objectors in planning matters. Members should avoid giving any indication of support or opposition for a matter since this would be inappropriate until they have had the opportunity of hearing both sides of the case, normally at the debate at the Committee. Committee decisions can only be taken after full consideration of the Officer's report, information dissemination, and discussion at the Committee.
- 6.3 Members should not favour, or appear to favour any person, company, group or locality. Members who commit themselves to a particular view on a planning application prior to its full consideration at Committee or Council must consider whether the public, or any other person, would believe that they have prejudiced their position and can take part in a debate on the full facts before determining the application. To do so without all relevant information and views would be unfair and prejudicial and may amount to maladministration by the Council. Similarly Members of the Planning Committee who are also members of a town/parish council and who may be required to participate in discussion regarding responses to notifications of planning applications or other planning matters should be careful in expressing an opinion in advance of having heard all the relevant evidence and arguments. A planning committee member who represents a ward affected by an application may be in a difficult position if it is a controversial matter on which a lot of lobbying takes place. If the member responds to lobbying by deciding to go public in support of a particular outcome - or even campaigning actively for it - they will have predetermined their position when the committee comes to take a decision on the application. The risk of perceived bias means that the proper course of action for such a member would be to make an open declaration of this and not take any part in the decision making process.
- 6.4 Individual Members must reach their own conclusions on an application rather than follow the lead of another Member. In this regard, any political group meetings prior to Committee meetings should not be used to decide how Councillors should vote on planning matters.

- 6.5 A ward councillor who is also a member of the planning committee wishing to campaign for or against a proposal could speak at a planning committee on behalf of their constituents, having declared their pre-determined position. A pre-determined councillor can continue to represent those ward interests as a spokesperson for their local community, notwithstanding their planning committee membership. If that councillor speaks on behalf of a lobby group at the decision-making committee, they should withdraw once any public or ward member speaking opportunities had been completed. (this is to counter any suggestion that members of the Ccommittee may have been influenced by their continuing presence).
- 6.6 The Chairman (or Vice Chairman if in the Chair) should attend a briefing with Officers prior to Committee to help them give an effective lead in Committee.
- 6.7 Members involved in decision making on planning applications and on Development Plan matters and supplementary planning guidance issues should not participate in or organise support or opposition to a proposal (including petitions), lobby other Members, act as an advocate or put pressure on Officers for a particular recommendation (see paragraph 6.8). However, at the Planning Committee other Members (who are not part of the decision making process) within that Member's Ward can make representations and address the Committee with the agreement of the Chairman.
- 6.8 Development proposals will often necessitate Member contact with the Officer dealing with the planning application concerned. Attached at Appendix 1 is a protocol which sets out the parameters of that contact with regard to planning and related applications and also with regard to planning enforcement.
- 6.9 Members (and in particular Members involved in determining planning applications) who find themselves being lobbied, should actively take steps to explain that whilst they can listen to what is said, it prejudices their impartiality to express a firm point of view or an intention to vote one way or another.
- 6.10 ~~Members~~Officers involved in the processing or determination of planning applications should only attend public meetings in connection with development proposals (i.e. pre-application or submitted planning applications) as observers or to impart factual information. To do otherwise could lead to allegations of bias or prejudice in relation to a particular point of view.
- 6.11 Similarly, Members involved in the determination of planning applications should take great care to maintain impartiality when attending public meetings in relation to planning matters. They should consider carefully whether it is appropriate to attend in the first place. If they do wish to attend it is advisable to invite the relevant Officer(s) also. At such meetings it is preferable for no view on the merits or otherwise of a proposal to be given.
- 6.12 If Members consider that they have been exposed to undue or excessive lobbying or approaches, these should be reported to the Monitoring Officer.
- 6.13 Where the Monitoring Officer believes that a Member has prejudiced his/her position by expressing a conclusive view on an application before it determination by the Committee, the Monitoring Officer will offer advice to the Member on whether it would be inappropriate for him/her to take part in the debate or vote on the application.

7. PRE-APPLICATION DISCUSSIONS

- 7.1 The Borough Council recognises that discussions between a potential applicant and the Council prior to the submission of a planning application - and after its submission - can be of considerable benefit to both parties. In recognition of the need to allow and encourage councillors to be champions of their local communities Councillor engagement in pre-application discussions on major development is desirable ~~necessary~~ to allow Councillors to fulfil this role. However, it would be easy for such discussion to be seen to become part of the lobbying process. To avoid this, many discussions with applicants or potential applicants should take place within the guidelines set out below at paragraphs 7.2 - 7.6.
- 7.2 To maintain impartiality, it is preferable that Members do not take part in pre-application discussions. Should there be occasions when Members are involved in such discussions/presentations/visits, they should be accompanied and advised by the appropriate professional Officers of the Council, which will include a Planning Officer. The involvement of Councillors in such matters will be recorded as a written file record.
- 7.3 It will be made clear that no commitments can be made which could bind or otherwise compromise the Planning Committee or any member of it. It will also be made clear that not all relevant information may be to hand, nor may formal consultation with interested parties have been completed. Thus an Officer, whilst clearly making no commitment, may, on the basis of the Development Plan and policy documents, give a personal view on what the likely outcome of an application would be. The Officer should make it clear that this opinion may not be shared by the Planning Committee when determining the application.
- 7.4 Advice given should be consistent and based upon the Development Plan (i.e. Structure and Local Plan) and other material considerations. Every effort will be made to ensure that there are no significant differences of interpretation of planning policies between Planning Officers. Members should only receive information and should not be drawn into negotiations. This includes the basis, terms, purposes or financial quantum of any agreement for developer contribution.
- 7.5 A written note will be made of pre-application discussions and at least two Officers will attend potentially contentious meetings, with a follow-up letter sent, particularly when material has been left with the Council.
- 7.6 Every effort will be made to ensure that advice is not partial, nor appears to be.

8. AGENDAS

- 8.1 In the first instance the Assistant Director Strategic Planning and Regulatory Services will decide the content of planning agendas. Should there be any dispute, the final decision will rest with the Chief Executive in consultation with the Chairman, Assistant Director Strategic Planning and Regulatory Services and Monitoring Officer.
- 8.2 The Council's Delegation Scheme allows Members to require applications for development to be determined by Committee. Members should give written

reasons for this where Officers would otherwise use delegated power to determine the application in accordance with the details set out in Part 3.

8.3 Additionally, if Members have concerns regarding other planning matters they can through resolution of the Committee request the Assistant Director Strategic Planning and Regulatory Services to produce a report for the relevant Committee on the subject of concern/interest.

8.4 A matter not on the agenda for a Committee meeting may be raised by a Member or Officer at the meeting if the Chairman is of the opinion that by reason of special circumstances it should be considered as a matter of urgency. The special circumstances should be specified in the minutes of the meeting.

9. OFFICERS' REPORTS TO COMMITTEE

9.1 Reports on planning applications must be accurate and cover all relevant points. Reports will include a full description of the site and any related planning history, and will refer to the provisions of the Development Plan and other relevant material planning considerations.

9.2 All reports will have an assessment of the proposed development which clearly justifies the stated recommendation and a written recommendation of action/decision. Officers will be solely responsible for the content of and recommendations within the reports.

9.3 All reasons for refusal must be clear, unambiguous and justified by the evidence of the case. Conditions to be attached to permissions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects, following the guidance contained in National Planning Practice Guidance (NPPG),

9.4 Agenda items to Committee should contain a section listing the financial, legal and environmental implications of the report where appropriate

10. THE DECISION-MAKING PROCESS AND DECISIONS CONTRARY TO OFFICER RECOMMENDATION AND/OR THE DEVELOPMENT PLAN

10.1 The law requires that where the Development Plan is relevant, planning decisions must be taken in accordance with it, unless material considerations indicate otherwise.

10.2 It follows that if the Officer's report recommends approval of a departure to the provision of the Development Plan, the justification for this should be clearly set out within the report.

10.3 Since responsibility for the Committee's decision rests with Members there may be occasions when a decision is reached which is contrary to the advice tendered by Officers. There is nothing inherently wrong in this unless the decision is not based on material planning considerations or is clearly contrary to law. There is a well defined appeal process whereby decisions can be tested. Members will need to be mindful, however, of the need for clear reasons for such decisions and Officers will give such assistance as they can in these circumstances.

- 10.4 Appellants and local authorities can claim their costs of dealing with the appeal if either party has acted unreasonably. Examples of unreasonable behaviour are set out in NPPG including the need for refusal of planning permission to be supported by evidence.
- 10.5 Councillors must not instruct Officers to take a particular course of action or make a particular recommendation other than through a decision of the Council or one of its Committees. Officers must always act impartially and advise the Council of their professional opinion. Chartered Town Planners must abide by the Royal Town Planning Institute's Code of Professional Conduct. Whilst Chartered Town Planners appearing as the Council's expert witnesses at planning inquiries have a duty to set out the Council's case, they must, if asked, give their own professional view in accordance with the Royal Town Planning Institute's Code of Professional Conduct.
- 10.6 In discussing and then determining a planning application Members should conduct their business in a fair and sensitive manner and should confine themselves to the planning merits of the case. The reasons for making a final decision should be clear and convincing, and supported by planning evidence. If Members wish to refuse an application, or impose additional conditions to a permission, the reasons for refusal or the additional conditions to be applied must be clearly stated at the time propositions are moved at the meeting.
- 10.7 If a resolution is passed which varies from or is contrary to a recommendation of the (whether for approval or refusal or in relation to conditions) a detailed minute of the Committee's reasons will be made and recorded in the minutes and will be reflected in full in the final planning decision Notice.

11. **SITE INSPECTIONS**

- 11.1 Site inspections are subject to an existing Code of Practice which is attached at Appendix 3. Site inspections can cause delay and additional costs and should only be used where the expected benefit is substantial. Reasons should be given where site inspections are requested by Committee and recorded in the minutes. Examples of when site visits might be appropriate would be:-
- where the impact of the proposal is difficult to visualise from the plans and supporting material
 - where there is considerable local concern about the proposal, allied to planning reasons for carrying out a visit (e.g. the physical relationship of the site to other sites in the neighbourhood).
- 11.2 The purpose of a site visit is for Members to gain factual knowledge and make a visual assessment of the development proposal, the application site and its relationship to adjacent sites.
- 11.3 Members should avoid discussion of the merits of the case at such meetings. The appropriate place to do this is at the Planning Committee itself.
- 11.4 It is essential that Members and Officers ensure that anyone who sees them visit the site is not led to believe that a decision has been taken on the visit, or that conclusive views have been reached.

12.0 **REVIEW OF THE DECISIONS**

- 12.1 Throughout the year, arrangements will be made for Members to visit about 10 sites of implemented planning permissions throughout the Borough in order that the quality of outcomes -can be assessed and reviewed.
- 12.2 The outcome of this review will be formally considered by the Planning Committee and any amendments to practice will be identified.
- 12.3 It should include examples from a broad range of categories, such as:-
- major and minor development
 - permitted departures
 - upheld appeals
 - listed building works and
 - enforcement cases.

13. COMPLAINTS AND RECORD KEEPING

- 13.1 In order that any complaints can be fully investigated, record keeping will be complete and accurate. In particular, every planning application file will contain a full and accurate account of events throughout its life, particularly the outcomes of meetings or significant telephone conversation. It should be possible for someone not involved with the application to understand what the decision was and how and why it was reached.
- 13.2 The same principles of good record keeping will be observed in relation to enforcement and Development Plan matters. Monitoring of record keeping will be undertaken on a continuous basis by the relevant Managers.

(N.B. The Council's complaints system applies to all planning related complaints).

14. CONFIDENTIALITY

- 14.1 It will rarely be necessary or wise to discuss planning matters on a confidential basis. All discussion and decision making should be carried out in an open and transparent way, in order that the public can be confident about the integrity of the planning system. Where it is necessary to report confidential business full reasons will be given and all involved in the decision making process will be expected to respect the confidentiality.

15. PLANNING OBLIGATIONS

- 15.1 A planning authority may seek to secure modifications or improvements to proposals submitted for planning permission. It may grant permission subject to conditions and, where appropriate, seek to enter into planning obligations with a developer regarding the use or development of the land concerned or of other land or buildings. To retain public confidence, such arrangements must be operated in accordance with the fundamental principle that planning permission may not be 'bought or sold'. This principle is best served when negotiations are conducted in a way which is seen to be fair, open and reasonable. A copy of the signed agreement should be placed on the public register.
- 15.2 Planning obligations are governed by Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010(as amended)should only be agreed where, they are:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development. Unacceptable development should never be permitted because of unnecessary or unrelated benefits offered by the applicant nor should such provisions be used to compensate for shortfalls in existing levels of provision unrelated to the development proposal.

15.3 Used properly, obligations may enhance the quality of development and ensure that infrastructure which is necessary to serve the development is in place at the appropriate time. Infrastructure includes facilities providing public services such as schools, NHS properties, highways capacity community facilities, amenity areas and landscaping.

MEMBERS' PROTOCOL DEALING WITH PLANNING MATTERS

Planning issues, and in particular, development proposals often raise concern locally. As such, there is a need for Members to have direct contact with Case Officers, to obtain the factual information quickly. This Protocol sets out the parameters for such contact.

Planning and Related Applications:

Contact with the Case Officer should be limited to requests for factual information with regard to development proposals. Advice may also be sought as to the progress of the application and the nature of consultation responses received.

Whilst Members are encouraged to discuss their concern with the Case Officer, no pressure should be put on that Officer to make a particular recommendation.

If Members have concerns as to the information received or advice given by the Case Officer, then the matter should be discussed in the first instance with the Head of Strategic Planning and Regulatory Services and, if unresolved, then the Chief Executive.

Given the nature of the job, Officers are often out on site. Members are therefore advised to telephone to make an appointment before calling in.

Planning Enforcement:

It is the Government's view that the integrity of the development control process depends on the local planning authority's readiness to take effective enforcement action when it is essential and to this end, the Government has provided a range of powers for enforcement.

The circumstances surrounding a breach of planning control vary considerably and a course of action needs to be carefully planned before it is embarked upon.

In considering the need for enforcement action, Members should bear in mind that it is not an offence to carry out development without first obtaining planning permission. Whilst this is clearly unsatisfactory, there may be occasions, particularly in the case of householder development, where works have been undertaken under the impression that they are "permitted development". Before initiating formal action therefore there is always a need to understand the background to any case and to provide the opportunity for the owner or occupier to remedy any breaches voluntarily.

Our Enforcement Concordat also requires the Council to provide businesses with the opportunity to remedy breaches of planning control without recourse to legal action.

Enforcement investigation has the potential to become a criminal matter. As such, any action taken during the course of investigations must comply with the relevant legislation or the Council could be prosecuting the case by default. In order to

protect the Council's position when dealing with enforcement matters, Members are strongly advised to:

- ensure that at no time does any action on their part prejudice the Council's position.
- restrict any enquiries relating to specific issues to matters of fact or general progress of the case.
- acknowledge that enforcement cases are dealt with in accordance with the Council's adopted enforcement policy.

. The action taken is determined either by Committee or The Assistant Director of Strategic Planning and Regulatory Services under delegated powers

If Members are unhappy with the way a case is progressing, the matter should be discussed with the Assistant Director Strategic Planning and Regulatory Services or the Solicitor to the Council, as appropriate, in the first instance and, if unresolved, then the Chief Executive.

UNREASONABLE BEHAVIOUR: A SUMMARY OF THE CRITERIA FROM NATIONAL PLANNING PRACTICE GUIDANCE

Planning authorities are at risk of an award of costs against them, on appeal, if for example, they:

- (1) fail to comply with normal procedural requirements for inquiries or hearings,
- (2) Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:
 - preventing or delaying development which should clearly be permitted, having regard to its accordence with the development plan, national policy and any other material considerations.
 - failure to produce evidence to substantiate each reason for refusal on appeal
 - vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
 - refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead
 - acting contrary to, or not following, well-established case law
 - persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable
 - not determining similar cases in a consistent manner
 - failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances
 - refusing to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage
 - imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the National Planning Policy Framework on planning conditions and obligations
 - requiring that the appellant enter into a planning obligation which does not accord with the law or relevant national policy in the National Planning Policy Framework, on planning conditions and obligations
 - refusing to enter into pre-application discussions, or to provide reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal

- not reviewing their case promptly following the lodging of an appeal against refusal of planning permission (or non-determination), or an application to remove or vary one or more conditions, as part of sensible on-going case management.

- if the local planning authority grants planning permission on an identical application where the evidence base is unchanged and the scheme has not been amended in any way, they run the risk of a full award of costs for an abortive appeal which is subsequently withdrawn

PROTOCOL FOR THE REQUESTING AND CONDUCT OF SITE INSPECTIONS

PART 1: REQUESTING OF SITE INSPECTIONS

1. Members will request a site inspection as early as possible in the application process – and preferably at the same time it is 'called in' to the Committee (where applicable). A site inspection will only be requested at the Committee itself if a physical aspect of the application is not already addressed by the report is raised.
2. Members will explain why a site inspection is considered to be necessary. The reasons might be:
 - (a) To ensure an understanding of the details of the application in respect of other buildings (e.g. window-window relationships).
 - (b) To acquaint the Committee with the proposals prominence in the landscape.
 - (c) To ensure that the Committee is familiar with the context within which an application is proposed (e.g. the surroundings of an 'infill' plot in a Conservation Area).

PART 2: CONDUCT OF THE SITE INSPECTION

1. Site visits will be carried out prior to the Committee Meeting and will not constitute a part of the meeting.
2. The site visit will consist of an inspection by Members of the Planning Committee and the Ward Member(s) only, accompanied by the Assistant Director Strategic Planning and Regulatory Services (or their representative). The inspection should be uninterrupted (ie. without participation of the applicant/agent and or objectors/supporters or any representatives of the local community although they may be present).
3. The Chairman will invite the Assistant Director Strategic Planning and Regulatory Services (or his representative) to describe the proposal. She/he will explain:
 - What is proposed
 - Where it will be positioned on the site (including details of access, windows)
 - What physical features that will be affected by the proposal (e.g. any trees or hedges requiring removal, any demolition etc.)
4. Members of the Committee will be invited to ask any questions of clarification of the Assistant Director Strategic Planning and Regulatory Services (or their representative) or any other party, but should not express their opinion on the merits of the application, nor enter into any debate on the merits of the application with other Members.
5. For particularly contentious applications objectors/supporters may be at the site (or gathered on public land nearby) and will be looking to make representations verbally to Members or to hand out material to support their case. In these instances Members (supported as necessary by officers) should explain that the purpose of their visit is to view the site and its

surroundings and that they cannot enter into any discussion in respect of the merits of the application, and cannot accept any written or other material. However Members may wish to receive suggestions of further vantage points from the persons present.

6. If the applicant/agent needs to be present to provide access to the site, they should be requested to allow Members to view unaccompanied. An exception to this would be where the applicant/agent is required to show the Members around – for instance for security purposes or where the inspection involves looking inside an occupied building. In such cases the applicant/agent will be asked not to speak on any issues concerning the merits of the application.
7. The Chairman will ask the Committee if they wish to view the site from any other vantage points.

APPENDIX B

Constitution Review 2017 18 Previously approved at Full Council since December 2016

No.	Item	Date approved by Full Council
1.	<u>Part 1 : Summary</u> None	
2.	<u>Part 2 : Articles</u>	
3.	<u>Senior Management Restructure</u> To approve the consequential changes to the Constitution listed at Appendix A which are as a result of the recent Senior Management Restructure.	11 October 2017
4.	<u>Corporate Structural Realignment & Associated Implications</u> Following approval of the Chief Executive's Corporate Structural Realignment & Associated Implications report by Full Council on 12 December 2017, the Monitoring Officer exercised his delegation to make minor procedural and operational changes to the Constitution in respect of amendments to Officer designations and responsibilities. These were reported to the Governance Committee on 6 February 2018.	12 Dec 2017
5.	<u>Part 3 : Responsibility for Functions</u>	
6.	<u>Disciplinary and Dismissal Procedures for Statutory Officers</u> (1) the Policy, Finance and Administration Committee be appointed as an Investigating and Disciplinary Committee which is politically balanced with no less than 5 Members which is set out in appendix C. Appendix C to be amended to include the Section 151(Chief Finance Officer) and the Monitoring Officer; (2) the terms of reference of the Appeals Committee be amended as set out in Appendix D.	11 October 2017
7.	<u>Rural, Economic and Environmental Affairs Committee</u> (a) the Constitution set the name of this Committee as Melton Economic and Environmental Affairs Committee; (b) To consider amending that the Terms of Reference of the policy committees as follows:- Policy, Finance and Administration Committee have included	11 October 2017

	<p>new delegations as follows:-</p> <p>To deal with all responsibilities within the remit of this Committee in accordance with the best interests of all local communities, including rural.</p> <p>Community and Social Affairs Committee and those of this Committee as retitled be amended as follows: -</p> <p>To deal with all responsibilities within the remit of this Committee in accordance with the best interests of all local communities, including rural.</p>	
8.	<p><u>Part 3 – Terms of Reference of Policy, Finance and Administration</u></p> <p>To amend the existing terms of reference to include new paragraphs 14 -18 set out at Appendix D which deal with disciplinary matters relating to the Council’s statutory officers.</p>	12 Dec 2017
9.	<p><u>Part 3 – Terms of Reference of the Appeals Committee</u></p> <p>To amend the existing terms of reference of the Appeals Committee to amend paragraph 2 to read as follows:</p> <p>“To determine any appeals in respect of staff matters as detailed and provided for in the Council’s human resources policies and procedures including appeals against decisions of the Policy, Finance and Administration Committee to take action short of dismissal with respect to the Council’s Statutory Officers”</p>	12 Dec 2017
10.	<p><u>Director Recruitment Update and Appointment of Recruitment Committee</u></p> <p>A politically-balanced 7 member Recruitment Committee be established to oversee the recruitment process for the two Director roles, in line with the attached terms of reference (Appendix A) and as set out in the exempt Appendix B. The Recruitment Committee to be authorised to make an employment offer as appropriate. The Constitution be updated accordingly;</p> <p>To delegate authority to the Chief Executive to make amendments to the appointments in accordance with the wishes of group leaders.</p>	7 Feb 2018
11.	<p><u>Part 3 – Terms of Reference of Policy, Finance and Administration</u></p> <p>The Monitoring Officer exercised his delegation to make a</p>	27 Feb 2018

	minor procedural and operational change to the Constitution in respect of an amendment to the existing Terms of Reference to the Policy, Finance & Administration Committee to remove the words in brackets being '(5 Members, politically balanced)' at item 14 to align with what had been previously approved by Full Council on 12 December 2017. This change to be reported to the Governance Committee on 27 March 2018.	
12.	<u>Part 3 : Delegations to Officers</u>	
13.	<u>Senior Management Restructure</u> To approve the consequential changes to the Constitution listed at Appendix A which are as a result of the recent Senior Management Restructure.	11 October 2017
14.	<u>Corporate Structural Realignment & Associated Implications</u> Following approval of the Chief Executive's Corporate Structural Realignment & Associated Implications report by Full Council on 12 December 2017, the Monitoring Officer exercised his delegation to make minor procedural and operational changes to the Constitution in respect of amendments to Officer designations and responsibilities. These were reported to the Governance Committee on 6 February 2018.	12 Dec 2017
15.	<u>Part 3 – Scheme of Delegations to Officers – Head of Communities and Neighbourhoods</u> Following the departure of the Head of Communities and Neighbourhoods and the termination of the role in the Council's management structure on 11 February 2018, the Scheme of Delegations to Officers be amended as set out in tracked changes at Appendix C.	22 Feb 2018
16.	<u>Part 3 – Scheme of Delegations to Officers – Authorisation to act</u> The Officer Delegations be amended to state that the Director for Corporate Services is able to deputise and act for the Chief Executive and the Deputy Chief Executive.	22 Feb 2018
17.	<u>Part 3 – Scheme of Delegations to Officers – Debt Recovery</u> The Officer Delegations in respect of debt recovery be amended due to a change in policy for housing benefit overpayment. There is an addition to the existing delegation and a new delegation included as follows, changes shown in	22 Feb 2018

	<p>red :-</p> <p>'To administer, formulate and amend the Council's procedures to deal with debt recovery and Housing benefit overpayments and to take any action including the instigation of legal proceedings and the authorisation of officers to appear in court in connection therewith.</p> <p>Any write off of Housing Benefit overpayments that are still within the Housing Benefit system will be dealt with in line with the Housing benefit overpayment policy'</p>	
18.	<p><u>Waste Management – New Officer Delegation to Assistant Director of Planning & Regulatory Services</u></p> <p>The Committee delegates to the Assistant Director of Strategic Planning & Regulatory Services in consultation with the Chair of the Melton Economic & Environmental Affairs Committee (MEEA), authority to make relevant changes to the method of operational delivery within the waste collection and street cleaning contract where there is no impact on service delivery to the end user and where financial savings can be made. and recommends to Full Council that the Scheme of Delegation to Officers in the Constitution be amended and adopted accordingly.</p>	22 Feb 2018
19.	<u>Part 4 : Rules of Procedure</u>	
20.	<p><u>Part 4 – Rules of Procedure</u></p> <p><u>Procedure Rule 22.2 – Public Speaking at Planning Committee</u></p> <p>To approve the tracked changed amendments to Part 4 (Appendix A), Procedure Rule 22.2 relating to public speaking at the Planning Committee</p>	23 Feb 2017
21.	<p><u>Part 4 – Rules of Procedure</u></p> <p><u>Substitute Policy for Committees and Sub Committees</u></p> <p>To approve a slightly updated version of the Substitute Policy which amends the example Attendance Register to reflect current Members</p>	23 Feb 2017
22.	<p><u>Senior Management Restructure</u></p> <p>To approve the consequential changes to the Constitution listed at Appendix A which are as a result of the recent Senior Management Restructure.</p>	11 October 2017
23.	<p><u>Part 4 - Contract Procedure Rules</u></p> <p>To approve 3 new appendices to the Contract Procedure Rules as detailed in paragraph 3.4 of the report :-</p>	12 Dec 2017

	<ul style="list-style-type: none"> • Appendix A – Approval for the use of a Framework Agreement • Appendix B – Approval for Contract Award • Appendix C – Approval to Extend a Contract 	
24.	<p><u>Part 4 - Financial Procedure Rules</u></p> <p>To approve the following 3 new paragraphs at Section 3 of the Financial Procedure Rules as detailed in paragraph 3.5 of the report :- Section 3 – Financial Systems and Procedures</p> <p>2. Income and Expenditure Key Controls</p> <p>2.2(k) - set up and operation of a PayPal or World Pay account for the collection of income from specific website transactions within services shall require the approval of the Corporate Director, who shall establish appropriate procedures for their operation. Where applicable, the Corporate Director should nominate a separate PayPal administrator and certifying officer whose responsibility will entail reconciling the income received and charges levied via the PayPal account to amounts due and to the Council's financial system.</p> <p>Responsibilities of Corporate Director</p> <p>2.7 - to authorise the setting up and controls to operate with regard to a PayPal account for the collection of income from specific website transactions within services as stated in the key controls above</p> <p>Responsibilities of Directors / Heads of Service</p> <p>2.20 - to request the Corporate Director to set up a PayPal account for their service if required and to nominate a PayPal administrator who will be responsible for the operation of the account in line with the required procedures.</p>	12 Dec 2017
25.	<p><u>Officer Employment Procedure Rules - Corporate Structural Realignment & Associated Implications</u></p> <p>(9) an amendment to the Constitution in relation to Members appointments of deputy chief officers posts and related employment matters as per para 4.2 of the report be referred to the next meeting of Full Council to reflect the flatter management hierarchy approved in (1) above.</p>	12 Dec 2017

26.	<u>Corporate Structural Realignment & Associated Implications</u> Following approval of the Chief Executive's Corporate Structural Realignment & Associated Implications report by Full Council on 12 December 2017, the Monitoring Officer exercised his delegation to make minor procedural and operational changes to the Constitution in respect of amendments to Officer designations and responsibilities. These were reported to the Governance Committee on 6 February 2018.	12 Dec 2017
27.	<u>Contract Procedure Rules : EU Thresholds</u> To note that the Director for Corporate Services had exercised her delegation for a legislative amendment to the EU thresholds within the Contract Procedure Rules as set out at Appendix A and which came into effect from 1 January 2018 and will apply for two years.	22 Feb 2018
28.	<u>Substitute Policy amendment – recommendation from Policy, Finance and Administration Committee</u> The Substitute Policy be amended with the tracked changes as set out at Appendix B and Paragraph 5 on page 26 should be amended to read:- Due to Members of the Policy, Finance and Administration Committee also having the function to sit as the Investigating and Disciplinary Committee, these Members may not substitute on the Appeals Committee when it is considering an appeal against a decision in which the Member took part.	22 Feb 2018
29.	<u>Part 5 : Codes and Protocols</u>	
30.	<u>Part 5 – Codes and Protocols</u> <u>Code of Conduct for Members and Officers dealing with Planning Matters</u> To approve the tracked changed amendments to Part 5 (Appendix B), relating to the Code of Conduct for Members and Officers dealing with Planning Matters	23 Feb 2017
31.	<u>Members' Code of Conduct – Page 5</u> To update reference to the Equality Act to be 2010 and not 2006	23 Feb 2017
	<u>Planning matters</u> Subject to an amendment to Appendix A, reflecting that the Chair of the Planning Committee may exercise their	26 April 2017

	discretion in relation to the requirement for Ward Councillors (or replacement Councillors) to give at least 24 hours notice before addressing the Planning Committee;	
	<u>Minutes Procedure</u> To approve the Minutes Procedure document and the tracked changes at Appendix B.	26 April 2017
	<u>Senior Management Restructure</u> To approve the consequential changes to the Constitution listed at Appendix A which are as a result of the recent Senior Management Restructure.	11 October 2017
	<u>Corporate Structural Realignment & Associated Implications</u> Following approval of the Chief Executive's Corporate Structural Realignment & Associated Implications report by Full Council on 12 December 2017, the Monitoring Officer exercised his delegation to make minor procedural and operational changes to the Constitution in respect of amendments to Officer designations and responsibilities. These were reported to the Governance Committee on 6 February 2018.	12 Dec 2017
	<u>Part 6 : Members' Allowances Scheme</u>	
	<u>Member Allowances Scheme 2017 18</u> (1) the updated Member Allowances Scheme be approved to commence in the Civic Year 2017/18 as at Appendix A to the report; (2) the Member Allowances Scheme be included for consideration as part of the Revenue Budget Setting report; and (3) the Member Allowances Scheme contained at Part 6 of the Constitution be updated to reflect the scheme approved at this meeting with effect from the start of the new Civic Year 2017/18.	8 Feb 2017
	<u>Members' Allowances Scheme 2017 18</u> The revised Members' Allowances Scheme for 2017/18 be adopted and incorporated into the Council's Constitution.	19 July 2017
	<u>Senior Management Restructure</u>	11 October 2017

	To approve the consequential changes to the Constitution listed at Appendix A which are as a result of the recent Senior Management Restructure.	
	<u>Corporate Structural Realignment & Associated Implications</u> Following approval of the Chief Executive's Corporate Structural Realignment & Associated Implications report by Full Council on 12 December 2017, the Monitoring Officer exercised his delegation to make minor procedural and operational changes to the Constitution in respect of amendments to Officer designations and responsibilities. These were reported to the Governance Committee on 6 February 2018.	12 Dec 2017
	<u>Members' Allowances Scheme 2018 19 (part of Revenue Budget report)</u> (8) To approve that the Member Allowances Scheme as set out at Appendix I to commence in the Civic Year 2018/19.	7 Feb 2018
		7 Feb 2018
	<u>Part 7 : Management Structure</u>	
	<u>Senior Management Restructure</u> To approve the consequential changes to the Constitution listed at Appendix A which are as a result of the recent Senior Management Restructure.	11 October 2017
	<u>Corporate Structural Realignment & Associated Implications</u> Following approval of the Chief Executive's Corporate Structural Realignment & Associated Implications report by Full Council on 12 December 2017, the Monitoring Officer exercised his delegation to make minor procedural and operational changes to the Constitution in respect of the Management Structure at Part 7. This was reported to the Governance Committee on 6 February 2018.	12 Dec 2017
	<u>Part 8 : Performance Management</u> No change	-
	<u>Part 9 : Single Equality Scheme</u>	
	<u>Senior Management Restructure</u>	11 October 2017

	To approve the consequential changes to the Constitution listed at Appendix A which are as a result of the recent Senior Management Restructure.	
	<p><u>Corporate Structural Realignment & Associated Implications</u></p> <p>Following approval of the Chief Executive's Corporate Structural Realignment & Associated Implications report by Full Council on 12 December 2017, the Monitoring Officer exercised his delegation to make minor procedural and operational changes to the Constitution in respect of the documents at Part 10 in respect of amendments to Officer designations. These were reported to the Governance Committee on 6 February 2018.</p>	12 Dec 2017
	<u>Part 10 : Whistleblowing Policy etc</u>	
	<p><u>Anti Bribery Policy</u></p> <p><u>RESOLVED</u> that the Anti Bribery Policy at Appendix A be adopted and incorporation into this Council's Constitution.</p>	26 April 2017
	<p><u>Counter Fraud and Corruption Policy</u></p> <p>(1) the revised Counter Fraud and Corruption Policy be approved and the Constitution be updated accordingly with the revised document;</p>	19 July 2017
	<p><u>Senior Management Restructure</u></p> <p>To approve the consequential changes to the Constitution listed at Appendix A which are as a result of the recent Senior Management Restructure.</p>	11 October 2017
	<p><u>Corporate Structural Realignment & Associated Implications</u></p> <p>Following approval of the Chief Executive's Corporate Structural Realignment & Associated Implications report by Full Council on 12 December 2017, the Monitoring Officer exercised his delegation to make minor procedural and operational changes to the Constitution relating to the documents at Part 10 in respect of amendments to Officer designations. These were reported to the Governance Committee on 6 February 2018.</p>	12 Dec 2017

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CALENDAR OF MEETINGS 2018/19

	2018								2019				
COMMITTEE	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May
Community & Social Affairs		Wed 20			Wed 12		Wed 14		Tue 22		Tue 19		
Governance		Tue 12	Tue 24		Tue 18		Tue 20			Tue 5	Tue 26		
Licensing & Regulatory		Mon 11			Mon 10		Mon 12		Mon 14		Mon 11		
Melton , Economic & Environmental Affairs		Wed 6			Wed 5	Wed 31			Wed 9		Wed 6		
Planning 6 p.m. start	Thu 24	Thu 14	Thu 5 & 26	Thu 16	Thu 6 & 27	Thu 18	Thu 15	Thu 13	Thu 10 & 31	Thu 21	Thu 14	Thu 4 & 25	
Policy, Finance & Administration			Tue 10		Tue 25		Wed 28		Wed 30			Wed 10	
Town Area *Main Committee		*Mon 4	Mon 2	Mon 6	*Mon 3	*Mon 22		Mon 3	*Mon 7		*Mon 4	Mon 8	
Full Council *Extra = Extraordinary Council meeting	Tue 15 7pm AGM		Wed 18			Wed 10		Wed 12		Wed 13 & 27		Wed 17	Thu 16 7 pm AGM

Meetings will be held at Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire. LE13 1GH unless otherwise shown. **Meetings start at 6.30 p.m. unless otherwise stated.** All meetings are open to the public and papers will be published at www.melton.gov.uk 5 clear working days before the meeting. For any further information or to view agendas and associated papers, please contact Customer Services on 01664 502502

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GOVERNANCE COMMITTEE

27 MARCH 2018

REPORT OF MONITORING OFFICER

CODE OF CONDUCT – UPDATE

1.0 PURPOSE OF REPORT

- 1.1 To update the Committee on the latest position with regard to standards matters including the Code of Conduct, the Registration of Disclosable Pecuniary Interests and Other Interests and any complaints against Councillors dealt with under the Council's process.

2.0 RECOMMENDATIONS

- 2.1 **The update on the position of standards matters including Parishes' Registration of Disclosable Pecuniary Interests and Other Interests and complaints against Councillors dealt with under the provisions of the Localism Act be noted.**

3.0 KEY ISSUES

3.1 Registration of Disclosable Pecuniary Interests and Other Interests

Registration of Disclosable Pecuniary Interests (DPI) and other interests appears to have become the norm for Borough and Parish Councillors to complete when there is any change. Updates from both Borough and Parish Councillors are generally received when there is change to the submitted form or when new Councillors are appointed and these updates are added to the Council's website.

3.2 Complaints

There are two complaints in progress. At the time of writing this report, one is at the informal resolution stage and the other is to be referred to Sub Committee 1.

3.3 Independent Persons and Parish Representatives

The Independent Persons workshop event due to have been on 15 February 2018 at Lincoln was cancelled.

4.0 POLICY AND CORPORATE IMPLICATIONS

- 4.1 Strong Corporate Governance is important in order to ensure high standards of conduct are maintained.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

- 5.1 The implementation of the new requirements is impacting on administrative resources with particular regard to the Parish requirements.

6.0 LEGAL IMPLICATIONS/POWERS

6.1 Of particular note in the Localism Act is the change making the non-registration of a disclosable pecuniary interest within 28 days a criminal offence.

7.0 COMMUNITY SAFETY

7.1 There are no specific community safety implications in this report.

8.0 EQUALITIES

8.1 An Equalities Screening Assessment has been completed and outlines the Council’s responsibilities with regard to matters within the report under the Localism Act.

9.0 RISKS

9.1 The risks associated with the report are considered to relate to managing the requirements of the Localism Act and the implications of this not being followed by Councillors impacting on the Council’s decision-making process and reputation.

L I K E L I H O O D	A	Very High				
	B	High				
	C	Significant				
	D	Low		1		
	E	Very Low				
	F	Almost Impossible				
			Negligible 1	Marginal 2	Critical 3	Catastrophic 4

IMPACT

Risk No	Risk Description
1	Decisions of the Sub Committees challenged due to processes not followed in line with legislation and the Council’s agreed process.

10.0 CLIMATE CHANGE

10.1 Publishing the Registration of Disclosable Pecuniary Interest forms and information on the Councillor Complaints process to the website encourages paper free access to information and helps to meet the Council’s green targets.

11.0 CONSULTATION

11.1 There is consultation with the Independent Persons on Member complaints that are not informally resolved as well as consultation with the Parish Representatives on Parish Councillor complaints.

12.0 WARDS AFFECTED

12.1 All indirectly.

Contact Officer:	Keith Aubrey, Monitoring Officer
Date:	March 2018
Appendices:	None.
Background Papers:	Localism Act 2011 Minutes of Council Meeting held on 18 July 2012 Minutes of Council Meeting held on 17 July 2013 Minutes of Council Meeting held on 11 December 2013 Previous Minutes of Standards Committee Previous Minutes of Governance Committee
Reference:	Governance/2017-18/270318/Code of Conduct – Update on Progress

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GOVERNANCE COMMITTEE

27 MARCH 2018

REPORT OF CORPORATE DIRECTOR FOR CENTRAL SERVICES ON BEHALF OF AWARD OF MERIT TASK GROUP

AWARD OF MERIT SCHEME : AWARDEES 2017/18

1.0 PURPOSE OF REPORT

- 1.1 Following a publicity campaign to receive nominations for the Mayor's Award of Merit Scheme, the Task Group met on 12 March 2018 to consider nominations received. This report presents the Task Group's recommendations.
- 1.2 In accordance with the Task Group Protocol the report is presented on behalf of the Award of Merit Task Group.

2.0 RECOMMENDATIONS

- 2.1 **To approve the list of proposed awardees as listed in the exempt Appendix A.**
- 2.2 **To note that presentations will be made by the Mayor to the awardees at the meeting of the Full Council on Wednesday 25 April 2018.**
- 2.3 **That the Mayor's Awards continue as a separately promoted event by the Mayor (para 4.2 refers).**

3.0 KEY ISSUES

- 3.1 At its meeting on 12 March 2018, the Task group considered nominations for the Award of Merit Scheme.
- 3.2 Nominations were received as follows :-
 - 10 for the Award of Merit
 - 9 for the Melton Borough Award
 - 5 for the Young Citizen Award
- 3.3 The following number and category of awards are put forward to the Committee for approval and the detail is set out in the exempt Appendix A :-
 - 3 for the Award of Merit
 - 1 for the Melton Borough Award
 - 5 for the Young Citizen Award
 - The 'Robert Hyslop Citizen of the Year Award' be awarded to the most outstanding of the Award of Merit nominations;
 - The Derek Sanders Cup to the outstanding Young Citizen nomination.

3.4 Subject to the Committee's approval, these awards will be presented at the Full Council on 25 April 2018. Prior to the meeting, there will be a Mayoral reception for the awardees, their nominators and all Councillors.

3.5 Following the formal presentations, the awardees will be added to the Council's public record of awardees on the website.

3.6 **MERGING THE MAYOR'S AWARDS WITH THE MELTON TIMES COMMUNITY AWARDS**

3.7 At its meeting on 6 June 2017, the Governance Committee discussed the possibility of the Task Group merging the Mayor's Awards with the Melton Times Community Awards and suggested that the Task Group discuss this option in more detail.

3.8 At its meeting on 12 March, the Task Group reconsidered this option and were of the opinion that due to the civic prestige of the Mayor's Awards and having regard to the number of nominations received, the Mayor's Awards remain as a separately promoted event by the Mayor.

4.0 **POLICY AND CORPORATE IMPLICATIONS**

4.1 To recognise outstanding service to the community in individuals and groups encourages others to become involved in supporting community and voluntary activities.

4.2 The scheme gives a positive message that the Council wishes to publicly recognise those that contribute voluntarily to the life of the Borough.

5.0 **FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

5.1 Any financial and staffing implications will be met from existing resources.

6.0 **LEGAL IMPLICATIONS/POWERS**

6.1 There are no legal implications.

7.0 **COMMUNITY SAFETY**

7.1 Nominations may be received in recognition of Community Safety initiatives.

8.0 **EQUALITIES**

8.1 An equality impact assessment has been completed.

9.0 **RISKS**

9.1 There are no significant risks associated with this report.

10.0 **CLIMATE CHANGE**

10.1 Nominations are able to be received electronically in recognition of energy saving and green initiatives. This year the majority of nominations were received

electronically. The record of previous Awardees is available electronically on the Council's website.

11.0 **CONSULTATION**

11.1 The scheme has been made publicly accessible since its introduction and there has been consultation on the scheme with the Mayor and the Task Group Members since the start of the scheme in 1988/89.

12.0 **WARDS AFFECTED**

12.1 All wards are affected.

Contact Officer: Lena Shuttlewood, Democracy & Involvement Officer
Date: 15 March 2018
Appendices : Exempt Appendix A – Proposed Awardees
Background Papers: Full Council Minutes – April/May each year 1988 to 2017
Governance Committee – 6 June 2017
Task Group Minutes

Reference : X:\Governance\2017 18\270318

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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