



# Council

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**Wednesday 29 September 2021**  
**2.00 p.m.**

**Rotherham**  
Metropolitan  
Borough Council 

# WELCOME TO TODAY'S MEETING

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## GUIDANCE FOR THE PUBLIC

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The Council is composed of 59 Councillors, who are democratically accountable to the residents of their ward.

The Council Meeting is chaired by the Mayor, who will ensure that its business can be carried out efficiently and with regard to respecting the rights and responsibilities of Councillors and the interests of the community. The Mayor is the Borough's first citizen and is treated with respect by the whole Council, as should visitors and member of the public.

All Councillors meet together as the Council. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints its Leader, Mayor and Deputy Mayor and at its Annual Meeting will appoint Councillors to serve on its committees.

Copies of the agenda and reports are available on the Council's website at [www.rotherham.gov.uk](http://www.rotherham.gov.uk). You may not be allowed to see some reports because they contain private information and these will be marked accordingly on the agenda.

Members of the public have the right to ask questions or submit petitions to Council meetings. A member of the public may ask one general question in person which must be received in writing to the Chief Executive by 10.00 a.m. on the Friday preceding a Council meeting on the following Wednesday and must not exceed sixty words in length. Questions can be emailed to [governance@rotherham.gov.uk](mailto:governance@rotherham.gov.uk)

Council meetings are recorded and streamed live or subsequently uploaded to the Council's website. At the start of the meeting the Mayor will confirm if the meeting is being filmed. You would need to confirm your wish not to be filmed to Democratic Services. Recording of the meeting by members of the public is also allowed.

Council meetings are open to the public, but occasionally the Council may have to discuss an item in private. If this occurs you will be asked to leave.

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## FACILITIES

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There are public toilets, one of which is designated disabled with full wheelchair access, with full lift access to all floors. Induction loop facilities are also available in the Council Chamber, John Smith Room and Committee Rooms 1 and 2.

Access for people with mobility difficulties can be obtained via the ramp at the main entrance to the Town Hall.

If you have any queries on this agenda, please contact:-

Contact:- Emma Hill, Acting Head of Democratic Services  
[governance@rotherham.gov.uk](mailto:governance@rotherham.gov.uk)

Date of Publication:- **21<sup>st</sup> September, 2021**

# COUNCIL

Wednesday 29 September 2021 at 2.00 p.m.

THE MAYOR (Councillor Jenny Andrews)  
DEPUTY MAYOR (Councillor Tajamal Khan)

CHIEF EXECUTIVE (Sharon Kemp)

## MEMBERS OF THE COUNCIL

### ANSTON AND WOODSETTS

BAUM-DIXON, Timothy J.  
MCCLURE, Emma J.  
WILSON, Tracey H.

### ASTON AND TODWICK

BACON, Joshua  
BARKER, Aaron

### AUGHTON AND SWALLOWNEST

AUSTIN, Jack C.  
PITCHLEY, Lyndsay

### BOSTON CASTLE

ALAM, Saghir  
MCNEELY, Rose M.  
YASSEEN, Taiba K.

### BRAMLEY AND RAVENFIELD

MILLS, Lewis H.M.  
REYNOLDS, Gregory

### BRINSWORTH

CARTER, Adam J.  
CARTER, Charlotte R.

### DALTON AND THRYBERGH

BAKER-ROGERS, Joanna  
SYLVESTER, Michael D.P.

### DINNINGTON

CASTLEDINE-DACK, Sophie  
WHOMERSLEY, Benjamin J.  
WOODING, Charlie Andrew

### GREASBROUGH

ALLEN, Sarah A.  
ELLIOTT, Robert W.

### HELLABY AND MALTBY WEST

ANDREWS, Jenny  
BALL, Simon A.

### HOOBER

BARLEY, Emily J.  
LELLIOTT, Denise  
ROCHE, David J.

### KEPPEL

BROWNE, Tony  
CLARK, Maggi  
HAGUE, Paul

### KILNHURST AND SWINTON (EAST)

CUSWORTH, Victoria  
SANSOME, Stuart J.

### MALTBY EAST

HUNTER, Lee J.  
TINSLEY, Adam J.

### RAWMARSH EAST

HUGHES, Rachel E.M.  
SHEPPARD, David

### RAWMARSH WEST

BIRD, Bob  
THOMPSON, Jill

### ROTHER VALE

BROOKES, Amy C.  
MIRO, Firas

### ROTHERHAM EAST

COOKSEY, Wendy  
HALEEM, Rukhsana B.  
KHAN, Tajamal

### ROTHERHAM WEST

AVEYARD, Ben  
JONES, Ian P.  
KEENAN, Eve

### SITWELL

BURNETT, Simon L.  
FISHER, David F.  
GRIFFIN, Tony

### SWINTON ROCKINGHAM

MONK, Gina  
WYATT, Ken

### THURCROFT & WICKERSLEY

COLLINGHAM, Zachary A.  
SINGLETON, Thomas R.

### WALES

BECK, Dominic E.  
HAVARD, Marnie A.

### WATH

ATKIN, Alan  
COWEN, Sheila A.

### WICKERSLEY NORTH

ELLIS, Sue  
HODDINOTT, Emma E.  
READ, Chris

# **Council Meeting Agenda**

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**Time and Date:-**

Wednesday 29 September 2021 at 2.00 p.m.

**Venue:-**

Magna, Magna Way, Rotherham. S60 1FD

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**1. ANNOUNCEMENTS**

To consider any announcements by the Mayor in accordance with Council Procedure Rule 3(2)(ii).

**2. APOLOGIES FOR ABSENCE**

To receive the apologies of any Member who is unable to attend the meeting.

**3. COMMUNICATIONS**

Any communication received by the Mayor or Chief Executive which relates to a recommendation of the Cabinet or a committee which was received after the relevant meeting.

**4. MINUTES OF THE PREVIOUS COUNCIL MEETING (Pages 10 - 35)**

To receive the record of proceedings of the ordinary meeting of the Council held on 21<sup>st</sup> July, 2021, and to approve the accuracy thereof.

**5. PETITIONS**

To report on any petitions received by the Council and receive statements in support of petitions in accordance with Petitions Scheme and Council Procedure Rule 13.

No petitions have been received since the previous Council Meeting held on 21<sup>st</sup> July, 2021.

**6. DECLARATIONS OF INTEREST**

To invite Councillors to declare any disclosable pecuniary interests or personal interests they may have in any matter which is to be considered at this meeting, to confirm the nature of those interests and whether they intend to leave the meeting for the consideration of the item.



## **7. PUBLIC QUESTIONS**

To receive questions from members of the public who may wish to ask a general question of the Mayor, Cabinet Member or the Chairman of a Committee in accordance with Council Procedure Rule 12.

## **8. EXCLUSION OF THE PRESS AND PUBLIC**

Should it be necessary, in the opinion of the Mayor, to consider excluding the press and public from the meeting in relation to any items of urgent business on the grounds that private information is likely to be divulged.

There are no such items at the time of preparing this agenda.

## **9. LEADER OF THE COUNCIL'S STATEMENT**

To receive a statement from the Leader of the Council in accordance with Council Procedure Rule 9.

## **10. MINUTES OF THE CABINET MEETINGS (Pages 36 - 48)**

To note the minutes of the Cabinet Meetings held on 19<sup>th</sup> July and 16<sup>th</sup> August, 2021.

## **11. ASSISTANT DIRECTOR OF LEGAL SERVICES AND MONITORING OFFICER (Pages 49 - 51)**

To formally notify Council of the appointment of the Assistant Director Legal Services and Monitoring Officer and to approve the appointment as the Council's Monitoring Officer.

## **12. AUDIT COMMITTEE ANNUAL REPORT 2020/21 (Pages 52 - 65)**

To consider the report and approve the Audit Committee Annual Report 2020/21.

## **13. AMENDMENTS TO APPOINTMENT OF MEMBERS TO COMMITTEES, BOARDS AND PANELS (Pages 66 - 70)**

To inform Council of amendments to the nomination of Members to serve on Committees, Boards and Panels.

## **14. CONSTITUTION AMENDMENTS (Pages 71 - 165)**

To consider amendments to various parts of the Council's Constitution following a periodic review by the Constitution Working Group.

## **15. CABINET RESPONSE TO RECOMMENDATIONS FROM SCRUTINY REVIEW OF BUILDING USE (Pages 166 - 177)**

To note the Cabinet's response to the recommendations arising from the scrutiny review of Building Use.

## **16. NOTICE OF MOTION - UNIVERSAL CREDIT**

That this Council notes:-

The Government is currently continuing to press ahead with its plans to cut £20 per week from recipients of Universal Credit and Working Tax Credit on the 6<sup>th</sup> October.

This means almost thirty thousand households in our borough will suffer from increased anxiety over how to make ends meet, as £20 each week is removed from an already extremely tight budget. Figures from the Joseph Rowntree Foundation show that 16,380 of the households in the borough of Rotherham are families with children.

The devastating impact of this proposed cut is unimaginable, unnecessary, and unconscionable.

Therefore, this Council resolves to call on the Government to protect the most vulnerable households in our borough and across the country by not withdrawing £20 per week from those with the lowest incomes in our society.

Mover:- Councillor Sheppard

Seconder:- Councillor Allen

## **17. NOTICE OF MOTION - END 'FIRE AND REHIRE' NOW!**

This Council notes:-

- 1 in 10 workers have experienced 'fire and rehire' - told to reapply for their jobs on worse pay, terms and conditions or face the sack, with BME workers facing this at twice the rate of white workers since March 2020 (TUC research, January 2021). A quarter of all workers have experienced a worsening of their terms and conditions – including a cut in their pay - since the pandemic began.
- That while the prime minister has called the practice “unacceptable” he has continually refused to take action to outlaw the practice, raising concerns that he will not intervene in this race to the bottom as an escalating number of employers, across all sectors, take advantage of our weak employment protections and force their staff to accept worse terms and conditions, leaving many having to work longer hours and for lower pay, with what can be devastating consequences for workers and their families.
- Even before the pandemic, 1 in 9 workers – 3.8 million people – were already 'insecure', meaning they did not have access to basic rights at work and could be dismissed at will; including those on zero hour contracts and agency workers.
- Despite austerity, as a Labour led council we pay our employees the real living wage. It is important that working people have a decent wage to live off and the council is committed to working towards being a Living Wage Employer and encouraging others to do the same.

- We have been committed to improving pay and conditions and preventing exploitation by signing up to initiatives such as Unison's Ethical Care Charter and the Charter against Modern Slavery. The latter of which placed conditions on our suppliers including the right to join a trade union.
- We have strengthened our community wealth building approach and introduced a social value policy to ensure that good employment practice and support for local business is prioritised.

This Council, therefore, resolves to:-

- Ensure local residents are protected against such unscrupulous employers and agrees to ask the Leader of the Council to write to the Prime Minister demanding he outlaw fire and rehire and act now to keep his promise to local residents to protect their employment terms and conditions.
- Not use fire and rehire itself as an employer and discourage its use by council contractors, and to ensure the council has a procurement practice that means we are working with contractors that have good employment, trade union, equality and environmental records.
- Promote the increasing number of progressive local employers prioritising their employees' standard of living and their wellbeing, work with our anchor institutions and key partners to bring forward plans to ensure all have best practice employment and to work with recognised trade unions on this.
- Support the TUC campaign for a 'New Deal for Working People'.

Mover:- Councillor Cooksey

Seconder:- Councillor Yasseen

## **18. NOTICE OF MOTION - REMEMBRANCE DAY PARADES**

Each November, communities come together to honour those who have fought to defend our freedoms, and pay respects to our fallen soldiers.

Remembrance Day Parades are a feature of these acts of commemoration up and down the country, but in our Borough they are under threat.

In the past, road closures to allow parades to go ahead in villages across the Borough have been facilitated by South Yorkshire Police, but a change in police policy means this will no longer be the case. Instead, local event organisers will need to apply to RMBC for a temporary road closure, provide a traffic management plan, and use volunteers or a traffic management company to facilitate closures.

At present, the process for doing so is opaque and no information or guidance from RMBC is publicly available. The costs for smaller scale event organisers may also be prohibitive.

Unless the Council takes action, Remembrance Day Parades are unlikely to go ahead in villages where they usually take place.

Therefore, we call on the Council to:-

- Set out a clear process for community event organisers to apply for temporary road closures for Remembrance Day Parades and other community events;
- Provide written guidance, a template traffic management plan, a template risk assessment, and Officer support to event organisers;
- Share the costs associated with road closures to enable Remembrance Day Parades with organisers, in recognition of the important role these events have within communities and out of respect for the armed forces;
- Make all reasonable efforts to assist community organisers and enable Remembrance Day Parades to go ahead this year.

Mover:- Councillor Barley

Seconder: Councillor Tinsley

**19. AUDIT COMMITTEE (Pages 178 - 190)**

To receive and consider reports, minutes and recommendations of the Audit Committee.

To confirm the minutes as a true record.

**20. PLANNING BOARD (Pages 191 - 195)**

To receive and consider reports, minutes and recommendations of the Planning Board.

To confirm the minutes as a true record.

**21. LICENSING BOARD SUB-COMMITTEE AND LICENSING SUB-COMMITTEE (Pages 196 - 203)**

To receive and consider reports, minutes and recommendations of the Licensing Board Sub-Committee and Licensing Sub-Committee.

To confirm the minutes as a true record.

**22. MEMBERS' QUESTIONS TO DESIGNATED SPOKESPERSONS**

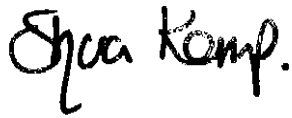
To put questions, if any, to the designated Members on the discharge of functions of the South Yorkshire Police and Crime Panel, South Yorkshire Fire and Rescue Authority, Barnsley, Doncaster, Rotherham and Sheffield Combined Authority and South Yorkshire Pensions Authority, in accordance with Council Procedure Rule 11(5).

**23. MEMBERS' QUESTIONS TO CABINET MEMBERS AND CHAIRPERSONS**

To put questions, if any, to Cabinet Members and Committee Chairpersons (or their representatives) under Council Procedure Rules 11(1) and 11(3).

## **24. URGENT ITEMS**

Any other public items which the Mayor determines are urgent.

A handwritten signature in black ink, reading "Sharon Kemp." The signature is written in a cursive, flowing style.

**SHARON KEMP,**  
Chief Executive.

**The next meeting of the Council will be on  
Wednesday 10<sup>th</sup> November, 2021 at 2.00 p.m.**

**COUNCIL MEETING**  
**21st July, 2021**

Present:- The Mayor (Councillor Jenny Andrews) (in the Chair); Councillors Allen, Atkin, Austin, Aveyard, Bacon, Barley, Baum-Dixon, Beck, Bird, Brookes, Browne, Burnett, A Carter, C Carter, Castledine-Dack, Collingham, Cooksey, Cowen, R. Elliott, Ellis, Fisher, Griffin, Havard, Hughes, Hunter, Jones, Keenan, Khan, McNeely, Mills, Pitchley, Reynolds, Roche, Sansome, Singleton, Sylvester, Thompson, Tinsley, Whomersley, Wooding, Wyatt and Yasseen.

The webcast of the Council Meeting can be viewed at:-

<https://rotherham.public-i.tv/core/portal/home>

**23. ANNOUNCEMENTS**

The Mayor hoped colleagues were enjoying the summer and being careful in the heat. A number of Councillors were not in attendance today, many as a result of having to self-isolate.

The Mayor welcomed the opportunity to report on a number of engagements:-

- Friday , 11th June saw the annual ceremonial tee-off for the RMBC Golf Society Mayor's Charity Cup at the Grange Park Golf Club.
- Saturday, 26th June saw the raising of the Armed Forces flag at the Town Hall to mark the occasion of Armed Forces Day.

This event was again undertaken with strict observance of Covid regulations but meeting socially distanced, the Mayor and Mayoress, the Deputy Mayor and Deputy Mayoress, the Armed Forces Champion, Councillor Eve Keenan, and John Healy MP, were honoured to be in the company of Major Adrian Hunt, Chairman of the Rotherham Military Community Veterans Centre, and veteran Ron Moffett MBE who raised the flag on behalf of the veterans of Rotherham.

- The group re-assembled again the following week on Saturday, 3rd July when the flag was lowered by Ron Moffatt.
- This Friday the post-Covid relaunch of the Military Community Veterans Centre will be attended at the New York Stadium. The Mayor was honoured to be invited to present Ron with an Armed Forces Flag in a commemorative box to thank him for his service in the Armed Forces and for all he has done for the veterans over the years.

Engagements would again commence in the next few months as restrictions on gatherings start to lift.

**24. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillors Alam, Baker-Rogers, Ball, Clark, Cusworth, Hague, Haleem, Hoddinott, Lelliott, McClure, Miro, Monk, Read, Shepherd and Wilson.

**25. COMMUNICATIONS**

There were no communications to report.

**26. MINUTES OF THE PREVIOUS COUNCIL MEETING**

**Resolved:** - That the minutes of the meeting of Council held on 26<sup>th</sup> May, 2021 be approved for signature by the Mayor, subject to an amendment to Minute No. 15 (Memberships) to confirm the correct Chair and Vice-Chair for the Corporate Parenting Panel as:-

Councillor Cusworth, Cabinet Member (Chair)

Councillor Pitchley, Chair of Improving Lives Select Commission (Vice-Chair)

Mover: - Councillor Allen

Seconder: - Councillor Roche

**27. PETITIONS**

The Mayor introduced the report and confirmed the receipt of three petitions received since the last Council meeting which had not met the threshold for consideration by Council.

- Containing 121 signatures calling on the Council to investigate HGV Activity through Maltby.

Mrs. J. Walker addressed the Council as part of the presentation of the petition.

- Containing 258 signatures calling on the Council to provide a pedestrian crossing outside Kilnhurst Primary School, Hooton Road, Kilnhurst.

Councillor Sansome addressed the Council as part of the presentation of the petition.

**Resolved:-** (1) That the report be received.

(2) That the relevant Strategic Directors be required to respond to the lead petitioners, as detailed in the report, by 4<sup>th</sup> August, 2021.

Mover: - Councillor Allen

Seconder: - Councillor Beck

**28. DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

**29. PUBLIC QUESTIONS**

(1) Mr. J. Smith was unable to attend the meeting and would receive a written response.

(2) Mr. M. Marshall was unable to attend the meeting and would receive a written response.

**30. EXCLUSION OF THE PRESS AND PUBLIC**

There were no items that required the exclusion of the press or public.

**31. LEADER OF THE COUNCIL'S STATEMENT**

On behalf of the Leader the Deputy Leader presented an update statement and in doing so confirmed the country entering into Phase 4 of the Government's roadmap on the 19<sup>th</sup> July, 2021 relaxing all restrictions.

These changes needed to be approached with caution as by the end of this week Rotherham was likely to have reached its highest case rate during the pandemic with 537 cases per 100,000 residents. This significant transmission increase was of concern and had resulted in thirteen Councillors not being able to attend today's Council and ninety-three members of staff having to self-isolate.

The message of Hands – Face – Space – Vaccine was reinforced. More detail would be provided in due course.

The Deputy Leader, on behalf of the whole Council, wished to formally congratulate the Leader, Councillor Read, and his partner, Councillor Hoddinott, on the safe arrival of their son, Joshua.

Councillor A. Carter also wished to place on record his own congratulations to the Leader and Councillor Hoddinott on their son's birth.

Councillor A. Carter also asked about the impact of the increasing number of positive Covid cases and how this compared to previous peaks during the pandemic in terms of hospitalisations and deaths.

Councillor Allen in response confirmed there to be twenty patients currently receiving treatment at the hospital, one of which was within intensive care. So far no deaths had been recorded.



**32. MINUTES OF THE CABINET MEETING**

**Resolved:-** That the reports, recommendations and minutes of the meetings of the Cabinet held on 21<sup>st</sup> June, 2021 be received.

Mover: - Councillor Allen

Seconder: - Councillor Beck

**33. AMENDMENTS TO APPOINTMENTS OF MEMBERS TO COMMITTEES, BOARDS AND PANELS**

Further to Minute No. 15 to the meeting of Council held on 26<sup>th</sup> May, 2021 consideration was given to the report which provided suggestions on amendments to the nomination of Members to serve on Committees, Boards and Panels.

Councillor A. Carter welcomed the approach to provide maternity leave for Elected Members, but noted there had been no request for suspension of the attendance at a meeting within six months rule.

Councillor Allen confirmed any such request would be reported back to the Council in due course.

**Resolved:-** (1) That the following amendments be confirmed:-

**Improving Lives Select Commission:**

Councillor Cowen is to be replaced by Councillor Andrews

**Planning Board:**

Councillor Aveyard is to be replaced by Councillor Lelliott

**Licensing Board, Licensing Committee including sub-committees:**

Councillor Cowen is to be replaced by Councillor Monk

(2) That the Membership of the Health, Welfare and Safety Panel as follows be noted:-

- Councillor Saghir Alam – Cabinet Member for Corporate Services, Community Safety and Finance
- Councillor Rose McNeely – Improving Places Select Commission
- Councillor Lindsey Pitchley – Improving Lives Select Commission
- Councillor Joanna Baker-Rogers – Overview and Scrutiny Management Board
- TBC – Member and Democratic Panel

(3) That the following maternity leave arrangements be noted for Councillor Browne to deputise for Councillor Hoddinott, on the Audit Committee as Vice-Chair and as a member of the Overview and Scrutiny Management Board from 12th July, 2021 for an initial three-month period, which will be extended further if required.

Mover:- Councillor Allen

Second:- Councillor Roche

**34. STANDARDS AND ETHICS COMMITTEE**

**Resolved:-** That the reports, recommendations and minutes of the meeting of the Standards and Ethics Committee be adopted.

Councillor A. Carter expressed his dissatisfaction with having received the Council Summons, to receive a further notification about potentially cancelling the Council Meeting due to the number of apologies.

Mover:- Councillor McNeely

Second:- Councillor Griffin

**35. AUDIT COMMITTEE**

**Resolved:-** That the reports, recommendations and minutes of the meeting of the Audit Committee be adopted.

Mover:- Councillor Wyatt

Second:- Councillor Barley

**36. HEALTH AND WELLBEING BOARD**

**Resolved:-** That the reports, recommendations and minutes of the meeting of the Health and Wellbeing Board be adopted.

Mover:- Councillor Roche

Second:- Councillor Allen

**37. PLANNING BOARD**

**Resolved:-** That the reports, recommendations and minutes of the meetings of the Planning Board be adopted.

Mover:- Councillor Atkin

Second:- Councillor Bird

**38. LICENSING BOARD SUB-COMMITTEE AND LICENSING SUB-COMMITTEE**

**Resolved:-** That the reports, recommendations and minutes of the meetings of the Licensing Board Sub-Committee and Licensing Sub-Committee be adopted.

Mover:- Councillor Ellis

Second:- Councillor Hughes

**39. MEMBERS' QUESTIONS TO DESIGNATED SPOKESPERSONS**

No questions have been submitted.

**40. MEMBERS' QUESTIONS TO CABINET MEMBERS AND CHAIRPERSONS**

Questions 1 to 4 from Councillor Jones were withdrawn.

**(5) Councillor A. Carter** asked what evidence did the Licensing Committee take into account when dealing with allegations of noise or anti-social behaviour associated with an application?

Councillor Ellis confirmed all licensing applications were reviewed by a number of agencies, including the Police and Environmental Health, prior to a decision being made, any concerns regarding anti-social behaviour or noise would be brought to the attention of the Licensing Committee by those agencies. In addition, any other person may raise concerns in relation to an application and these would also be considered by the Committee. Evidence was presented in many forms including photographs, audio and video recordings and statements.

The Committee would consider evidence or information in whatever form it existed.

Any person or agency that raised concerns regarding an application was also given the opportunity to address the Licensing Committee at the hearing where the application would be considered. Any person raising concerns was, therefore, able to provide more detail to the Committee by expanding on the points that they raised during the application process.

In a supplementary question Councillor A. Carter asked what weight was given to concerns raised by members of the public when concerns had not been raised by statutory agencies.

Councillor Ellis pointed out all representations made were considered regardless of their origin when matters were brought before the relevant Committee. The content was taken into account as part of the decision and relevant mitigation measures included where appropriate.

If Councillor A. Carter had any particular concerns Councillor Ellis, as Chair of the Licensing Board, was happy to discuss further.

**(6) Councillor A. Carter** was to receive a written response to his question in the absence of the Cabinet Member.

**(7) Councillor A. Carter** asked as many vital bus services have been lost around the Borough, what was the Council's policy on bringing these back now Coronavirus restrictions have eased?

Councillor Beck explained the Council was acutely aware of the problems that the pandemic had caused to public transport services. The patronage was currently at around 60% pre-pandemic. The Council was working with the Sheffield City Region to support the South Yorkshire network providers in accessing the short-term Government funding through these difficult times.

A Levelling Up Fund Transport bid for £50m worth of capital investment to provide practical improvements for the travelling public had recently been submitted.

In a supplementary question Councillor A. Carter asked if the Cabinet Member would take forward with the Sheffield City Region the issue of networks and the need to ensure that businesses do not prioritise the most profitable routes.

Councillor Beck referred to the Rural Subsidy Grant that had supported rural communities and emphasised the need to support bus companies to ensure the infrastructure was in place.

**(8) Councillor Bacon** referred to his recent walk around Aston and Todwick and the rest of the Borough where he could not help but notice the neglect of the Council – dangerous potholes, cracked pavements, overflowing bins, and pigeons taking over the train/tram station opposite Forge Island. He asked, therefore, when was the Council going to get a grip of these problems?

Councillor Beck explained continuing to improve the environment in neighbourhoods was a key priority for the Council and despite the £200m per year reductions in Council funding over the last eleven years from the Conservative government, this had resulted in reductions to resources.

Between 2015 and 2024 the Council had allocated an additional £39m towards roads and footpath resurfacing. This programme of work was developed in consultation with Ward Councillors and resulted in 42 roads requested by Ward Councillors.

The Council had allocated £1.2m to improve litter bin provision across the Borough over the next two to three years, and £689k to introduce additional cleaning teams, including additional weekend cleaning resources, and to improve the cleanliness of main arterial roads and cycle routes.

In addition, the Council had agreed £4m of Capital Funding for its Towns and Villages Fund which was planned to be invested in local areas and improve the environment, which Elected Members could get involved in.

**COUNCIL MEETING - 21/07/21**

In a supplementary question Councillor Bacon asked about the train/tram station opposite Forge Island and if the Cabinet Member would take forward this issue.

Councillor Beck confirmed the train station was not owned or maintained by the Council, but he would forward concerns to the relevant authority.

**(9 to 11) Councillor Barley** was to receive written responses to her question in the absence of the Leader and Cabinet Members.

**(12) Councillor Barley** pointed out RMBC have committed to ensuring that 'All people will have the opportunity to make sure each day in their life is meaningful, of value and leads to them having a 'good day'', Addison Day Centre provided this for people with learning disabilities so asked if the Cabinet Member could give evidence that this was now happening away from Addison Road?

Councillor Roche confirmed how My Front Door project was set up to mobilise the plans to transform the Learning and Disability Services in Rotherham. Through the project, the Council have been providing and supporting people with learning disabilities to live a life, rather than solely accessing traditional services.

In 2017, the Council embarked on a consultation programme about Learning Disability Services. The objective was to modernise services, obtain cost savings and co-design new arrangements along with the users, staff, and families.

People and families told the Council they expected support and services to be more person-centred, flexible, available during the day, evening, and weekends and as close to where the person lived as possible, and community-based. People and families wanted more opportunity to contribute and be part of mainstream life.

In May 2018, Cabinet approved the vision and strategy for people with a learning disability. Plans were laid out to show how we will improve people's lives, aspirations, and opportunities. A transformation delivery plan was presented to show how we will make sure all people with a learning disability had access to community-based services that promoted independence, wellbeing, and social inclusion. It would be the difference between "having a life rather than just a service."

The Learning Disability Service would enable people to:-

- Have the opportunity to get a job and contribute to their community
- Have the opportunity to choose where they live
- Have access to a good quality health service
- Be kept safe and protected from all forms of exploitation

- Access services of the highest quality which make a difference in assisting people to be as independent as possible, and
- Offer services that are affordable, personalised and what people would want to choose.

It was difficult to compare Addison Road due to the pandemic and the range of services being limited.

Councillor Roche provided a number of examples of comments from service users since the Learning Disability Service was modernised.

In a supplementary question Councillor Barley accepted there were some clients who were satisfied with their new arrangements, but representations were still being received from users of Addison Day Centre who were experiencing difficulties or using services they were not comfortable with. The Cabinet Member was asked if he would look at these cases and speak to people again.

Councillor Roche confirmed he was unable to discuss in this meeting individual cases, but invited Councillor Barley to refer the cases she was aware of.

He was happy to look again and discuss issues they may have which may have been compromised by the pandemic. However, in the main feedback received from people who have moved to other activities and pathways had been really positive.

**(13) Councillor Singleton** asked why was the Council not better equipped to deal with overgrown vegetation in the summer months? Extra funding, provisions of salt, and contracts of vehicle fleets were put in place for winter conditions so what more could be done to prepare early for summer growth, which had the potential to be just as dangerous?

Councillor Beck explained the weather had meant that this year had been challenging for the Grounds Maintenance Service. The season started off exceptionally wet, which disrupted early work, followed by a period of warm dry weather, which resulted in a spurt of growth.

With that in mind, the Cabinet Member was working with the Grounds Maintenance Service to identify what more was required going forwards which was linked to the availability of resources.

**(14) Councillor Singleton** referred to the Road Safety Programme which was a welcome investment, but must be prioritised in the right way. He asked why have 20 mph roundels being planned for Hellaby Village, but not for Brampton-en-le-Morthen, where the roads were narrower, the traffic density higher, cars were racing past a children's playground and the busy new Rising Deer.

Councillor Beck confirmed the Council currently responded to local road

safety concerns through the Neighbourhood Road Safety Programme, so the schemes in the Programme have been identified following requests and submissions from Ward Councillors. There was no submission for road safety measures in Brampton-en-le-Morthen as part of the latest tranche.

**(15 and 16) Councillor Miro** would receive written responses to his questions in his absence.

**(17) Councillor Sylvester** asked if there was any indication that Selective Licensing had caused any private landlords to sell their properties rather than conform to licensing requirements?

Councillor Brookes confirmed there was no evidence to support the indication that landlords were disposing of properties in Selective Licensing areas to avoid the requirement to license their properties.

In a supplementary question Councillor Sylvester asked if the Cabinet Member agreed with him that the main priority of Selective Licensing was to secure decent living standards for residents whilst asking if the current license fee was enough to adequately enforce and monitor the process, when it may appear some landlords may refuse to comply and get out of the market.

Councillor Brookes pointed out that the main objective of Selective Licensing was to improve the housing stock. The current fee was adequate and more recently enforcement officers had been employed in order to deal with issues associated with the Selective Licensing process.

**(18) Councillor Sylvester** asked could the Cabinet Member please supply the number or best estimate of former Council homes in Rotherham sold under the Right to Buy that were now private rented?

Councillor Brookes confirmed over 16,500 Council homes have been sold in Rotherham through the Right to Buy scheme since 1981. The Council did not hold detailed or complete information about each of these properties beyond the initial Right to Buy sale, in terms of subsequent changes in tenure or ownership, as it would not be appropriate to hold the detail of private ownership.

However, the Housing Service had cross referenced Right to Buy property data held, unique property reference numbers and data estimates of the tenure of all properties in the Borough. From this, 2,606 properties sold under the Right to Buy (around 16%) were currently estimated to be privately rented.

In a supplementary question Councillor Sylvester referred to properties purchased through Right to Buy and then privately rented which meant some residents were having to pay £145.00 per week for the same house compared to Council rented of £75.00 per week.

He asked, therefore, if, as part of Selective Licensing, tenancies could be protected especially in deprived areas.

Councillor Brookes could see the merit in such a proposal and did not disagree with Councillor Sylvester.

**(19) Councillor Collingham** referred to how a vibrant Parish Council could empower local residents whereas a weak one could discourage, even divide them. He, therefore, asked what the Council was doing to promote good practice among Parish Councils and would the Council commit to sending a hard copy of the Code of Conduct to every Parish Councillor?

Councillor Allen wholeheartedly agreed with Councillor Collingham that a vibrant Parish Council could empower local residents. The Deputy Leader was delighted to inform Members that this week she endorsed the refreshed Borough Council and Local Councils Joint Working Agreement, which would be published by the Assistant Chief Executive over the Summer.

All Town and Parish Councils and Ward Members had the opportunity to input into this refreshed Agreement. The Agreement was a statement of principles by which Rotherham Council and the Local Councils would work and illustrated the commitment to working together collaboratively.

The Council had a Parish Council Liaison Officer within the Neighbourhoods Team, and over the years they have helped promote good practice amongst Parish Councils (as well as Council Services and other partners) via the Joint Working Group, Parish Network meetings, e-newsletters, joint training and development and numerous 'issue specific' pieces of work, such as flood resilience.

This Agreement included a section on Standards.

The Deputy Leader would suggest to the Head of Legal Services and Councillor McNeely, as Chair of Rotherham Council's Standards and Ethics Committee, that consideration be given to organising a Code of Conduct session for the Parish Councils in the near future where Members would be taken through the content.

In a supplementary question Councillor Collingham, as a member of the Standards and Ethics Committee, was keen to explore training and support for all Councillors and asked if, in addition to a training event for Parish Councils, a copy of the Code of Conduct would be provided for all via the respective Clerks. He also pointed out that the position of Parish Council Liaison Officer was currently vacant.



**COUNCIL MEETING - 21/07/21**

Councillor Allen confirmed arrangements would be made and Parish Councils were welcome to suggest any areas they wished to see training progressed on.

In terms of the vacancy this was in the process of being advertised and in the interim the role would be overseen by the Manager.

Arrangements would also be made to circulate a copy of the Code of Conduct to all Parish Council Clerks.

**(20) Councillor Collingham** was to receive a written response to his question in the absence of the Cabinet Member.

**(21) Councillor Ellis** was to receive a written response to her question in the absence of the Cabinet Member.

**(22) Councillor C. Carter** welcomed the opportunity see wild flowers blooming around the Borough. These rewilding schemes have been really successful and well-received by residents, but asked why had there not been more rapid expansion of these schemes in places like Brinsworth?

Councillor Beck, like Councillor Carter, was pleased to see the wildflowers blooming across the Borough. Rotherham had led the way in introducing these types of areas and had been nationally recognised for the many miles of wildflowers that bloom on the central reservations every year.

The Council was proud of its success and as part of the budget for 2020/21 the Council invested in the introduction of twelve more pilot areas of wildflowers across the Borough. These were introduced earlier this year.

Whilst there were no areas in Brinsworth Ward at present, a pilot area of 500 square metres of wild-flowers was in place on Orgreave Road in Catcliffe.

The Council would be happy to work with Councillor Carter to identify appropriate locations in Brinsworth for similar areas to be implemented in the future.

In a supplementary question Councillor C. Carter asked if the Council had looked to bring the service in house in order to expand the service at reduced cost.

Councillor Beck confirmed this was an area currently under development on where the resource was best placed.

**(23) Councillor C. Carter** was to receive a written response to her question in the absence of the Cabinet Member.

**41. URGENT ITEMS**

There were no urgent items for consideration.

**Councillor Chris Read – Leader of the Council**

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Ref	Direct Line:	Please Ask For
CR/EJH	01709 822700	Councillor Read

26 July 2021

Mr J Smith

By email

Dear Mr Smith

**Council 21<sup>st</sup> July 2021**

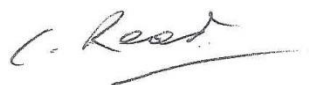
I am sorry that you I was not able to answer your question at the last Council meeting. However, I have detailed the question below along with my subsequent response for your information.

***“In Judge O’Connor’s Decision following a recent Contempt Of Court Hearing he refers to “the clear and prolonged nature of the breach” by RMBC of the Tribunal’s order issued on 2.5.19. In paragraph 66 he mentions “the striking absence of witness evidence from RMBC?”***

***Will RMBC provide the absent witness evidence before the Upper Tribunal Hearing for Contempt Of Court?”***

The Council has recently attended a GRC hearing on two matters. Judge O’Conner agreed with the Council on one of these. The second has not yet been concluded and is an on-going legal process. Therefore, until it is concluded it would not be appropriate to answer questions or comment at this time.

Yours sincerely



**Councillor Chris Read**  
**Leader of the Council**

**Councillor Dominic Beck – Cabinet Member for Transport and Environment**

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DB/EJH	01709 823566	Councillor Beck

23 July 2021

Mr M Marshall  
By email

Dear Mr Marshall

**Council 21<sup>st</sup> July 2021**

I am sorry that you were unable to attend this week's Council meeting to ask your question in person. I have detailed the question submitted below and my subsequent response for your information.

***“Four years ago, applications regarding the public footpaths in and around Grange Park, were submitted for inclusion on the definitive map. Objections were also raised to the blockage of the said public footpaths by Grange Landfill Ltd. Ms E. Anderton has indicated the Council is now able to deliver its decision on the issue. So, what has the Council decided?”***

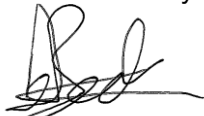
The Council initially received an application asserting that a number of public footpaths exist on the Grange Landfill site in September 2019. However, the final full and revised application was not received until August 2020. The Council is under a statutory duty to respond to the claimant(s) within 12 months of a claim for rights of way being lodged and we are still within that timescale.

In order that the Claim was dealt with independently of the Council, the investigation was undertaken by an external consultancy appointed through the Institute of Public Rights of Way and Access Management. The final report was submitted to the Council on 8th June 2021. Given the recommendation the Council then sought legal advice to support the decision.

On 19<sup>th</sup> July, an Officer Delegated Decision was made and published which requested that Legal Services make a Definitive Map Modification Order (DMMO) to add the routes detailed in the report to the Definitive Map as public footpaths. This Order is subject to statutory consultation for a six-week period following the Order being made. In the event of no objections being received, or, if such objections are received, they are subsequently withdrawn, the Order will be confirmed. In the event of objections being received, and not subsequently withdrawn, the Order will be referred to the Secretary of State for determination.

It is important to be clear that, until the consultation is complete, and the Order is confirmed the Public Right of Way is not in place.

Yours sincerely



**Councillor Dominic Beck - Cabinet Member for Transport and Environment**

**Councillor Denise Lelliott – Cabinet Member for Jobs and the Local Economy**

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<b>Ref</b>	<b>Direct Line:</b>	<b>Please Ask For</b>
DL/EJH	01709 823566	Councillor Lelliott

28 July 2021

Councillor A Carter

By email [adam.carter@rotherham.gov.uk](mailto:adam.carter@rotherham.gov.uk)

Dear Councillor Carter

**Council 21<sup>st</sup> July 2021**

I am sorry that I was unable to answer your question at the Council meeting. However, I have detailed the question submitted below and my subsequent response for your information.

**“Will the council commit to sorting out the parking problems at the shops on Brinsworth Lane, such as reconfiguring the parking spaces to echelon parking?”**

This location has been assessed on previous occasions, but unfortunately no feasible scheme was identified. The Transport Infrastructure team will be happy to revisit that assessment and if a viable design or alternative solution to the parking pressures is identified, the changes required to the local road layout and regulations can be costed and a scheme considered. Estimated costs would be expected to be circa £20,000 for such a scheme, so it may be possible for this to be funded via a Neighbourhoods route. However, since the Council does not control all the land in question this scheme would be dependent on an agreement with the landowners and potentially further issues beyond our control.

I hope that the above response answers your questions but please feel free to contact me further should you require any additional information.

Yours sincerely



**Councillor Denise Lelliott**  
**Cabinet Member for Jobs and the Local Economy**

**Councillor Chris Read – Leader of the Council**

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CR/EJH	01709 822700	Councillor Read

23 July 2021

Councillor E Barley

By email [Emily.barley@rotherham.gov.uk](mailto:Emily.barley@rotherham.gov.uk)

Dear Councillor Barley

**Council 21<sup>st</sup> July 2021**

I am sorry that you I was not able to answer your question at the Council meeting. However, I have detailed the question below along with my subsequent response for your information.

***“Can you explain to me why when my constituents ask the Council to provide the services they pay their Council Tax for, they are so often fobbed off, outright ignored, or given unbearably long timelines to get stuff done, but when I intervene as their Councillor, suddenly, almost magically, the problem is fixed within days?”***

The council responds to an average of almost 10,000 enquiries every week and I am pleased to say that the majority of these are dealt with satisfactorily.

Of course we aim to provide all our customers with a consistently high level of customer service; regardless of individual circumstances, the nature of an enquiry or the way someone chooses to access a service but with such high numbers of contact, unfortunately there will always be a small number that fall short of what we would want and where people contact their local Councillor for assistance.

That said, I'm glad that our hard-working staff have been able to quickly resolve the concerns that have been raised with you.

I would be happy to pass on any specific examples you may have to the relevant officers.

Yours sincerely



**Councillor Chris Read**  
**Leader of the Council**

**Councillor Chris Read – Leader of the Council**

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CR/EJH	01709 822700	Councillor Read

23 July 2021

Councillor E Barley

By email [emily.barley@rotherham.gov.uk](mailto:emily.barley@rotherham.gov.uk)

Dear Councillor Barley

**Council 21<sup>st</sup> July 2021**

I am sorry that you I was not able to answer your question at the Council meeting. However, I have detailed the question below along with my subsequent response for your information.

***“In May, the Legatum Institute published its Prosperity Index, which looks a huge range of data points across education, enterprise, health, personal freedom, safety, and more, and produces an overall ‘prosperity score’ for each local authority. This year, Rotherham ranks 364th out of 379 – what are you going to do to ensure RMBC does better in the future?”***

It is indeed a sad reflection on eleven years of Conservative government that despite Boris Johnson’s bluster about “levelling up” such a ranking leaves a community with Rotherham’s relative deprivation in such a position.

The prosperity index rankings cover a number of pillars. Rotherham is doing better for some pillars and less well on others such as social capital. For example on enterprise conditions Rotherham ranks as 71 and on infrastructure Rotherham ranks 156. This would indicate that the right enterprise conditions and infrastructure are in place to build a prosperous future although this will also be influenced by the amount and variety of investment opportunities available to the Borough and the region.

Social capital is an important priority included in the year Ahead Plan covering activities to support thriving neighborhoods and partnership working with the VCS to develop community capacity. This will continue to be an important priority in the new council plan.

Prior to the pandemic Rotherham had one of the fastest growing local economies in the north, driven in part by inward investment we secured creating employment at the Advanced Manufacturing Park, and the University Centre Rotherham. I hope after the pandemic we can again return to that progress and that is what this administration will seek to do. But Rotherham people will only ever really get the chances they deserve with a government that really backs them for the long term, not one that undermines them year after year.

Yours sincerely



**Councillor Chris Read**  
Leader of the Council



**Councillor Victoria Cusworth – Cabinet Member for Children and Young People**

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VC/EJH	01709 823566	Councillor Cusworth

23 July 2021

Councillor E Barley

By email [emily.barley@rotherham.gov.uk](mailto:emily.barley@rotherham.gov.uk)

Dear Councillor Barley

**Council 21<sup>st</sup> July 2021**

I am sorry that you I was not able to answer your question at the Council meeting. However, I have detailed the question below along with my subsequent response for your information.

***“Many survivors of child sexual exploitation feel that their voices have been ignored by the Council, and at times purposefully suppressed. Please could you tell me what steps you’re going to take to mend bridges, and ensure survivors’ voices are given the platform they deserve?”***

We recognise the importance of consultation and co-production and ensures this is built this into all areas across the CYPS Directorate, including Child Sexual Exploitation (CSE) provision. This was highlighted by Ofsted in their Focus Visit in 2020. RMBC was told that the ‘Voice of the Child’ was strong and our support to them was effective.

CSE survivors were integral when shaping the initial specification for Rotherham’s commissioned services. These services and that approach remains important. RMBC consults with and utilises the extensive knowledge and experience from its three commissioned providers to inform and update CSE service specifications. That consultation process includes the views and suggestions of CSE service users, which enables RMBC to continuously strengthen its offer and impact to CSE survivors. All the services that we commission are specifically tasked with hearing and responding to the voices of survivors and their families.

Most importantly survivors’ voices have been heard in ensuring that we continue to prioritise securing justice against perpetrators through the courts, maintain high standards of licensing, and fund our Children’s Services to support all vulnerable families.

That said, I am not complacent, and as Cabinet Member I am of course always open to engaging with survivors in order to hear what they have to say and see if their concerns can be better addressed.

Yours sincerely



**Councillor Victoria Cusworth**  
**Cabinet Member for Children and Young People**



**Councillor Dominic Beck – Cabinet Member for Transport and Environment**

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23 July 2021

Councillor F Miro

By email [firmas.miro@rotherham.gov.uk](mailto:firmas.miro@rotherham.gov.uk)

Dear Councillor Miro

**Council 21<sup>st</sup> July 2021**

I am sorry that you I was not able to answer your question at the Council meeting. However, I have detailed the question below along with my subsequent response for your information.

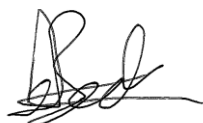
***“There are many roads in Waverley where houses have been built for many years, yet the roads haven’t been adopted by RMBC?”***

The roads on this development are subject to adoption agreements involving various developers and are at differing stages of completion. The onus is on developers to progress and promote developments for final adoption in accordance with the terms of the adoption agreements.

There is no time limit for the completion of adoption agreements. It is unfortunately quite common for adoption to be finalised many years after houses are occupied on developments of this scale.

Until all the adoptable infrastructure is constructed to an adoptable standard, the responsibility for the highways remains with the respective developers. The developer remains responsible for maintenance, cleansing, drainage and street lighting until the adoption is completed.

Yours sincerely



**Councillor Dominic Beck**  
**Cabinet Member for Transport and Environment**

**Councillor Denise Lelliott – Cabinet Member for Jobs and the Local Economy**

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DL/EJH	01709 823566	Councillor Lelliott

28 July 2021

Councillor F Miro

By email [firas.miro@rotherham.gov.uk](mailto:firas.miro@rotherham.gov.uk)

Dear Councillor Miro

**Council 21<sup>st</sup> July 2021**

I am sorry that you I was not able to answer your question at the Council meeting. However, I have detailed the question below along with my subsequent response for your information.

***“Now that the legal restrictions on businesses due to coronavirus have eased, what plans does the council have to support small and medium sized businesses bounce back?”***

The pandemic has had a significant impact on small and medium sized businesses, and their employees, so it is vital that we look to support these businesses in whatever ways possible as restrictions ease so that they can return to some form of normality and thrive in the Rotherham area.

The council has already distributed more than £84m worth of grants to businesses since the start of the pandemic. That supported businesses through some of the hardest periods of lockdown, and more recently we have been issuing recovery grants from the Mayoral Combined Authority to assist businesses in moving forward. But we have also been providing assistance on the ground, with the help of four specialist advisors in Rotherham who are well placed support to local businesses thanks to the networks, relationships, and trust that they have built with local employers, not just recently but through years of working in the region. The team are also looking to create new relationships between local businesses to boost local supply chains and keep wealth within the region.

Our four business centers continue to be successful providing support and advice to young and small businesses, with occupancy at 82% average and rising. The easy-in easy-out license model allows small businesses to test new products and services and expand within the centers without the risk associated with longer term commercial tenancy agreements. We are working on a fifth Business Centre in Manvers, Century II, and this will support SMEs needing workshop space.

And we also have the Launchpad start-up programme which helps young businesses to start and to flourish with one-to-one support and expert workshops for up to 3 years old. Support includes helping businesses to develop marketing and sales strategies (including digital) to help them survive and grow following Covid-19.

We are also working to ensure that our public spaces are welcoming and safe for visitors, looking to support footfall in our town centers and high streets and providing advice to retail and hospitality businesses on how to re-open safely. In Rotherham Town Centre, both the FHSF and the Towns Fund will bring significant investment to renew the markets, Forge Island and Guest and Chrimes, whilst also providing new parks and a new residential community in Rotherham town centre.

All of this contributes to creating a town that is more conducive to thriving business. And hopefully we'll be successful with our three £20m bids to the Levelling Up Fund, which as well as the town centre, will be seeking investment in Wath, Dinnington, Maltby and investing in our growing leisure economy, providing more opportunities for local businesses.

Yours sincerely



**Councillor Denise Lelliott**  
**Cabinet Member for Jobs and the Local Economy**

**Councillor David Sheppard – Cabinet Member for Social Inclusion**

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DS/EJH	01709 823566	Councillor Sheppard

23 July 2021

Councillor Z Collingham

By email [Zachary.collingham@rotherham.gov.uk](mailto:Zachary.collingham@rotherham.gov.uk)

Dear Councillor Collingham

**Council 21<sup>st</sup> July 2021**

I am sorry that you I was not able to answer your question at the Council meeting. However, I have detailed the question below along with my subsequent response for your information.

***“Has the Council made any initial plans for the celebration of HM The Queen’s Platinum Jubilee in Rotherham, between 2 and 5th June next year? What efforts will be made to promote the event and empower our communities to mark it in their own way, bringing families and residents together and showcasing the very best of Rotherham?”***

At this stage, with almost a year to go the Council is currently developing plans to mark the Queens Platinum Jubilee. In line with other regional celebrations it will explore opportunities to mark the occasion through a programme of support for local communities who wish to host their own celebrations and street parties, as well as considering any civic activities which will be agreed with the Mayor, as First Citizen of the Borough closer to the time, who will mark the historic event reflecting on Her Majesty’s reign, and her impact on the UK and the world since 1952. Any activities will be subject to the COVID-19 regulations in place at that time.

I hope the information provided adequately addresses your question but please feel free to contact me again should you require any further information.

Yours sincerely



**Councillor David Sheppard**  
**Cabinet Member for Social Inclusion**

**Councillor Victoria Cusworth – Cabinet Member for Children and Young People**

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VC/EJH	01709 823566	Councillor Cusworth

23 July 2021

Councillor S Ellis

By email [sue.ellis@rotherham.gov.uk](mailto:sue.ellis@rotherham.gov.uk)

Dear Councillor Ellis

**Council 21<sup>st</sup> July 2021**

I am sorry that you I was not able to answer your question at the Council meeting. However, I have detailed the question below along with my subsequent response for your information.

***“As the number of families on low income continues to rise and in the absence of direct support from this Tory government , can you tell us what arrangements you have made for the summer holidays so that children do not go hungry during this period?”***

We have provided benefits eligible parents with Free School Meal funding for the 6 week holiday through their schools and colleges, this was provided to 11,155 children and young people receiving £15 per week per eligible child/young person to supplement income and continue accessing free school meal support across the six week break.

In addition the Council is building on the success of the Easter HAF programme (Holiday Activity Fund) which provides free places at holiday clubs over the summer. This will be made available to children in the local authority area who are \*eligible for and receive benefits-related free school meals. Holiday clubs must provide at least one healthy meal a day and must meet the School Food Standards.

The purpose of the grant is for local authorities to make free places at holiday clubs available in the Easter, summer, and Christmas school holidays in 2021. This will be made available to children in the local authority area who are eligible for and receive benefits-related free school meals.

The programme provides free places at Holiday Clubs for children who are eligible for Free School Meals

1 week at Easter 2021

4 weeks at Summer 2021

1 week at Christmas 2021

Each week = 4 days

Each day = 4hrs

\*The children and young people who are who are defined as eligible are as:

- Free School Meals
- Elective Home Education
- Asylum Seeking (school age)
- Looked After (school age, placed in Rotherham)

Clubs will provide fun and enriching activities that provide children with opportunities to develop new skills or knowledge, to consolidate existing skills and knowledge, or to try out new experiences. This could include: physical activities such as football, table tennis, cricket; creative activities such as putting on a play, junk modelling, drumming workshops; or experiences such as a nature walk, visiting a city farm etc.

Clubs will also provide an element of nutritional education each day aimed at improving the knowledge and awareness of healthy eating for children. These do not need to be formal learning activities and could for example include activities such as getting children involved in food preparation and cooking, growing fruit and vegetables, and taste tests. And there will be at least weekly training and advice sessions for parents, carers or other family members which provide advice on how to source, prepare and cook nutritious and low-cost food.

In addition, Clubs will provide information, signposting or referrals to other services and support that would benefit the children who attend their provision and their families. This could include sessions, information provided by:

Citizen's Advice  
School Nurses, dentists or other healthcare practitioners  
Family Support Services or Children's Services  
Housing Support Officers  
Jobcentre Plus  
Organisations providing financial education

At Easter, our programme ran very effectively, despite the tight timescales for implementation and the Covid restrictions in place, we managed to engage over 2,600 families.

For the summer we have tried to ensure a wide variety of reputable providers to match the areas with greatest demand and that provision is accessible to all FSM children. We will work with providers to expand provision into any identified gaps ensuring good coverage and accessibility.

I hope the information provided adequately addresses your question but please feel free to contact me again should you require any further information.

Yours sincerely



**Councillor Victoria Cusworth**  
**Cabinet Member for Children and Young People**



**Councillor Denise Lelliott – Cabinet Member for Jobs and the Local Economy**

Riverside House  
Main Street  
Rotherham  
S60 1AE

E-mail: [denise.elliott@rotherham.gov.uk](mailto:denise.elliott@rotherham.gov.uk)

Email the Council for **free** @ your local library!

<b>Ref</b>	<b>Direct Line:</b>	<b>Please Ask For</b>
DL/EJH	01709 823566	Councillor Lelliott

28 July 2021

Councillor A Carter

By email [adam.carter@rotherham.gov.uk](mailto:adam.carter@rotherham.gov.uk)

Dear Councillor Carter

**Council 21<sup>st</sup> July 2021**

I am sorry that you I was not able to answer your question at the Council meeting. However, I have detailed the question below along with my subsequent response for your information.

***“Rotherham Council have declared a climate emergency. How does the council incentivise residents to switch to electric vehicles?”***

The Council has taken a lead in South Yorkshire in providing numerous public charging points at various locations and advocates the use of sustainable travel modes including Electric Vehicles at every opportunity. Further public charging points, funded by Sheffield City Region, will be commissioned in the next year to further incentivise car drivers to switch to electric vehicles, by building confidence in the range of locations for recharging.

But it's also important to have the capability to charge at home and at work, so the Council ensures that new developments contribute to the delivery of electric vehicle charging infrastructure. At Cabinet on 21<sup>st</sup> June, a new Supplementary Planning Document was approved which will secure the provision of at least one charging point per dwelling, or 1 charging point per parking space for flats. And non-residential developments will provide charging points in every car parking space in small car parks (5 spaces), or at least 20% of parking spaces in larger car parks.

In addition, central government offers incentives to all purchasers of Electric vehicles as well as people wishing to install chargers at home. The Council will continue to bid for funds to support the transition to electric vehicles.

Yours sincerely



**Councillor Denise Lelliott**  
**Cabinet Member for Jobs and the Local Economy**

**THE CABINET  
19th July, 2021**

Present:- Councillor Read (in the Chair); Councillors Alam, Allen, Beck, Brookes and Roche.

Apologies for absence were received from Councillors Clark, Cusworth, Lelliott and Sheppard.

**17. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**18. QUESTIONS FROM MEMBERS OF THE PUBLIC**

There were no members of the public present at the meeting and no questions submitted in writing.

**19. MINUTES OF THE PREVIOUS MEETING**

Further to Minute No. 3, it was advised prior to the meeting that Cabinet would formally respond to the recommendations from the Overview and Scrutiny Management Board Working Group review on building use at the September 2021 meeting.

**Resolved: -**

That the minutes of the previous meeting of the Cabinet held on 21st June, 2021, be approved as a true and correct record of the proceedings.

**20. EXCLUSION OF THE PRESS AND PUBLIC**

The Chair advised that Appendix 1 to Minute No. 25 was exempt by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. However, the Appendix was not discussed during the meeting and as such, the meeting remained open to the press and public throughout.

**21. TREASURY MANAGEMENT OUTTURN 2020/21**

Consideration was given to the Annual Treasury Management report, which was submitted to review the treasury activity for 2020/21 against the strategy agreed at the start of the year. The report also covered the actual Prudential Indicators for 20/21 in accordance with the requirements of the Prudential Code. The report meets the requirements of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities. The Council is required to comply with both Codes through Regulations issued under the Local Government Act 2003.



Furthermore, the Council received an Annual Treasury Strategy report in advance of the 2020/21 financial year at its meeting on 26th February, 2020, and the Audit Committee received a mid-year report at its meeting on 19th January, 2021, representing a mid-year review of treasury activity during 2020/21.

The Council's treasury management functions had been operating within unprecedented times of uncertainty due to the exit from the EU and the financial pressures and overall effect of COVID-19. It was expected that the impacts were due to last for several years. However, the Council had been able to manage cashflow levels for the majority of the financial year without significant difficulty.

**Resolved:-**

- (1) That the Treasury Management Prudential Indicators outturn position as set out in Section 3 and Appendix 1 be noted; and
- (2) That the report be forwarded to the Audit Committee for information.

**22. FINANCIAL OUTTURN 2020/21**

Consideration was given to a report which outlined the final revenue and capital outturn position for 2020/21. It was reported that the Revenue Budget 2020/21 was approved by Council on 26th February, 2020. A budget of £233.3m was set for General Fund services, which excluded schools' budgets and Housing Revenue Account (HRA).

The final outturn position was an underspend against budget of £6.1m following the mitigating actions taken to manage the financial impacts of COVID-19. It incorporated the late receipt of £2m of Government support towards costs associated with Operation Stovewood and after a proposed transfer of £2m to create a new Children and Young Peoples Services Social Care Reserve. The mitigation actions included the application of Government's provision of £18.9m emergency funding to support the COVID-19 response and cost implications of this, the submission of compensation claims totalling £4.8m relating to the adverse impact of COVID-19 on Sales, Fees and Charges income and the use in 2020/21 of £5.2m from the Control Outbreak Management Fund (COMF.) Without the grant funding streams, the Council's financial outturn would have been a £22.8m overspend.

The report suggested a prudent use of the remaining underspend following its transfer to the Council's reserves. From this underspend, an allocation of £2m was to be earmarked for a COVID-19 Recovery Fund in order to support local residents throughout the remainder of the pandemic. A report would be brought back to Cabinet later in the year setting out how the Fund would be utilised. A further £2.4m was to be earmarked to support the budget gap within the Council's Medium Term Financial Strategy for 2022/23. The remaining £1.7m would be held within

the Council's Budget Contingency Reserve as per the approved Strategy and recommendations within the Council's Budget and Council Tax Report 2021/22.

The Housing Revenue Account had an underspend of £2.8m. However, the revenue contribution to capital outlay was increased by £0.2m. Therefore, the net budgeted use of HRA reserves reduced by £2.6m.

The Capital outturn shows slippages and underspend of £44.6m against the estimated spend for 2020/21 included within the Capital Programme. The pandemic had significantly impacted the delivery of a number of schemes, in the main due to COVID-19 restrictions impacting how works were undertaken.

It was noted that the report had been submitted to the Overview and Scrutiny Management Board for pre-decision scrutiny on 14th July 2021, where Members had supported the recommendations in the report.

**Resolved:-**

- (1) That the revenue outturn position be noted.
- (2) That the budgeted transfer from HRA reserves was reduced by £2.6m following the HRA revenue and capital outturn positions be noted.
- (3) That the carry forward of the combined schools balance of £3.066m in accordance with the Department for Education regulations be noted.
- (4) That the reserves position set out in section 2.44 be noted.
- (5) That the capital outturn and funding position as set out in sections 2.54 to 2.75 be noted.
- (6) That the report be referred to Council for information and for approval of the updated Capital Programme as set out in paragraphs 2.76 and 2.79 and Appendices A to D of this report.
- (7) That the transfer of £2m of Council funding into a newly created Children's and Young People's Services Social Care Reserve to support current and future pressures, be approved.
- (8) That the transfer of £4.4m of Council funding into the Budget Strategy Reserve, with £2m earmarked for a Covid Recovery Fund with specific use delegated to Cabinet, and £2.4m earmarked to support the MTFS budget gap for 2022/23, be approved.

**23. MAY 2021/22 FINANCIAL MONITORING**

Consideration was given to the report which set out the financial position as at the end of May 2021 and was based on the actual costs and income for the first two months of 2021/22 and forecast for the remainder of the financial year.

Members noted that financial performance was a key element within the assessment of the Council's overall performance framework and was essential to achievement of the objectives within the Council's Policy Agenda. The report was the first in a series of monitoring reports for the 2021/22 financial year which would continue to be brought forward to Cabinet on a regular basis.

As at May 2021, the Council expected to deliver the overall outturn within budget for the financial year 2021/22. However, it was noted that the longer term impacts of COVID-19, extended restrictions and the pace at which Services could return to normal was unknown.

It was noted that the report had been submitted to the Overview and Scrutiny Management Board for pre-decision scrutiny on 14th July 2021, where Members had supported the recommendations in the report. OSMB had also requested that a report be presented at a future meeting of the Board that detailed how the changes that had been made to how the Council operated and provided services as a result of the pandemic had informed budget management procedures, and whether these changes to how the Council operates had highlighted any new opportunities where future budget savings could potentially be made. The Board also requested that information on the budget processes and on the assumptions used to determine staffing budgets across all Directorates be circulated to members of OSMB.

**Resolved:-**

- (1) That the current General Fund Revenue Budget forecast of a balanced budget be noted.
- (2) That it be noted that actions will continue to be taken to ensure that a balanced financial outturn is delivered.
- (3) That the Capital Programme update be noted.
- (4) That the use of the additional Local Support Grant, as detailed in section 2.45, and the use of unringfenced COVID grants to cover the estimated overspend of £50k, be noted.
- (5) That authority for the management and delivery of the extended Infection Control and Testing Funding is delegated to the Strategic Director of Adult Care, Housing and Public Health.

- (6) That a report be presented at a future meeting of the Overview and Scrutiny Management Board that details how the changes that have been made to how the Council operates and provides services as a result of the pandemic have informed budget management procedures, and whether these changes to how the Council operates have highlighted any new opportunities where future budget savings could potentially be made.
- (7) That information on the budget processes and on the assumptions used to determine staffing budgets across all directorates be circulated to members of OSMB.

**24. NEW APPLICATIONS FOR BUSINESS RATES RELIEF**

Two applications had been submitted requesting Discretionary Business Rate Relief. The applications related to Food Aware CIC and Kiveton Park & Wales Community Development Trust. Both applications were in line with the Council's Business Rates Discretionary Relief Policy and it was recommended that the award for relief be granted to both organisations.

Food Aware CIC was a not for profit social enterprise which redistributed surplus/donated food and other items such as cleaning materials, clothes, toys and furniture to local community groups. Throughout the pandemic, the organisation estimated it had seen operations at the Hellaby site increase 1000%.

Kiveton Park and Wales Community Development Trust was a charity that aimed to improve the lives of the local community in terms of health, education, employment and environment through services such as a food bank, sports facilities and a community hub.

**Resolved:-**

That Cabinet approve the applications for Discretionary Business Rates Relief for Food Aware CIC and Kiveton Park & Wales Community Development Trust in accordance with the details set out in Section 6 of the report for the 2020/21 and 2021/22 financial years.

**25. NEW APPLICATION FOR BUSINESS RATES HARDSHIP RELIEF**

The Council had received an application for Business Rates Hardship Relief that met the Council's qualifying criteria. Granting the relief would assist the organisation through a difficult period and it was considered that the loss of the vital service, should support not be provided, would have a significant impact on the more vulnerable communities in the Borough.

The details of the organisation were exempt under Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as to disclose the applicant's business financial information could jeopardise the reputation of the business and place competitors at an unfair advantage. The details were available to Cabinet Members in exempt Appendix 1 to the report.

**Resolved:-**

That the application for Hardship Relief be approved.

**26. LOCAL PLAN: ADOPTION OF HERITAGE AT RISK STRATEGY AND REGISTER**

Consideration was given to the report which presented the Heritage at Risk Strategy and Heritage Register. The Strategy set out the actions which the Council would take to reduce the number of assets at risk and achieve the repair and restoration of assets which would otherwise be lost. The Council would work where possible with owners of the heritage assets but the Strategy also identifies actions which may be taken where this cannot be achieved.

Approval was also sought for the current Heritage at Risk Register which identifies assets which are at risk of further deterioration and loss. The Register was a live document which would be kept updated.

If Cabinet was to approve the Strategy and Register, the documents would be available for a 6 weeks consultation period. Should any significant changes be needed following the consultation, the document would be brought back to Cabinet for consideration, however, this was not expected.

It was confirmed that the Council would work with the South Yorkshire Joint Committee on Archaeology when required in relation to heritage assets.

It was noted that the report had been submitted to the Overview and Scrutiny Management Board for pre-decision scrutiny on 14th July 2021, where Members had supported the recommendations in the report.

**Resolved:-**

- (1) Subject to the completion of a 6-week period of consultation with key stakeholders, that Cabinet approves the adoption of the Heritage at Risk Strategy at Appendix 4. Should any significant changes arise from the consultation these are to be reported back to Cabinet in due course.

- (2) Subject to the completion of a 6-week period of consultation with key stakeholders, that Cabinet approves the current Heritage at Risk Register at Appendix 5 and notes that it will be subject to future updates. Should any significant changes arise from the consultation these are to be reported back to Cabinet in due course.
- (3) That Cabinet approve delegation to the Strategic Director for Regeneration and Environment, in consultation with the Cabinet Member for Jobs and the Local Economy, to update the Risk Register as and when new buildings become at risk or works to remove the risk have been undertaken.
- (4) That Cabinet approves the use of the Heritage at Risk Register to inform prioritising actions and resources to address the potential deterioration and loss of heritage assets.

**27. TRANSPORT CAPITAL PROGRAMME AND NEIGHBOURHOOD ROAD SAFETY PROGRAMME MID -YEAR SCHEME APPROVALS**

Consideration was given to the report which was further to reports in December 2020 and March 2021 to approve the current year transport programme additional schemes which had been identified for delivery during 2021/22.

The Neighbourhood Road Safety Programme was a 3-year programme with a fixed budget ceiling. 2021/22 was the final year of the programme and it was expected that the full budget will have been utilised if Cabinet approved the schemes are set out in Appendix 2. There were 7 schemes proposed for delivery: Duke of Norfolk Estate; Boston Castle Grove; Hellaby Village; Ravenfield Lane; The Green, Whiston; Poplar Avenue/Pingles Crescent and Ivanhoe Avenue, Kiveton Park. The Schemes had been identified following invitation of requests from Ward Councillors in July 2020 and had undergone assessment for feasibility.

**Resolved:-**

That Cabinet approves the Neighbourhood Road Safety Schemes listed in Appendix 2 for delivery in 2021-22 and delegates the decision on any necessary changes to the programme to the Strategic Director for Regeneration and Environment in consultation with the Cabinet Member for Transport and Environment.

**28. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY MANAGEMENT BOARD**

Consideration was given to the circulated report, the contents of which were included as part of the relevant items and the details included accordingly.

THE CABINET - 19/07/21

**29. DATE AND TIME OF NEXT MEETING**

**Resolved:-**

That the next meeting of the Cabinet be held on Monday, 16th August, 2021, commencing at 10.00 a.m. in Rotherham Town Hall.

**THE CABINET**  
**16th August, 2021**

Present:- Councillor Read (in the Chair); Councillors Alam, Allen, Beck, Brookes, Cusworth, Lelliott, Roche and Sheppard.

Also in attendance was Councillor Clark (Chair of the Overview and Scrutiny Management Board).

**30. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**31. QUESTIONS FROM MEMBERS OF THE PUBLIC**

Councillor Sylvester asked the following question:

The Levelling Up Fund application that has gone in regarding Thrybergh County Park is including extensive refurbishments to the car park. Can you explain the thinking in why we are looking so much into the car park and whether or not there is any potential for pedestrian and public transport access to the Park to be improved by the Levelling Up Fund?

Councillor Beck explained that there had been previous conversations by his predecessor, Councillor Hoddinott, with the Friends of Thrybergh County Park regarding access. The Levelling Up Fund was just one part of hopefully improving access, capacity and the general way in which the Council could support the use of the county parks. If the Council could work with local Councillors and the Friends of Thrybergh Country Park, to improve things, they would absolutely do that. That was a commitment from Councillor Beck and the officers involved who wanted to work to improve access and the Levelling Up Fund was just one part of that.

In his supplementary question, Councillor Sylvester explained that he was concerned about children not being able to experience country parks due to access and asked if it could be agreed in principle that if the Council can fund transport choices for those that have a choice, it also funds options for those that do not have a choice in how they travel to the Park?

Councillor Beck explained that it was hard to give a specific answer to the question but the Council was not just seeking to put out warm words on this subject; they wanted to help those who had poor pedestrian/cycling access to the Park. If, and when, the funding mechanisms were in place, the Levelling Up Fund being one of those, the Council would be looking to address those matters and work with local people to ensure that it was done in the right way.



**32. MINUTES OF THE PREVIOUS MEETING**

**Resolved: -**

That the minutes of the previous meeting of the Cabinet held on 19th July, 2021, be approved as a true and correct record of the proceedings.

**33. EXCLUSION OF THE PRESS AND PUBLIC**

The Chair advised that Appendix 1 to Minute 38 was exempt by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. However, the Appendix was not discussed during the meeting and as such, the meeting remained open to the press and public throughout.

**34. PROPOSALS FOR USE OF THE CONTAIN OUTBREAK MANAGEMENT FUND (COMF) TO AID THE COUNCIL'S ON-GOING RESPONSE TO COVID-19 AND TO SUPPORT RECOVERY IN THE BOROUGH FROM THE IMPACTS OF THE PANDEMIC**

Consideration was given to the report which set out proposals for the remaining unallocated spend from the Contain Outbreak Management Fund (COMF) and the reasons behind the proposals. The Council had been eligible for payments from the Fund to support proactive containment and intervention measures since October 2020.

£5.177m had been spent in 2020/21 with £3.469m being carried forward for use in 2021/22. £2.241m had been committed and £1.228m remained uncommitted. An additional £2.129m of COMF funding had been allocated for 2021/22 meaning the total uncommitted Fund for 2021/22 was £3.357m. The money would help continue to reduce the spread of COVID-19 and support Public Health activities.

Commitments were already in place to support the Test and Trace team (up until 31st March 2022.) The options for expenditure of the remaining COMF allocation were broken down into three themes: support for children and young people, support for adults and all age universal support. Further details for each theme were set out in the report submitted.

It was confirmed that a seminar had been hosted by the Leader for all Members as part of the consultation process.

**Resolved:-**

1. That the Cabinet consider the proposals for use of the COMF and agree in principle the areas of proposed investment and allocations.

2. That Cabinet gives delegated authority to the Director of Public Health with agreement from the Section 151 Officer to commit the unallocated COMF funding, and any underspend from approved allocations, in line with grant conditions.

### **35. THE LOCATION OF PARKHILL LODGE RESIDENTIAL SERVICE**

Consideration was given to the report which provided an update on the delivery of the Parkhill Lodge Residential Care Service which had been moved to Lord Hardy Court on 22nd October, 2020, due to additional risks posed by the COVID pandemic. The facilities at Parkhill Lodge, including the design and layout, were not suitable to safely care for the number of residents who had tested positive and prevent further transmission. The staffing levels were also unsafe due to the levels of infection. The key findings of the Infection Control report in relation to Parkhill Lodge were set out in the report submitted at paragraph 2.1

The move to Lord Hardy Court meant residents had access to en-suite and modern facilities along with larger communal spaces and, overall, a larger staff compliment to support COVID-19 safe working practices. A full comparison and analysis of the different options available was outlined in paragraph 3.4 of the report.

Regular meetings had been held with the residents and their views were incorporated into the report. The residents, along with their families, would be consulted on the proposal to remain at Lord Hardy Court in the medium term.

#### **Resolved:-**

1. That Cabinet agree to a six weeks consultation with service users and their families on the proposal to continue to provide the Parkhill residential service from Lord Hardy Court in the medium term, due to the ongoing COVID infection control risks and overall condition of the building.
2. That the outcome of the consultation and any subsequent recommendations be brought back to Cabinet in November 2021.

### **36. PATHWAY TO CARE POLICY**

Consideration was given to the report which proposed amendments to the Pathway to Care Policy that was attached at Appendix 3. The Policy had been in place since 2012 and aimed to increase the physical capacity, through accommodation, of a carer to care for a Looked After Child or to enable a child to be permanently discharged from care. This included supporting carers with home extensions/adaptations or in the purchase of a new home where an extension was not possible or economically viable.

The revisions to the Policy would allow for the inclusion of extensions to Council housing properties and enable the Council to support a broader range of carer/proposed carers for looked after children.

The Policy would be reviewed by the leadership of Children and Young Peoples' Services every 12 months.

**Resolved:-**

That the amendments to the Policy are agreed, which clarifies that the Policy also applies to Council homes.

**37. DOMESTIC ABUSE - NEW DUTIES FUNDING ALLOCATION**

Consideration was given to the report which had been written following the passing of the Domestic Abuse Act 2021. The Act had created new statutory duties for Local Authorities in relation to Domestic Abuse and subsequent funding had been provided by the Government.

The £618k fund had to be spent within the 2021/22 financial year. The table at paragraph 2.2 of the report set out the statutory duties, current provision, gaps identified, proposal, value and provider of proposed services. These included the refurbishment of properties for Domestic Abuse victims; additional staff; and continuing with the existing Safer Options project.

The Council already had a number of provisions in place in relation to Domestic Abuse Services such as support at Rotherham Rise and the in-house Domestic Violence Advocates.

**Resolved:-**

1. That Cabinet note the extent of the existing provision.
2. That Cabinet approve the funding proposals as outlined in section 2.2 of the report.
3. Cabinet delegates decision making for the remaining underspend (£134,000) to the Strategic Director for Regeneration and Environment, in consultation with the Cabinet Member and local Domestic Abuse Partnership Board.

**38. SALE OF HRA LAND - ELDERTREE ROAD GARAGE SITE**

Consideration was given to the report which explained why the Eldertree garage site should be sold to the Rotherham-based developer, CADAM Construction Ltd. CADAM had obtained planning permission to build 24 new homes on land adjacent to the garage sites but this was dependent upon the developer being able to acquire the site from the Council in order to gain access to the Eldertree Lodge site.

The Eldertree garage site had been valued and the developer and Council had agreed a position that reflected “best consideration to the Council.” By allowing the demolition of the garage sites, the Council would be facilitating the building of much needed housing in the Borough.

Eight of the garages on site were tenanted at the time the report was written meaning that the sale of the site would require existing tenants to vacate their garages. The Garage Site Development Protocol had been established and ensured tenants were provided with significant advance notice of the potential development and make provision to support any tenants who would face hardship.

**Resolved:-**

1. That the principle of selling the Council-owned Eldertree garage site to CADAM Construction Ltd, in order to enable residential development on an adjacent privately owned site, be approved.
2. That authority be delegated to the Assistant Director of Planning, Regeneration and Transport to agree the terms for the sale, in consultation with the Council’s Section 151 Officer and subject to any conditions imposed by Planning.
3. That authority to negotiate and complete the legal documentation to give effect to the Cabinet’s decision, be delegated to the Council’s Head of Legal Services.

**39. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY MANAGEMENT BOARD**

There were no recommendations from the Overview and Scrutiny Management Board to consider.

**40. DATE AND TIME OF NEXT MEETING**

**Resolved:-**

That the next meeting of the Cabinet will be held on Monday, 20th September, 2021, commencing at 10.00 a.m. in Rotherham Town Hall.

**Committee Name and Date of Committee Meeting**

Council – 29 September 2021

**Report Title**

Assistant Director of Legal Services and Monitoring Officer

**Is this a Key Decision and has it been included on the Forward Plan?**

No

**Officer Approving the Submission of the Report**

Sharon Kemp, Chief Executive

**Report Author(s)**

Lee Mann, Assistant Director, HR and OD  
Lee.Mann@rotherham.gov.uk

**Ward(s) Affected**

Borough-Wide

**Report Summary**

This report ensures that the Council is formally notified of the Assistant Director Legal Services appointment and recommends his appointment as the Council's Monitoring Officer.

**Recommendations**

1. It is recommended that Council appoints Philip Horsfield as the Council's Monitoring Officer with effect from 8<sup>th</sup> November 2021.

**List of Appendices Included**

None

**Background Papers**

The Constitution of Rotherham Metropolitan Borough Council

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

No

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## **Appointment of the Assistant Director of Legal Services and Monitoring Officer**

### **1. Background**

- 1.1 The Monitoring Officer is a statutory post that is required to be appointed under Section 5 of the Local Government and Housing Act 1989.
- 1.2 A robust recruitment process was undertaken which has led to the appointment of a new Assistant Director Legal Services, Phillip Horsfield. As stated above it is also recommended that the Council appoint Mr Horsfield as the Monitoring Officer for Rotherham MBC.

### **2. Timetable and Accountability for Implementing this Decision**

- 2.1 The employment start date of the new Assistant Director Legal Services is 8<sup>th</sup> November 2021.

### **3. Financial and Procurement Advice and Implications**

- 3.1 The salary of £90,205 for the post is the standard Assistant Director salary. Employer's pension and National Insurance contributions are in addition to the salary.

### **4. Legal Advice and Implications**

- 4.1 The process has been undertaken in accordance with the relevant guidance and employment law requirements and industry best practice.

### **5. Human Resources Advice and Implications**

- 5.1 Standard HR employment checks have been undertaken prior to an employment contract being finalised.

### **6. Implications for Children and Young People and Vulnerable Adults**

- 6.1 The Assistant Director will work closely with colleagues supporting children, young people and vulnerable adults to manage and deliver all relevant objectives.

### **7. Equalities and Human Rights Advice and Implications**

- 7.1 The Assistant Director is required to ensure that Legal Services take full account of all relevant Equalities and Human Rights duties and the needs of all communities and residents in every aspect of the work of the service. There are no equalities implications arising from the report.

### **8. Implications for Partners**

- 8.1 The Assistant Director Legal Services and Monitoring Officer will work with all agencies and partners to deliver the aims and objectives of the Council.

## **9. Risks and Mitigation**

- 9.1 By having regard to the detail of the report above in respect of meeting statutory requirements, any risk implications will have been mitigated. Consequently, there are no risks to be borne in mind in respect of the recommendation.

## **10. Accountable Officer**

Lee Mann, Assistant Director, HR and OD

*Report Author: Lee Mann, Assistant Director, HR and OD  
Lee.Mann@rotherham.gov.uk*

This report is published on the Council's [website](#).

**Committee Name and Date of Committee Meeting**

Council – 29 September 2019

**Report Title**

Audit Committee Annual Report 2020/21

**Is this a Key Decision and has it been included on the Forward Plan?**

No

**Strategic Director Approving Submission of the Report**

Judith Badger, Strategic Director of Finance and Customer Services

**Report Author(s)**

David Webster, Head of Internal Audit

Tel: 01709 823282 E mail: [david.webster@rotherham.gov.uk](mailto:david.webster@rotherham.gov.uk)

**Ward(s) Affected**

Borough-Wide

**Report Summary**

This report presents the final draft of the Audit Committee Annual Report for 2020/21 for Members' approval, having been endorsed by the Audit Committee on 29 July 2021.

The purpose of the Annual Report 2020/21 is to bring together in one document a summary of the work undertaken by the Audit Committee. The production of the report complies with current best practice for audit committees. It allows the Audit Committee to demonstrate it has fulfilled its terms of reference and share its achievements with the Council and is thought useful as a reminder to the organisation of the role of the committee in providing assurance about its governance, risk management and financial and business controls.

The Chartered Institute of Public Finance and Accountancy (CIPFA) has issued guidance to local authorities to help ensure that Audit Committees operate effectively. The guidance recommends that Audit Committees should report annually on how they have discharged their responsibilities. A copy of the draft annual report of this Audit Committee is attached. A copy of the Audit Committee's Terms of Reference is included for information.

**Recommendations**

That the Audit Committee Annual Report 2020/21 be approved.

**List of Appendices Included**

Appendix 1 Audit Committee Annual report for 2020/21

Appendix 2 Audit Committee Terms of Reference



**Background Papers**

Relevant reports presented to the Audit Committee and minutes of the meetings of the Audit Committee.

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

No.

**Council Approval Required**

Yes

**Exempt from the Press and Public**

No

**Audit Committee Annual report 2020/21****1. Background**

- 1.1 The Audit Committee is a key component of corporate governance and provides an important source of assurance about the organisation's arrangements for managing risk, maintaining an effective control environment, and reporting on financial and other performance. The Committee is also responsible for approving the Statement of Accounts and the Annual Governance Statement.
- 1.2 The Committee's specific powers and duties are set out in section 9 of the Constitution under the Terms of Reference of the Audit Committee. A copy of the Terms of Reference is attached for information.
- 1.3 The Chartered Institute of Public Finance and Accountancy (CIPFA) issued guidance to local authorities to help ensure that Audit Committees are operating effectively. The guidance recommends that Audit Committees should report annually on how they have discharged their responsibilities.

**2. Work Undertaken during 2020/21**

- 2.1 The Audit Committee meeting planned for March 2020 was postponed until May 2020 because of the lockdown. The May meeting was included in the annual report for 2019/20. Subsequent to that the committee met on a further five occasions in the year to 31 March 2021, in accordance with its programme of work. The frequency of meetings ensures the Audit Committee can fulfil its responsibilities in an efficient and effective way.
- 2.2 During this period the Committee assessed the adequacy and effectiveness of the Council's risk management arrangements, control environment and associated counter fraud arrangements through regular reports from officers, the internal auditors, and the external auditors.
- 2.3 As part of that assessment the Committee was updated on the impact of Covid-19 and the Council's response to it through two reports on risk management arrangements during the pandemic, a revised internal audit plan to review changes to systems and procedures and the reports on those reviews.
- 2.4 The Committee sought assurance that action has been taken, or is otherwise planned, by management to address any risk related issues that have been identified during the period. The Committee also sought to ensure that effective relationships continue to be maintained between the internal and external auditors, and between the auditors and management.
- 2.5 The specific work undertaken by the Committee is set out in the report.

**3. Options considered and recommended proposal**

- 3.1 This report presents the final draft of the Audit Committee Annual Report for 2020/21 for Members' approval, having been endorsed by the Audit Committee on 29 July 2021.

**4. Consultation on proposal**

4.1 None.

**5. Timetable and Accountability for Implementing this Decision**

5.1 As Council is recommended to approve the Annual Report, there are no further stages in the decision-making process.

**6. Financial and Procurement Advice and Implications**

6.1 There are no direct financial or procurement implications arising from this report.

**7. Legal Advice and Implications**

7.1 Appendix 9, Paragraph 5 of the Council's Constitution, the Audit Committee's Terms of Reference, requires the Audit Committee to submit an annual report to the Council and this report is submitted to meet that requirement.

**8. Human Resources Advice and Implications**

8.1 There are no direct Human Resources implications arising from this report.

**9. Implications for Children and Young People and Vulnerable Adults**

9.1 There are no direct implications for Children and Young People and Vulnerable Adults arising from this report.

**10. Equalities and Human Rights Advice and Implications**

10.1 There are no direct Equalities and Human Rights Implications arising from this report.

**11. Implications for CO<sub>2</sub> Emissions and Climate Change**

11.1 None.

**12. Implications for Partners**

12.1 Partners can be reassured that the Audit Committee is fulfilling its role within RMBC.

**13. Risks and Mitigation**

13.1 None.

**14. Accountable Officer(s)**

David Webster, Head of Internal Audit

*Report Author: David Webster, Head of Internal Audit*David Webster, Head of Internal Audit

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This report is published on the Council's [website](#).

## **Appendix 1**

# **ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

## **AUDIT COMMITTEE ANNUAL REPORT 2020/21**

CONTENTS	PAGE
FOREWORD	2
INTRODUCTION	2
HIGHLIGHTS OF THE YEAR	3
SUMMARY OF WORK UNDERTAKEN	3
• EXTERNAL AUDIT	3
• INTERNAL AUDIT	3
• ANTI FRAUD AND CORRUPTION	4
• RISK MANAGEMENT	4
• CORPORATE GOVERNANCE	4
• FINANCE	5
• OTHER	5
TRAINING AND DEVELOPMENT	6
TERMS OF REFERENCE	7

## **FOREWORD**

As Chair of the Audit Committee, I have pleasure in commending this year's Annual Report. This document summarises the work of the Audit Committee in providing assurance about the Council's governance, risk management, financial, and business controls. The year 2020/21 has presented challenges like no other, in terms of the impact of the COVID pandemic on the work of the Audit Committee. However, under the guidance of the outgoing Chair, Cllr Wyatt, the committee was still able to discharge its responsibilities.

I would like to thank Cllr Wyatt and the other committee members for their outstanding contribution to the Audit Committee during these unprecedented times. In addition, I would like to acknowledge the hard work of the RMBC Officers who are accountable to the Audit Committee and Grant Thornton, the RMBC external auditors.

Cllr J Baker-Rogers, AC Chair July 2021

## **INTRODUCTION**

While there is no statutory obligation to have such an arrangement, Audit Committees are widely recognised as a core component of effective governance and therefore reflect good practice. RMBC's Audit Committee is properly constituted and as such is given sufficient authority and resources by the Council. In effect, the Committee has the right to obtain all the information it considers necessary and to consult directly with senior managers. In line with best practice the Audit Committee can report its observations and concerns directly to the Council.

A local authority has a duty to ensure that it is fulfilling its responsibilities for adequate and effective internal control, risk management and governance, as well as the economy, efficiency, and effectiveness of its activities. The Audit Committee has a key role in overseeing and assessing the internal control, risk management and corporate governance arrangements and advising the Council on the adequacy and effectiveness of those arrangements.

This role is reflected in the Committee's Terms of Reference which are given below for information.

The Audit Committee had six Members during 2020/21:

Councillor Ken Wyatt – Chair  
Councillor Bob Walsh – Vice Chair  
Councillor Allen Cowles  
Councillor John Vjestica  
Councillor Jenny Andrews (from August onwards)  
John Barber – independent person (from November onwards)

## **HIGHLIGHTS OF THE YEAR**

There have been many benefits from the work of the committee. The main outcomes and improvements include:

- An unqualified External Audit opinion on the Council's Statement of Accounts, confirming their accuracy and completeness
- The timely sign-off of the accounts to the amended timetable
- An Annual Governance Statement that reflected the developments within the Council
- A positive opinion from the Head of Internal Audit in his Annual Report
- The external assessment of Internal Audit concluding that they generally conform with Public Sector Internal Audit Standards
- A Risk Management process that is embedded within the Council

## **SUMMARY OF WORK UNDERTAKEN IN 2020/21.**

The Audit Committee completed the following during 2020/21

### **External Audit – Grant Thornton**

- Received and considered a Progress Update including changes resulting from Covid.
- Received and considered the detailed results of the external auditor's work in relation to the audit of the 2019/20 financial statements of the Council. The Committee was pleased to note that the auditors had given an unqualified audit opinion. There was an unqualified value for money conclusion stating that the Council has made proper arrangements to ensure it took properly informed decisions and deployed resources to achieve planned and sustainable outcomes for taxpayers and local people.
- Received and considered the external auditor's annual audit letter in respect of the 2019/20 audit year. The Committee was pleased to note that the external auditors had given an unqualified value for money audit opinion and an unqualified opinion on the financial statements and stated that the Annual Governance Statement was consistent with their understanding and compliant with the CIPFA/SOLACE framework on good governance in local authorities.
- Received a report on the outcomes of the Redmond Review into external audit.
- Received a report on the results of a review of Information Technology.

### **Internal Audit**

- Continued to oversee the internal audit arrangements for the Council. This included approving the review of the Internal Audit Charter.
- Received and approved the Internal Audit Plan for 2020/21. The plan had been updated as a result of Covid.

- Received and approved the Internal Audit Plan for 2021/22. The plan ensures that internal audit resources are prioritised towards those systems and areas which are considered to be most at risk, or which contribute most to the achievement of the Council's corporate objectives. The plan had been updated as a result of Covid.
- Monitored the delivery of the Internal Audit Plan through regular update reports presented by the Head of Internal Audit. Reviewed variations to the audit plans which were considered necessary to reflect new or changed Council priorities.
- Received and considered the results of internal audit work performed in respect of each Directorate.
- Monitored the progress made by management during the period to address identified control weaknesses.
- Monitored the performance of the Internal Audit team through regular update reports.
- Received and endorsed the results of the external validation of the internal assessment against Public Sector Internal Audit Standards. This confirmed the result of the internal assessment and showed General Conformance with the Standards.
- Received and considered the implementation of the Quality Assurance and Improvement Plan and the revised plan for 2021.

#### **Anti-fraud and Corruption**

- Received and considered updates to the Anti-Fraud and Corruption Policy and Strategy.
- Received and considered updates on completed fraud investigations as part of the Internal Audit Progress Reports.

#### **Risk Management**

- Continued to oversee the Council's risk management arrangements and strategy, including updates on the risk management arrangements in place during the Covid-19 response.
- Received a summary of risk management activity during 2019/20.
- Reviewed the progress made by the Council to identify and address corporate risks. This included consideration of the Strategic Risk Register twice during the year.
- Assessed the adequacy and effectiveness of each Directorate's risk management arrangements through consideration of the risks and mitigating actions identified



in their Risk Registers. Presentations were received from Strategic Directors and Cabinet Members on their approach to risk management.

## **Corporate Governance**

- Considered changes to the refreshed Code of Corporate Governance prior to approval. The Code reflects the core principles and requirements of the CIPFA/SOLACE 'Delivering Good Governance in Local Government Framework'.
- Considered the draft Annual Governance Statement for 2019/20.
- Considered and approved the Annual Governance Statement for 2019/20 of the Council. The Statement reflected the continued progress made by the Council during that year.
- Produced its own Annual Report for 2019/20 setting out the work undertaken by the committee.
- Received and considered at each meeting its own forward plan for the year ahead, ensuring that all relevant areas are covered during the year.

## **Finance**

- Considered the unaudited draft Statement of Accounts for 2019/20.
- Considered and approved the Statement of Accounts for 2019/20 for the Council.
- Received and considered a report on the final accounts closedown and accounting policies updates for 2020/21. A second closedown report showed the revised accounting timetable due to Covid-19.
- Continued to review the Council's Treasury Management arrangements. This included reviewing the Annual Treasury Management Report for 2019/20 which covered the actual Prudential Indicators, and the Mid-Year Monitoring Report which included the actual and proposed treasury management activity.
- Received a report detailing the position with regards to the Dedicated School Grant reserve and the plan to operate within the annual allocation and reduce the deficit over future years.

## **Other**

- Received and considered two update reports on progress made to implement recommendations arising from external inspections.
- Received and considered reports on the Council's use of surveillance and acquisition of communication data powers under the Regulation of Investigatory Powers Act 2000 (RIPA). There had been no usage of these powers by the Council during 2019/20. The committee noted that a desktop inspection

conducted by the Investigatory Powers Commissioners Office had a positive outcome.

- Received an annual report on Information Governance, including compliance with GDPR and the Data Protection Act.
- Received a report on procurement, including recent changes to processes and procedures implemented by the Corporate Procurement team.

### **TRAINING AND DEVELOPMENT**

The Committee received training or a briefing before most meetings based on the papers to be presented to the Committee and the results of the self-assessment.

During 2020/21 the audit chair and another committee member were members of the Sheffield City Region Audit and Standards committee, and the audit chair was also a member of the YPO Audit and Governance Committee.

Training for the Committee continues into the current year, with training planned for new committee members in September. The chair and two other members are members of the Sheffield City Region Audit and standards Committee.

**TERMS OF REFERENCE 2020/21****Committee Size**

To comprise: -

- Five Councillors, none of which are members of the Cabinet.
- One person who is not a councillor or officer of the Council (independent member).

**Statement of purpose**

- 1 The Audit Committee is a key component of RMBC's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
- 2 The purpose of the audit committee is to provide independent assurance to the Council of the adequacy of the risk management framework and the internal control environment. It provides independent review of RMBC's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

**Governance, risk, and control**

- 3 To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider RMBC's code of governance.
- 4 To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.
- 5 To approve the final AGS for publication.
- 6 To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- 7 To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.
- 8 To monitor the effective development and operation of risk management in the council.
- 9 To monitor progress in addressing risk-related issues reported to the committee.
- 10 To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- 11 To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
- 12 To monitor the counter-fraud strategy, actions and resources.
- 13 To review the governance and assurance arrangements for significant partnerships or collaborations.

### **Internal audit**

- 14 To approve the Internal Audit Charter.
- 15 To approve the risk-based Internal Audit Plan, including Internal Audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- 16 To approve significant interim changes to the risk-based Internal Audit Plan and resource requirements.
- 17 To make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.
- 18 To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Internal Audit. To approve and periodically review safeguards to limit such impairments.
- 19 To approve the internal or external assessments of Internal Audit against Public Sector Internal Audit Standards. This will include: -
  - regular reports on the results of the Quality Assurance and Improvement Programme (QAIP).
  - reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards (PSIAS) and Local Government Application Note (LGAN), considering whether the non-conformance is so severe that it must be included in the AGS
- 20 To consider reports from the Head of Internal Audit on Internal Audit's performance during the year. These will include updates on the work of Internal Audit including: -
  - progress against the plan
  - key findings and issues of concern
  - action in hand as a result of internal audit work
  - performance indicators
- 21 To approve the Head of Internal Audit's annual report: -
  - The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement.
  - The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion.
- 22 To consider summaries of specific Internal Audit reports.
- 23 To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- 24 To contribute to the QAIP and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- 25 To provide free and unfettered access to the Audit Committee Chair for the Head of Internal Audit, including the opportunity for him/her to meet privately with the committee.

### **External audit**

- 26 To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments (PSAA).

- 27 To approve the external auditor's annual plan
- 28 To approve any revisions to the external auditor's plan
- 29 To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- 30 To consider specific reports as agreed with the external auditor.
- 31 To comment on the scope and depth of external audit work and to ensure it gives value for money.
- 32 To commission work from internal and external audit.
- 33 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

### **Financial reporting**

- 34 To receive the draft annual statement of accounts following approval by the s151 Officer. Specifically, to consider whether appropriate accounting policies have been followed.
- 35 To approve the final audited annual statement of accounts for publication. Specifically, to consider whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
- 36 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
- 37 To deal with any matters referred to the Committee by the Strategic Director Finance and Customer services in relation to his/her responsibilities under section 151 of the Local Government Act 1972.

### **Treasury Management**

- 38 To review treasury management policy, strategy, and procedures and to be satisfied that controls are satisfactory
- 39 To receive annual reports on treasury management, specifically the outturn report and the mid-year report
- 40 To review the treasury risk profile and adequacy of treasury risk management processes
- 41 To review assurances on treasury management, for example an internal audit report, external audit report or other review.

### **Accountability arrangements**

- 42 To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.
- 43 To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
- 44 To submit a report on the work of the committee to the Council on an annual basis.

**Committee Name and Date of Committee Meeting**

Council – 29 September 2021

**Report Title**

Amendments to appointment of Members to Committees, Boards and Panels.

**Is this a Key Decision and has it been included on the Forward Plan?**

No

**Strategic Director Approving Submission of the Report**

Jo Brown, Assistant Chief Executive

**Report Author(s)**

Barbel Gale, Governance Manager  
01709 807665 or [barbel.gale@rotherham.gov.uk](mailto:barbel.gale@rotherham.gov.uk)

**Ward(s) Affected**

Borough-Wide

**Report Summary**

This report informs Council of amendments to the nomination of Members to serve on Committees, Boards and Panels.

**Recommendations**

- (1) That Council agree the amendments to the nominations of Members to serve on the Committees, Boards and Panels as listed below and that these amendments will take effect from 29 September 2021:

**a) Corporate Parenting Panel:**

- Councillor Bird to be appointed.
- Councillor Brown to be appointed.
- Councillor Castledine-Dack to be appointed.
- Councillor Griffin to be appointed.
- Councillor McClure to be removed.
- Councillor Yasseen to be appointed.

**b) Fostering Panel:**

- Councillor Bird to be appointed.

**c) Standards and Ethics Committee:**

Parish Council representatives to the Standards and Ethics Committee

- Councillor A Buckley (Brinsworth Parish Council) to be appointed.
- Councillor M Carroll (Woodsetts Parish Council) to be appointed.
- Councillor R Swann (Woodsetts Parish Council) to be appointed.

**d) Planning Board:**

- Councillor Khan – to be appointed as a reserve member on the Planning Board

**e) Licensing Board:**

- Councillor Whomersley to be removed.

**f) Improving Lives Select Commission:**

- Councillor Burnett to be removed.
- Councillor Bacon to be appointed.

**List of Appendices Included**

None.

**Background Papers**

[Membership of Political Groups on the Council, Political Balance and Entitlement to Seats Report](#) to Full Council on 26 May 2021.

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

None.

**Council Approval Required**

Yes

**Exempt from the Press and Public**

No

## **Amendments to appointment of Members to Committees, Boards and Panels.**

### **1. Background**

- 1.1 At its meeting on 26 May 2021, Council agreed the appointment of Members to committees, boards and panels, and the appointment of Chairs and Vice-Chairs, as set out on the schedule which was tabled at the meeting in the Mayors Letter.

### **2. Key Issues**

- 2.1 Members are reminded that Section 16 of the Local Government and Housing Act 1989 states that where the Council has determined the allocation to different Groups of the seats to which the Act applies, it shall be the duty of the authority to give effect to a Group's wishes about who is to be appointed to the seats that they have been allocated.
- 2.2 Democratic Services have received notification that it has become necessary to make amendments to appointment of Members to serve on the committees, boards, and panels, as listed below:

#### **Corporate Parenting Panel:**

- Councillor Bird to be appointed.
- Councillor Brown to be appointed.
- Councillor Castledine-Dack to be appointed.
- Councillor Griffin to be appointed.
- Councillor McClure to be removed.
- Councillor Yasseen to be appointed.

#### **Fostering Panel:**

- Councillor Bird to be appointed.

#### **Planning Board:**

- Councillor Khan – to be appointed as a reserve member on the Planning Board

#### **Licensing Board:**

- Councillor Whomersley to be removed.

#### **Improving Lives Select Commission:**

- Councillor Burnett to be removed.
- Councillor Bacon to be appointed.

- 2.3 Three members of town or parish councils within the Borough (parish members) should be appointed to the Standards and Ethics Committee by the town and parish councils that have delegated their powers under Chapter 7 of the Localism Act 2011. Following the 2021 local elections the Yorkshire Local Councils' Association undertook the ballot, the results are:
- Councillor A Buckley (Brinsworth Parish Council).
  - Councillor M Carroll (Woodsetts Parish Council).



- Councillor R Swann (Woodsetts Parish Council).

### **3. Options considered and recommended proposal**

- 3.1 No alternative options were considered.
- 3.2 It is recommended that the appointments to the committees, boards and panels be amended and notes as discussed in sections 2.2 and 2.3 of this report.

### **4. Consultation on proposal**

- 4.1 Consultation has taken place within the political groups themselves and with the members concerned.

### **5. Timetable and Accountability for Implementing this Decision**

- 5.1 The amendments to the appointment of Members to the committees, boards and panels listed in section 2.2 of this report will take effect from 29 September 2021.
- 5.2 Staff from within the Governance Unit will contact the members being appointed to those committees, boards, and panels to discuss their appointment and arrange any required committee specific training prior to the next schedule meeting.

### **6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)**

- 6.1 There are no financial and procurement implications directly arising from this report.

### **7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)**

- 7.1 The composition and allocation of membership of the above bodies has been based on the relevant legislative requirements in accordance with the Council's Constitution.

### **8. Human Resources Advice and Implications**

- 8.1 There are no human resources implications arising from this report.

### **9. Implications for Children and Young People and Vulnerable Adults**

- 9.1 The appointment of members to serve on committees and other bodies of the council will indirectly impact on children and young people and vulnerable adults through the activities and decisions of those bodies. There are no apparent direct implications at the time of writing this report.

## **10. Equalities and Human Rights Advice and Implications**

- 10.1 There are no equalities implications arising from the report. Political groups are required to have regard to the provisions of the Equality Act 2010 when nominating Member appointments to committees and other offices.

## **11. Implications for CO<sub>2</sub> Emissions and Climate Change**

- 11.1 There are no implications for CO<sub>2</sub> Emissions and Climate Change arising from this report.

## **12. Implications for Partners**

- 12.1 The appointment of councillors to serve on external bodies and partnerships is designed to have a positive impact on the council's relationship with those organisations and enhance the relationship through the presence of accountable and elected representatives.

## **13. Risks and Mitigation**

- 13.1 By having regard to the detail of the report above in respect of meeting statutory requirements, any risk implications will have been mitigated. Consequently, there are no risks to be borne in mind in respect of the recommendations.

## **14. Accountable Officer(s)**

Barbel Gale, Governance Manager  
Emma Hill, Acting Head of Democratic Services

Barbel Gale, Governance Manager  
01709 807665 or [barbel.gale@rotherham.gov.uk](mailto:barbel.gale@rotherham.gov.uk)

This report is published on the Council's [website](#).

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**Committee Name and Date of Committee Meeting**

Council – 29 September 2021.

**Report Title**

Constitution Amendments

**Is this a Key Decision and has it been included on the Forward Plan?**

No

**Officer Approving the Submission of the Report**

Sharon Kemp, Chief Executive

**Report Author**

Emma Hill, Acting Head of Democratic Services  
emma.hill@rotherham.gov.uk

**Ward(s) Affected**

Borough-Wide

**Report Summary**

This report is submitted to recommend the approval of amendments to various parts of the Council's Constitution following a periodic review by the Constitution Working Group.

The proposals within this report have been reviewed and are supported by the Group which is a cross party body of Members.

The Council is recommended to approve the amendments to the Constitution, which would take immediate effect.

**Recommendations**

1. That the revised Financial & Procurement Procedure Rules (FPPRs) are approved.
2. That the revisions to Constitution Appendix 4 - Council Procedure Rules are approved (Part 1 - Procedure Rule 8 - Appointment of Mayor and Deputy Mayor of the Council and Part 1 - Procedure Rule 4 – Budget Council Meetings) are approved.
3. That the Constitution be updated

**List of Appendices Included**

Appendix 1 – Revised Finance and Procurement Procedure Rules

Appendix 2 – Capital Governance Principles

**Background Papers**

- The Council's Constitution
- The report of the Head of Democratic Services presented to the Constitution Working Group.
- The report of the Head of Corporate Finance and Head of Procurement presented to the Constitution Working Group

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

No

**Council Approval Required**

Yes

**Exempt from the Press and Public**

No

## **Proposed Amendments to the Constitution**

### **1. Background**

- 1.1 The Council continues to seek to strengthen its governance arrangements as part of its continued improvement journey and continues to review all aspects of its Constitution under the tutelage of the Constitution Working Group.
- 1.2 Good governance has been a core tenet of the Council's improvement journey in recent years. The Constitution has been subject to external review and significant changes have been made to the way in which proposals are developed by Members and officers and how decisions are made across the authority. As the Constitution is the document that empowers the authority to discharge its statutory and discretionary responsibilities, it is important that its provisions are reviewed, and changes made to strengthen the Council's governance and accountability arrangements
- 1.3 This report presents the minor amendments identified through discussions with Members of all as means of improving the Council's good governance regime.
- 1.4 All proposals are in keeping with other Council policies and any national government policies and objectives.

### **2. Key Issues**

#### **Appendix 5 - Finance and Procurement Procedure Rules**

- 2.1 The Council's Financial & Procurement Procedure Rules (FPPRs) were last revised in January 2017, since then the Council's capital programme has significantly increased in size and complexity, procurement processes and procedures have moved forward and a need for more robust governance around bids for government grants has developed. As such the Council has reviewed and revised its FPPRs.
- 2.2 Whilst the current FPPRs are functional, there have been several examples recently which confirm a need for an updated and improved set of FPPRs supplemented by a new Capital Governance Principles guidance document. Examples within the FPPRs that require clarification/update are:
  - Uncertainty around capital governance procedures and processes
  - Uncertainty around revenue and capital grant procedures and processes
  - A lack of clarity of understanding around procedural requirements and processes for procurement activity
  - References to procurement guidance which is now outdated
  - Linkages to be made to policies agreed after the implementation of the current FPPRs such as the Social Value Policy and the Ethical Procurement Policy.

- 2.3 The FPPR's do set out the requirement to approve the use of the Councils capital resources, capital programme and capital strategy at Council, however, the detail in regard to the mechanism used to achieve this would benefit from strengthening. Similarly, the requirements to approve the use of annual capital grants, specific capital grants, the use of HRA resources, reporting of overspends and the authority to carry out budget virements. As a result, there have been some examples whereby capital scheme project leads had not taken appropriate steps to:
- Adequately report project overspends to SLT and members.
  - Gain appropriate approvals for variations of project budgets
  - Gain appropriate approvals for the bidding for, approval of, and claiming against capital grants.
- 2.4 Some lack of understanding of the current capital governance and grants management within the FPPR's makes them difficult to enforce from a finance angle and difficult to follow from the project manager viewpoint.
- 2.5 Whilst the current FPPRs have provided the Council with a baseline to embed governance around procurement practice within the organisation, examples are being brought to light where improvements could be made further enhancing procurement practice.
- 2.6 FPPRs set out the approvals that Services need to obtain before submitting an application for grant funding from an external body. FPPR 13.7 states "Strategic Directors shall consult the relevant executive Member and the Chief Finance Officer prior to submitting applications for grant funding to government departments or other grant-giving bodies". However, Services are not always gaining the appropriate authorisation for grant bids and the FPPRs can be strengthened in this regard.

#### Key Finance Issues and Changes

- 2.7 In order to improve the FPPR's and build in the required clarity around capital governance, it is proposed that they are updated to reference to a new document, 'Capital Governance Principles'. This document will outline in greater detail the capital governance arrangements, making it clear as to how the following elements of capital governance should be managed, with clearer roles and responsibilities.
- Use of Corporate Resources including service funded proposals
  - Capital grant bids, acceptance and claims
  - Approval of annual grant allocations
  - Approval of specific grant allocations
  - Approval of HRA capital
  - Variations to capital projects.
- 2.8 By linking the FPPR's to this more detailed and flexible document it will allow the Council to ensure that capital governance is more frequently reviewed and

updated to meet requirements. For example, the proposed variations to capital budgets are set out below, these would be detailed in the capital governance principles only, this would allow the Council to adjust the variation limits as required moving forward without having to adjust formally update the FPPR's. The specific capital governance principles will also allow the Council to be much more clear about the specific process steps for services holders to follow for capital approvals in a specific document rather than services getting lost within the size and complexity of the FPPR's.

- 2.9 Section 7 of the FPPR's, 'Capital Programme' now provides a brief summary of the process to approve the Councils Capital Programme, inclusion of new projects and management of resources, however, it now refers to the new Capital Governance Principles document, attached at Appendix 1, for further detailed procedural guidance.

#### Overview of changes

- 2.10 Use of Corporate Resources including service funded proposals

Clarify the need for all corporate resources to be approved as part of the Council's annual budget setting process. Typically, with the process commencing in the Autumn, with requirements for new corporate resources outlined by the Directorates, before being taken through a robust review and recommendation process via, SD's, SLT, leader and CEX review prior to cabinet and Council.

- 2.11 Capital grant bids, acceptance and claims

Clarify the need to ensure that grant bids are approved by the directorate Strategic Director, member, leader and S151 prior to any bid being submitted. With the need to ensure that all grant acceptance forms and claims are approved by Heads of Finance prior to submission, with S151 approval sought as required. A formal process for approval of all grant bids has now been introduced and would be incorporated into the guidance document.

- 2.12 Approval of annual grant allocations & Approval of HRA Capital

Clarify the need for services to outline how capital grant allocations will be utilised to the Strategic Director and relevant member, whilst making this information available for finance to ensure the programme can be tracker and reported upon.

- 2.13 Approval of specific grant allocations

Clarify the process for the approval of specific grant allocations, how they can be approved during the course of the year and the timing of their inclusion into the capital programme.

#### 2.14 Variations to capital projects.

Clarify the process to gain approval for variations to the capital programme and virements within the capital programme. It is proposed that a virement of under and overspends on schemes must be approved at the appropriate levels as set out below:

- Virements under £100k can be approved by Strategic Director in Consultation with cabinet member.
- Virements from £100-£400k can be approved by Strategic Director in Consultation with cabinet member, Leader, CEX and S151 Officer.
- For project virements of £400,000 or more, Cabinet approval will be required. This can be undertaken via the Councils Financial Monitoring Report or a specific project Cabinet report, depending upon the complexity of the reason for variation and scheme. The route to Cabinet approval will be determined on a case by case basis by the Chief Finance Officer. These changes will be referred onto Council.

#### 2.15 It is proposed that variations to the Capital Programme, i.e those that either increase or decrease the overall capital programme must be reported to cabinet through the Council's Financial Monitoring Report.

- For schemes using corporate resources, increased use of corporate resources can only be approved as part of the annual budget setting process.
- For schemes using corporate resources, any schemes that can no longer be delivered must be reported to cabinet and removed from the programme.
- For schemes using specific grants, annual grant allocations or HRA funding, increased use of these grants or new allocations must be approved at cabinet as part of the Councils financial monitoring report.

#### Submission of grant bids

#### 2.16 In order to regularise the approvals process and to ensure consistency of approach, it is proposed that the approvals needed before a Service submits an application for grant funding are documented and that the approval document is retained along with other documentation related to the grant. The Councils FPPR's now include section 6 'Submission of Grant Bids' that detail how the Service should seek authority to submit a grant bid.

#### 2.17 A pro-forma has been drafted to record the approvals and is already in circulation, the addition to the FPPR's will further enforce its use. The approvals are set out in the sequence to which they need to be obtained, although



simultaneous seeking of approvals may be appropriate in some circumstances. Services will need to plan for the timescale of approvals within their overall timeline plans for submitting an application for grant funding.

2.18 S151 approval for the submission of grant applications can only be given by one of the following 3 people:

- Strategic Director – Finance & Customer Services
- Assistant Director – Financial Services
- Head of Corporate Finance

### Key Procurement Issues and Changes

2.19 Whilst the current FPPRs have provided the Council with a baseline to embed governance around procurement practice within the organisation, examples are being brought to light where improvements could be made further enhancing procurement practice. These key improvements are summarised as follows:

2.20 **General Terminology:** Improvements around the wording of some of the terminology is required. For example, there are references to Standing Orders throughout FPPRs, which is old terminology and not meaningful to someone unfamiliar with procurement. Also, given the Council's exit from the European Union it is also appropriate to update terminology regarding the Public Contracts Regulations, the EU threshold and the Official Journal of the European Union (OJEU)

2.21 **Re-ordering the Flow:** The current flow of the procurement element of FPPRs is not easy to understand or navigate for someone unfamiliar with procurement. Some restructuring work has therefore been undertaken to make the requirements easier to understand. In addition, at present there are items stated in Procurement Procedure Rules where it is felt more appropriate to move these into the Finance section (i.e. Delegation arrangements and the role of the Property Officer)

2.22 **In-house Service Providers:** Current FPPRs make reference that In-house Service Providers must be used where certain conditions are met, for contracts up-to £25,000. The revised FPPRs remove this ceiling limit and indicate a clear mechanism for who and in what circumstances not using an in-house service provider can be granted.

2.23 **Social Value and Ethical Procurement Policy:** The current version of FPPRs does not contain appropriate references to some of the key policy changes governing procurement; including the Social Value Policy and the Ethical Procurement Policy. The Social Value Policy makes specific reference to procedural requirements surrounding procurement (including the requirement to obtain Social Value commitments in contracts above £100,000 and the need for the evaluation of Social Value to account for 20% of the marks available. There

is also the requirement where quotations are sought, the need for one of the quotes to be from a locally based company. Currently these requirements are not clearly referenced in FPPRs. In addition the Ethical Procurement Policy sought to bring together the range of commitments the Council had agreed regarding ethical practice, and reference needs to be made to this policy for these key factors to be appropriately considered in the development of procurement procedures.

- 2.24 Increase the Quotation Threshold:** At present, quotations are sought for contracts between £5k - £25k, and then all projects above this threshold to be openly tendered (or sourced through an appropriate framework). The revised FPPRs increase the threshold for invited quotes to £100k. This £100,000 threshold ties with other key requirements in FPPRs such as the inclusion of Social Value and the requirement to complete a Procurement Business Case, which would mean the process is much more streamlined and easier to navigate. Increasing the threshold will still ensure the Council is seeking competitive bids and is consistent with a large proportion of the other Local Authorities across the Yorkshire and Humber region.
- 2.25 Governance Arrangements:** Current FPPRs, refer to the requirement for a procurement business case to be completed, but lacks clarity in relation to when this is required and the exact details of the points to be considered. Other additional procedural practices have been implemented over the past 12-18 months, including the requirement for tender evaluation reports to be completed before the award of any contracts. The revised FPPRs set out these governance arrangements clearly. There is also a requirement to ensure contract variations are appropriately detailed in FPPRs, setting out their parameters for use and compliance with the Public Contracts Regulations 2015 (as amended).
- 2.26 Other adjustments to refresh and update the FPPR's:** A number of other minor updates have been made to the FPPR's to bring them up to speed with the current operations of the Council and to take this opportunity to provide greater clarity in a few areas as required. For example, the FPPR's now clarify when the Council's Accounting Policies will be set and how they will be approved each year, in addition the FPPR's clarify how the Council's reserves position will be reported as part of the Council's annual accounts in accordance with the CIPFA Code of Practice.

2.27 The revised FPPRs are presented at Appendix A to the report

## **Appendix 4 – Council Procedure Rules:**

### Part 1 - Procedure Rule 8 - Appointment of Mayor and Deputy Mayor of the Council

- 2.28 It was identified by the Constitution Working Group that the Council Procedure Rules as amended in 2019 to provide for the nominations for the Mayor-Elect and Deputy Mayor Elect to be approved at the last Council meeting of the Municipal year could not be followed due to no nominations being forthcoming at the time of that meeting.
- 2.29 For the purposes of the 2021 Annual Council meeting, it was determined by the Deputy Monitoring Officer that the inability to comply with the Constitution did not override the statutory duty under the 1972 Local Government Act to appoint a Chair (Mayor) and Vice Chair (Deputy Mayor) or the general public law principles and the common law principles concerning the conduct of meetings and the two nominations for Mayor and two nominations for Deputy Mayor were received and considered at the meeting under existing standing orders.
- 2.30 It was further agreed it would be useful in due course to amend the rules to cover nominations for appointments of this nature in the absence of nominations being made at the February meeting.
- 2.31 The Constitution in respect of the appointment of the Mayor and Deputy currently says:

Appointment of Mayor and Deputy Mayor of the Council

- (2) Consideration will be given to the designation of a Mayor-Elect and Deputy Mayor-Elect at the final Council meeting of a municipal year. Nominations will be invited to be proposed in accordance with Council Procedure Rule 15(5), with notice having been provided by 12noon on the sixth clear day before a Council meeting. The members designated as Mayor-Elect and Deputy Mayor-Elect will be nominated for election as Mayor and Deputy Mayor at the Annual Meeting of the Council.
- 2.32 However, it is recognised that for a year in which the Council is subject to all-out elections, then it would be inappropriate to designate a Mayor-Elect and Deputy Mayor-Elect given the potential risks:
- There may be a change in administration
  - The Mayor-Elect or Deputy Mayor-Elect might not be returned as Councillors.
- 2.33 It is therefore proposed to amend this section of the Constitution as follows:

Appointment of Mayor and Deputy Mayor of the Council

- (2) In a year with no all-out elections, consideration will be given to the designation of a Mayor-Elect and Deputy Mayor-Elect at the final Council meeting of a municipal year. Nominations will be invited to be proposed in accordance with Council Procedure Rule 15(5), with notice having been

provided by 12noon on the sixth clear day before a Council meeting. The members designated as Mayor-Elect and Deputy Mayor-Elect will be nominated for election as Mayor and Deputy Mayor at the Annual Meeting of the Council.

- (3) In a year with all-out elections, consideration will be given to the designation of a Mayor-Elect and Deputy Mayor-Elect at the Annual Council meeting. Nominations will be invited to be proposed in accordance with Council Procedure Rule 15(5), with notice having been provided by 12noon on the sixth clear day before the Council meeting.

#### Part 1 - Procedure Rule 4 – Budget Council Meetings

2.34 The Constitution Working Group discussed what the appropriate mechanism should be for consulting Members on any changes to meeting schedules once they have been agreed at the Budget Council meeting.

2.35 It is therefore proposed to amend this section of the Constitution as follows:

##### Budget Council Meetings

- (3) The Calendar of Meetings for the forthcoming municipal year, including dates and times of Council and Committee meetings, will be submitted for approval to this meeting annually. Any in-year changes to the regular schedule of a Committee can be proposed by any member of that Committee for discussion, with notice to be given with the meeting papers in advance of any decision to be taken. A simple majority of all Members of the relevant Committee in a formal vote is required to approve any changes.

### **3. Options considered and recommended proposal**

- 3.1 The Council has committed to continue to review various parts of the Constitution as part of its improvement journey. The proposals set out above in this report have been put forward through discussion and observation by Members and officers on the basis of strengthening governance arrangements.

### **4. Consultation on proposal**

- 4.1 The Constitution Working Group has been consulted in the development of the proposals submitted to Council for approval.

### **5. Timetable and Accountability for Implementing this Decision**

- 5.1 If Council approves the recommendations set out above, then the changes to the Constitution could be implemented with immediate effect.

- 5.2 The Head of Legal Services is responsible for ensuring implementation of the changes once agreed.

## **6. Financial and Procurement Advice and Implications**

- 6.1 There are no further financial or procurement implications arising from the proposed changes to the Constitution.

## **7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)**

- 7.1 As required by statute, the Council should require the Constitution to be current and coherent as the key enabling document that enables the authority to exercise its decision-making powers and procedures.
- 7.2 The changes proposed within this report are compliant with the provisions of the Local Government Act 2000, which introduced the requirement for Local Authority Constitutions, and subsequent legislation which has further strengthened Local Authority governance.

## **8. Human Resources Advice and Implications**

- 8.1 There are no human resources implications associated with this report

## **9. Implications for Children and Young People and Vulnerable Adults**

- 9.1 There are no implications for children and young people, or vulnerable adults associated with this report.

## **10. Equalities and Human Rights Advice and Implications**

- 10.1 In reviewing all recommendations, the Constitution Working Group had regard to equalities requirements and did not identify issues within the proposals recommended as part of this report. Consequently, there are no equalities or human rights implications arising from the proposals within the report.

## **11. Implications for CO2 Emissions and Climate Change**

- 11.1 There are no implications for CO2 Emissions and Climate Change arising from this report.

## **12. Implications for Partners**

- 11.1 There are no implications for partners arising from the proposed amendments to the Constitution.

### 13. Risks and Mitigation

12.1 Any update to constitutional procedure creates the potential for confusion and misunderstanding. Mitigations will be put in place to address any such risks.

Risk	Mitigation
Members may be unaware of the new procedure rules	<p>Clear communication of the changes is needed</p> <p>All web pages and online guidance will be updated</p> <p>Member bulletins will be used to further communicate information.</p>
New rules and procedures may be unclear or have ambiguities	<p>Monitor the application of the new rules</p> <p>The Monitoring Officer to provide advice and guidance where required</p>
The public may be unaware of the new procedure rules	All web pages and online guidance will be updated

### 14. Accountable Officer(s)

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This report is published on the Council's [website](#).

# FINANCIAL AND PROCUREMENT PROCEDURE RULES

## Contents

PART I FINANCIAL REGULATIONS.....	4
1. Status and Scope of these Regulations .....	4
2. Interpretation.....	4
3. Definitions .....	5
4. General Requirements .....	6
5. Duty to Consult the Chief Finance Officer .....	7
6. Submission of Grant Bids .....	7
7. Financial Planning and Revenue and Capital Budget Setting.....	8
8. Budget Virements and Supplementary Estimates .....	12
9. Controlling Income and Expenditure (Budget Monitoring) .....	13
10. Staffing, Remuneration and Payroll .....	15
11. Procurement of Works, Goods and Services .....	16
12. Grants to Voluntary and Community Sector Organisations .....	17
13. Payments.....	18
14. Income .....	19
15. Taxation.....	21
16. Accounting Systems .....	22
17. Accounting Policies .....	22
18. Trading Accounts.....	22
19. Statement of Accounts.....	22
20. Treatment of Year-end Balances.....	23
21. Reserves .....	24
22. Internal Control .....	24
23. Prevention of Fraud and Corruption.....	25
24. Risk Management .....	25
25. Insurance.....	26
26. Settlement of Claims Against the Council.....	26
27. Internal Audit Requirements .....	27
28. External Audit.....	28
29. Assets .....	29

30. Stocks .....	31
31. Banking Arrangements.....	31
32. Treasury Management.....	31
33. Petty Cash Imprest Accounts .....	32
34. Data Protection .....	33
35. External Arrangements and Partnerships .....	33
36. Gifts, Loans and Sponsorship .....	34
37. Voluntary and Trust Funds.....	35
38. Retention of Financial Documents.....	36
39. Emergency Arrangements.....	36
40. Suspension of a Financial Regulation.....	36
41. Cash Handling.....	36
42. Delegation arrangements .....	37
43. Signing contracts and the Common Seal .....	38
PART II PROCUREMENT PROCEDURE RULES .....	39
44. Definitions .....	39
45. Introduction .....	41
46. Compliance with Procurement Procedure Rules .....	41
47. Relevant Contracts .....	42
48. Social, Economic, Environmental and Ethical Considerations .....	43
49. Forward Procurement Plans .....	44
50. In-House Suppliers .....	44
51. Council Wide Arrangements .....	44
52. Estimating Contract Values .....	45
53. Approved Lists of Suppliers.....	46
54. Framework Agreements and Dynamic Purchasing Systems.....	46
55. Public to Public Contracts .....	48
56. Pre-Procurement Requirements and Procurement Business Cases .....	48
57. Development of Quotation / Tender Documentation .....	50
58. Normal Procedure.....	51
59. Procurement Procedures .....	54
60. Tender / Quotation Submission, Receipt and Opening .....	55
61. Evaluation.....	55
62. Errors in Quotations and Tenders .....	56
63. Post Tender and Quotation Negotiations .....	56



64. Due Diligence .....	57
65. Approval to Award .....	57
66. Acceptance and Award .....	58
67. Exemptions from the Normal Procedure .....	60
68. Contracts and Purchase Orders .....	61
69. Contract Management.....	64
70. Miscellaneous .....	66

## **PART I FINANCIAL REGULATIONS**

### **1. Status and Scope of these Regulations**

- 1.1. Article 18 of the Council's Constitution says "The Council's Financial Regulations govern the financial management of the Council."
- 1.2. The Regulations shall apply to all of the Council's activities (except schools with delegated budgets) including any activities undertaken on behalf of third parties or under separate financial/funding regimes.
- 1.3. These Regulations do not apply to schools with delegated budgets in respect of the administration of those delegated budgets, and for which separate, specific, Financial Regulations shall apply.
- 1.4. These Financial Regulations shall not be changed, revoked or otherwise set aside without the prior agreement of the Council acting on a recommendation from the Cabinet or the Standards & Ethics Committee. The Chief Finance Officer shall comment in writing upon any proposal to change, revoke or otherwise set aside any part of these Regulations, prior to any decision of the Council on this matter.

### **2. Interpretation**

- 2.1. These Financial Regulations and Procedures should be read in conjunction with any other instructions of the Council relating to financial matters, particularly:-
  - the Constitution;
  - the Council's Terms of Reference and Scheme of Delegation;
  - the "Proper Officer" arrangements approved by the Council under the Local Government Act 1972; and
  - Procurement Procedure Rules.
- 2.2. The Constitution sets out the responsibilities of the Full Council, Cabinet, executive members, committees and panels, the Chief Executive, the Monitoring Officer, the Chief Finance Officer, Strategic Directors, etc.
- 2.3. Strategic Directors may delegate responsibility to officers for some aspects of financial management. Strategic Directors should maintain a written record where responsibility for financial decision making has been delegated to members of their staff, including to seconded staff. Where decisions have been delegated or devolved to other responsible officers, references to Strategic Directors in these Financial Regulations should be read as referring to them.
- 2.4. The Chief Finance Officer, along with the Assistant Director Legal Services, shall determine any dispute as to the interpretation of these Financial Regulations.

## Guidance Notes

- 2.5. The Chief Finance Officer is responsible for issuing advice and guidance to underpin the Financial Regulations that members, officers and others acting on behalf of the Council are required to follow.
- 2.6. To assist officers and members in their roles the Chief Finance Officer may, from time to time, issue written guidance or procedure notes which set out in more detail how the Council's financial arrangements shall operate. Officers and Members must comply with the procedures in all such guidance notes.
- 2.7. Upon issuing a new or revised guidance note the Chief Finance Officer shall ensure that it is communicated to appropriate officers and members and is made available on the Council's intranet.

## 3. Definitions

- 3.1. In these regulations the terms below shall be interpreted as follows:

**Strategic Director** means an officer who is a member of the Strategic Leadership Team and reports directly to the Chief Executive (irrespective of their actual job title) and other than a person whose duties are solely secretarial or clerical or are otherwise in the nature of support services.

**Assistant Director** means an officer who reports directly to a Strategic Director (irrespective of their actual job title) and other than a person whose duties are solely secretarial or clerical or are otherwise in the nature of support services.

**Budget Manager** means an officer who is given responsibility for controlling the expenditure for one or more cost centres or projects.

**Chief Finance Officer** (or CFO) means the person designated as the Section 151 Officer (currently the Strategic Director – Finance and Customer Services).

**Chief Internal Auditor** means the Head of Internal Audit.

**Financial Signatory** means an officer approved by a Strategic Director to authorise requisitions for specified service areas and within specified financial amounts as set out in the Scheme of Delegation.

**Monitoring Officer** means the person designated as the Monitoring Officer (currently the Assistant Director – Legal Services).

**Property Officer** means person designated as the Corporate Officer (currently the Assistant Director – Planning, Regeneration and Transport).

**Senior Information Risk Owner** (or SIRO) means the person designated as the SIRO (currently the Assistant Director – Customer, Information and Digital Services).

#### **4. General Requirements**

- 4.1. Strategic Directors shall ensure all staff in their directorates are aware of the content of these Financial Regulations and other internal regulatory documents and that staff comply with them. In particular, Strategic Directors shall ensure that staff induction processes include making new staff aware of these Financial Regulations as well as their own responsibilities for financial management.
- 4.2. All members and officers of the Council must comply with these financial regulations and all the associated guidance at all times.
- 4.3. The Council may take disciplinary or other action against anyone to whom these Regulations apply who fails to comply with them.
- 4.4. The Chief Finance Officer is responsible for reporting, where appropriate, significant breaches of Financial Regulations to the Council and/or to the executive members.
- 4.5. All Members and officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of the Council's resources is legal, properly authorised and provides value for money. What that means is, before spending any of the Council's money or entering into a commitment with financial consequences, officers and members need to answer "Yes" to these three questions:
  - Is this spending within the regulations?
  - Can the Council afford it?
  - Is it value for money?

If in doubt, advice should be sought from the Chief Finance Officer.
- 4.6. The Chief Finance Officer shall be notified and receive copies of all Government or other circulars, orders, sanctions, approvals and regulations affecting finance which are received by the Authority.
- 4.7. Strategic Directors and Assistant Directors shall furnish the Chief Finance Officer with such information as he/she may from time to time require for financial administration of the Council's affairs. In the case of any dispute or difference of opinion on whether provision of information is necessary, the decision of the Chief Finance Officer will be final.

- 4.8. It is the responsibility of each Strategic Director to ensure that a proper Scheme of Delegation has been established in their Directorate, in accordance with Contract Procedure Rule 41, and is operating effectively. The Scheme of Delegation should identify staff authorised to act on the Strategic Director's behalf in respect of payments, income collection and the requisitioning of goods and services, writing off debts, together with the limits of their authority.

## **5. Duty to Consult the Chief Finance Officer**

- 5.1. Any report prepared by Strategic Directors or other officers for consideration by the Full Council, Cabinet, a Committee, Panel, Working Group or similar, which has financial implications must be prepared in consultation with the Chief Finance Officer. The Chief Finance Officer shall be consulted on the contents of the report in good time to be able to assess the financial implications and the Chief Finance Officer shall incorporate into the report such comment on the financial aspects as he/she considers necessary or appropriate. The Chief Finance Officer may delegate some or all of these duties to appropriate representatives e.g. Heads of Finance who will carry out these duties on behalf of the Chief Finance Officer, subject to formal delegation arrangements.

## **6. Submission of Grant Bids**

- 6.1. In order to regularise the approvals process and to ensure consistency of approach, approval to submit a grant bid is required before a Service submits an application for grant funding. This ensures that the approval is documented and is retained along with other documentation related to the grant.
- 6.2. A pro-forma to record the approvals must be completed, Corporate Finance will maintain the pro-forma that services must complete. The approvals are set out in the sequence to which they need to be obtained, although simultaneous seeking of approvals may be appropriate in some circumstances. Services will need to plan for the timescale of approvals within their overall timeline plans for submitting an application for grant funding.
- 6.3. It is important for the service to ensure that they make their Head of Finance aware of the proposed bid so that any potential financial implications on the Councils budgets can be considered. In addition, all bids must have S151 approval before submission and this approval must be obtained via the Head of Finance for the service.
- 6.4. All bids should demonstrate how they contribute towards the Council Plan and how the bid meets an existing priority.
- 6.5. S151 approval for the submission of grant applications can only be given by one of the following 3 people:
- Strategic Director – Finance & Customer Services
  - Assistant Director – Financial Services

- Head of Corporate Finance

6.6. With regard to S151 approval, it is important to note that the need for this approval before any application for grant funding is submitted is the Council's own requirement. It is not relevant whether or not a grant funding body requires S151 approval for a particular grant application.

## **7. Financial Planning and Revenue and Capital Budget Setting**

7.1. The Full Council is responsible for approving the Budget and Policy Framework which will be proposed by the Cabinet. Officers are responsible for implementing these Budget and Policy decisions and for managing their budgets within the parameters set.

7.2. The Chief Finance Officer will be responsible for ensuring that a Medium Term Financial Strategy for the Authority is prepared and updated at least annually for consideration by the Cabinet and approval by the Council.

7.3. The Medium Term Financial Strategy will be consistent with and designed to further the achievement of the Council's priorities.

### **Revenue budget**

7.4. The Chief Finance Officer will be responsible for ensuring that a Revenue Budget for the coming financial year (and as appropriate a budget and medium term financial strategy for the two subsequent financial years) is prepared and brought forward for approval by the Council upon recommendation of the Cabinet, on or before the statutory date for such approval (currently 11th March), in accordance with the Local Government Act 1992. The adoption of the Budget by the Council shall be accompanied by a resolution as to the level of Council Tax required for the coming financial year in order to sustain the Budget.

7.5. The Chief Finance Officer shall:

- 7.5.1. prepare and submit reports to the Cabinet on the overall prospects for the Council's income and expenditure over the medium term, including the implications of any resource constraints set or proposed by Government;
- 7.5.2. prepare and submit reports to the Cabinet on the aggregate spending plans of departments and on the resources available to fund them, identifying, where appropriate, the implications for the level of Council Tax to be levied and on the level of housing rents/service charges;
- 7.5.3. advise Cabinet and the Strategic Leadership Team on the medium term implications of spending decisions;
- 7.5.4. encourage the best use of resources and value for money by working with Strategic Directors to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options and in developing

financial aspects of service planning;

- 7.5.5. advise the Full Council about the credibility and sustainability of the Cabinet's Budget proposals, in accordance with his or her responsibilities under section 151 of the Local Government Act 1972.

7.6. The Revenue Budget for the year will:-

- 7.6.1. be consistent with the Council's priorities as expressed in the Council Plan;
- 7.6.2. reflect the content of the Medium Term Financial Strategy for the appropriate year;
- 7.6.3. be balanced, affordable and sustainable;
- 7.6.4. not commit the Council to unplanned or unaffordable expenditure in subsequent years;
- 7.6.5. leave the Council with an adequate level of uncommitted balances/reserves;
- 7.6.6. be accompanied by a prudent risk assessment of the possible implications in terms of both affordability and service delivery.
- 7.6.7. When the proposed Budget for the coming year is being considered by the Cabinet and the Council, the Chief Finance Officer shall advise as to what would constitute a prudent and necessary minimum level of uncommitted balances/reserves for the Council to retain and also as to whether the budget being proposed is consistent with such a requirement. In forming their professional judgement, the Chief Finance Officer will consider guidance from CIPFA or the external auditor.
- 7.6.8. In setting its annual Revenue Budget, the Council determines a cash-limited allocation for each Directorate, calculated at forecasted outturn prices. These cash limits may be amended subsequently through presenting a Revised Estimate to the Full Council following a recommendation from Cabinet.
- 7.6.9. Within the overall cash limited budget allocated by the Council to their Directorate, each Strategic Director will set a detailed budget. In setting the detailed budget, each Strategic Director will take account of any policies, priorities, or specific allocations prescribed by the Cabinet in the determination of the budget total, and shall ensure that all cash limited budget allocations are in accordance with the Council's declared intentions.
- 7.6.10. When a cash limited budget has been agreed for the year for each Directorate (as part of the Council's approved Budget) it shall be the responsibility of the Strategic Director to ensure that their budget is not overspent.

**Capital programme**

- 7.7. Capital schemes and projects shall be collected together into a Capital Programme for approval by Members. The proposed Capital Programme and Capital Strategy will be presented annually to Cabinet and approved by Council.
- 7.8. Council shall approve at least annually a Capital Strategy which sets out the Council's priorities for capital investment.
- 7.9. Strategic Directors shall submit proposals for any future capital schemes by such dates, and in such form, as the Chief Finance Officer shall determine, subject to Council approval.
- 7.10. The Chief Finance Officer shall collate the proposed Capital Programme jointly with Strategic Directors and the Chief Executive and the programme will be submitted to the Cabinet for approval and recommendation to Council at the same time as the Revenue Budget proposal.
- 7.11. The Capital Programme will be based on the following principles and the governance arrangements indicated within the Capital Governance Principles
  - 7.11.1. That all projects to be included in the authority's Capital Programme will be considered by officers and Members in accordance with the authority's capital governance principles and shall be subject to proper assessment and evaluation. A scheme and estimate, including project plan, progress targets, a clear identification of the method/source of capital funding and the associated revenue expenditure must be prepared for each capital project to enable such an evaluation. The project plan should be agreed with procurement (where appropriate) in advance of any proposal being submitted, to ensure the feasibility of any proposed plan.
  - 7.11.2. Project management documentation such as an internal business case, external business case or business plan must be approved prior to any expenditure being incurred, as indicated within the Capital Governance Principles.
  - 7.11.3. The use of corporate resources will be robustly controlled, to ensure that this finite resource can be effectively managed and focussed on the Council's key priorities. The impact on other policies will be considered, such as the Treasury Management Strategy, to ascertain the impact of corporate borrowing. Any additional inclusion of corporate resources into the capital programme must be approved by Council. Strategic Directors and the Chief Finance Officer may vire corporate resources between projects subject to the virement levels indicated within the Capital Governance Principles.
  - 7.11.4. The use of corporate resources as match funding for a project must be approved by Council.



- 7.11.5. Annual capital grant allocations will be added to the capital programme as part of the Council's budget setting process, with estimate values added for latter years where the specific allocation is yet to be confirmed. Officers will be expected to consult with the relevant member on the use of the allocation and follow the rules within the Capital Governance Principles to gain approval to utilise the allocation.
- 7.11.6. Those projects fully funded by a grant allocation will be added to the Capital Programme once the grant allocation has been formally confirmed by the grant provider.
- 7.11.7. Those projects that are within the HRA Programme will be approved via the processes indicated within the Capital Governance Principles.
- 7.11.8. Where projects have been approved on the basis that the financing costs will be funded by the service will be charged at the rates indicated within the Capital Governance Principles. There may be occasions where it is financially prudent to allow an alternative rate due to a specific circumstance but this is down to the discretion of the Chief Finance Officer.
- 7.11.9. All grant Bids should be prepared by the service in conjunction with Finance. For capital bids these should have initial review by the Head of Finance for the relevant directorate, with the capital implications reviewed by the Capital Finance Team. If required by the terms and conditions of the grant the Head of Finance will arrange for authorisation of the bid by the Chief Finance Officer. All grant bids should also be signed off by the Cabinet Member for the service area and the Leader. This process is also required for grant acceptance. The process and documentation required are outlined in the Capital Governance Principles.
- 7.11.10. That the ongoing revenue consequences are identified (both in terms of capital financing costs and operational expenditure) for all capital investments. Such ongoing consequences/commitments shall be reflected in the Medium Term Financial Strategy and the Revenue Budget at the appropriate time.
- 7.11.11. That the Programme will be updated at least annually and monitored regularly throughout the year. Monitoring shall be carried out to a timetable and in a format prescribed by the Chief Finance Officer. Any significant variance from the capital expenditure profile must be notified immediately as specified in the Council's Capital Governance Principles. Initially, a forecast variance in excess of £100,000 will need to be identified through the monthly monitoring cycle, if the service area cannot resolve the issue it should be escalated to the Directorate Leadership Team, if the wider directorate are unable to find a resolution then the issue should be reported through to the Senior Leadership Team.
- 7.11.12. Each year, through the Chief Finance Officer and appropriate capital governance arrangements, a recommendation will be made to Cabinet for approval of a balanced Capital Programme which best meets the Council's

objectives and priorities and its Medium Term Financial Strategy. Cabinet may make amendments to the proposed Capital Programme provided that it remains balanced and affordable. Cabinet will then recommend its Capital Programme proposal to Full Council in advance of each financial year.

## 8. Budget Virements and Supplementary Estimates

### Revenue Virements

- 8.1. Virement is the transfer of resources from one budget heading to another.
- 8.2. Strategic Directors may authorise in-year virements **within** their Directorate budgets, subject to Financial Procurement and Procedure Rules 8.7.
- 8.3. Proposals for in-year virement **between** Directorates must be approved as follows (provided first that the affected Strategic Directors have been consulted):
  - 8.3.1. up to £100,000 by the Chief Finance Officer;
  - 8.3.2. £100,000 to less than £400,000 by the Chief Finance Officer in consultation with the CEX and Leader;
  - 8.3.3. £400,000 or more by Cabinet.
- 8.4. Virement is not permitted from certain budget heads as these impact on the Council's ability to fund non-discretionary expenditure. These excluded heads may be determined from time to time by the Chief Finance Officer and shall include:
  - 8.4.1. depreciation;
  - 8.4.2. corporate recharges;
  - 8.4.3. administration and building recharges.
- 8.5. All virements in excess of £100,000 will be reported within financial monitoring reports.
- 8.6. No virement is allowed from budgets that are funded from specific, ringfenced or restricted resources.
- 8.7. Notwithstanding the availability of the virement regulations, **no expenditure shall be incurred on any new policy or purpose, or any extension of existing policy, without the specific approval of the Council** given on the recommendation of Cabinet; and no commitment for future years shall be entered into in excess of that previously anticipated by the Full Council when approving the Revenue Budget and Capital Programme.

- 8.8. No Budget Manager will be authorised to incur expenditure in excess of their cash-limited budget without either:
- a virement being approved in accordance with these Regulations (which, in effect, will increase the cash limited budget for the current financial year); or
  - a supplementary estimate being approved by the Council.
- 8.9. No request for a supplementary estimate may be presented to Members without prior consultation with the Strategic Leadership Team and the Chief Finance Officer, whose recommendations shall accompany any formal request.
- 8.10. Budget adjustments and realignments that relate to a transfer of responsibility or to technical accounting changes and requirements will not be deemed to be virement and will therefore not be subject to the restrictions of these regulations. These changes may only be made in consultation with the Chief Finance Officer.
- 8.11. All virements will be reported to the Chief Finance Officer as part of the financial monitoring assurance framework.

#### **Capital Virements**

- 8.12. Capital budget virements are governed by the same principles as Revenue Virements and shall be dealt with by the processes described within the Capital Governance Principles.

### **9. Controlling Income and Expenditure (Budget Monitoring)**

- 9.1. The Chief Finance Officer shall establish an appropriate framework of budgetary monitoring and reporting that ensures:
- 9.2. Budget management is exercised within annual cash limits unless the Full Council agrees otherwise;
- 9.3. Each month each Budget Manager receives timely information on expenditure and income on each budget which is sufficiently detailed to enable them to fulfil their budgetary responsibilities;
- 9.4. After reviewing their monthly budget information each budget manager provides to their Strategic Director a forecast of their outturn position on each service and/or project budget; and the Strategic Director will provide a consolidated forecast for their directorate to the Chief Finance Officer and relevant Cabinet Member;
- 9.5. A budget monitoring report, which includes an up-to-date outturn forecast, information about significant variances from approved budgets and proposals for dealing with them, is submitted to Cabinet at least 5 times a year. A full outturn report will be submitted to Cabinet following closure of the final accounts.

9.6. In connection with the framework the Chief Finance Officer will issue guidance on:

9.6.1. Frequency of reporting;

9.6.2. The format and content of reports (including the degree of detail, risk analysis undertaken and any corrective actions taken or proposed);

9.6.3. The nomination of Budget Managers.

### **Budget Managers**

9.7. Strategic Directors shall ensure there is a nominated Budget Manager for each budget heading and cost centre. This applies to the budget headings and cost centres for Capital Programme projects as well as revenue account items.

9.8. Strategic Directors and Budget Managers are authorised to incur expenditure in accordance with the estimates that make up the budget and the Capital Programme within their delegated area of control.

9.9. Strategic Directors and Budget Managers must:

9.9.1. Accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities;

9.9.2. Work within the authorised cash limits and utilise the resources allocated to them in the most efficient, effective and economic way;

9.9.3. Identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service or project delivery;

9.9.4. Follow the approved certification process for requisitioning and authorising of all types of expenditure;

9.9.5. Record all income and expenditure properly;

9.9.6. Monitor performance levels/levels of service in conjunction with the budget and take necessary action to align service outputs and budget;

9.9.7. Investigate budget variances and report on them to their line manager.

9.10. Strategic Directors and the Chief Finance Officer shall ensure Budget Managers are appropriately trained to carry out their responsibilities.

### **Budget Monitoring**

9.11. The Chief Finance Officer will ensure that appropriate financial information is available to Budget Managers to enable them to monitor their budgets effectively.

- 9.12. Budget monitoring will be carried out in accordance with guidance and requirements issued by the Chief Finance Officer.
- 9.13. In undertaking budget monitoring within their Directorate, Strategic Directors should be mindful of the overriding requirement to deliver an outturn within budget. Actions necessary within the detail of the budget in order to deliver a balanced outturn shall be brought to the attention of elected members, through the Chief Finance Officer and the Strategic Leadership Team so that any corrective action can be set in motion.
- 9.14. Where it appears that an overspend on their overall budget is unavoidable, the Strategic Director shall immediately advise the Chief Finance Officer. The Strategic Director, having consulted with the Chief Finance Officer, shall prepare a report to the Strategic Leadership Team outlining the options for recovering the overspend. After considering the report, the Strategic Leadership Team will then submit their recommendations in a report to the Cabinet.
- 9.15. Each Budget Manager shall keep under constant review the programme of capital payments on capital projects under their control and the Chief Finance Officer shall provide such information on capital costs and payments as is necessary for this purpose.
- 9.16. If a Strategic Director has reason to think that the estimated cost of any Capital Programme item will be exceeded by more than the lesser of 10% or £100,000, he/she should immediately report the matter to the appropriate Executive Member and the Chief Finance Officer along with any options available to mitigate the position.

## **10. Staffing, Remuneration and Payroll**

- 10.1. The Chief Executive is responsible for providing overall management of staff. The Chief Executive will also be responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.
- 10.2. Strategic Directors are responsible for controlling total staff numbers by:
  - 10.2.1. advising on the budget necessary in any given year to cover estimated staffing levels;
  - 10.2.2. adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs.
- 10.3. The Assistant Chief Executive will ensure the operation and maintenance of effective and efficient systems for the payment and recording of staff salaries, wages, pensions and other emoluments and payments of Members' allowances.

10.4. Each Strategic Director shall notify the Assistant Chief Executive as required and in the form prescribed, of all matters affecting the payment of such emolument, and in particular:

- 10.4.1. appointments, resignations, dismissals, suspensions, secondments, and transfers;
- 10.4.2. absence from duty for sickness or other reason, apart from approved leave;
- 10.4.3. changes in remuneration, other than normal increments and pay awards and agreements of general application; and
- 10.4.4. information necessary to maintain records or service for pensions, income tax, national insurance and the like.

## **11. Procurement of Works, Goods and Services**

11.1. Strategic Directors shall be responsible for all procurement originating from their Service for the execution of any works, the supply of goods, materials or services and shall:-

- 11.1.1. ensure that Procurement Procedure Rules, and UK legislation is adhered to in relation to procurements;
- 11.1.2. make full use of contracts, frameworks, and purchasing consortium arrangements available to the Council (the Corporate Procurement team will be able to advise on what is available for any given procurement);
- 11.1.3. enter details of all contracts and partnerships in the corporate contract register.

11.2. All purchases of goods and services shall be initiated by the creation and authorisation of a requisition, which should state, as a minimum:

- 11.2.1. the nature, quantity, and agreed or estimated costs of the works, goods or services being requisitioned; and
- 11.2.2. the address for deliveries.

11.3. Strategic Directors shall keep the Chief Finance Officer informed of the names of their Financial Signatories and the limits of each Financial Signatory's authority.

11.4. The authorising of a requisition by a Financial Signatory shall signify:

- 11.4.1. the goods or services are necessary for the discharge of the functions of the Council;
- 11.4.2. there is sufficient budget provision for the goods or services; and

11.4.3. Financial and Procurement Procedure Rules have been complied with.

- 11.5. Official purchase orders, with unique purchase order numbers, shall be created (in an electronic format approved by the Chief Finance Officer) and despatched centrally.
- 11.6. Verbal orders must be restricted to absolutely urgent matters, must be followed immediately by an official order marked 'Confirmation'.
- 11.7. The use of corporate purchasing cards is restricted to authorised staff who have been issued with guidelines and signed to confirm their understanding of them. Holders of purchasing cards must comply with instructions and guidance on the use of purchasing cards issued by the Chief Finance Officer from time to time.

## **12. Grants to Voluntary and Community Sector Organisations**

- 12.1. Often when the Council wishes to commission services to be provided by third parties (whether in the public, private, voluntary or community sectors) it will put in place a contract after following a procurement process in line with the requirements of Procurement Procedure Rules. Where a Budget Manager, in consultation with the Chief Finance Officer believes that the Council's interest will be better served by operating a grant programme and such a programme will provide value for money, then the following process may be used:
  - 12.1.1. The Budget Manager shall design a grant programme that will meet the Council's objectives and be open, transparent and accountable.
  - 12.1.2. The Budget Manager shall publicise the grant programme, including instructions for applicants, via the Council's website and through any other channels which are appropriate in the circumstances.
  - 12.1.3. There must be a reasonable period for applicants to prepare and submit their applications and the process should be designed to avoid placing onerous tasks and/or excessive costs on the applicant organisations.
  - 12.1.4. The applications for grant funding shall be evaluated by an evaluation panel of three to five people using the scoring criteria previously shared with the applicants. The evaluation panel shall comprise Council officers and, if appropriate, community representatives who are independent of all the applicants. Members of the Council shall not be members of evaluation panels.
- 12.2. Grants can be awarded for a maximum of three calendar years at a time. All values refer to the value of the full programme (over the full term) and not an annual amount.
- 12.3. Grant recipients must provide monitoring reports to the Budget Manager with the following frequency:

- 12.3.1. for grants of £2,000 or less, at the end of the grant programme;
- 12.3.2. for grants between £2,001 and £10,000, at the end of each financial year during the grant programme;
- 12.3.3. for grants over £10,000 at the end of each quarter of the financial year.
- 12.4. The level of detail required by the Budget Manager in the monitoring reports shall be proportional to the value and nature of the grant awarded.
- 12.5. The Assistant Chief Executive and Chief Finance Officer may, from time to time, issue guidance notes and document templates to assist Budget Managers to operate grant programmes in a consistent fashion across the Council.
- 12.6. A full list of grants to voluntary and community sector organisations is to be maintained and will be published on the Council's website.

### **13. Payments**

- 13.1. Apart from petty cash payments and purchases made using official purchasing cards, all payments shall be made by the Chief Finance Officer. The normal method of payment of money due from the Council shall be by BACS drawn on the Council's bank account.
- 13.2. The Chief Finance Officer will be responsible for ensuring the operation and maintenance of effective systems for the payment of invoices from creditors.
- 13.3. No creditor shall be paid other than through systems operated by the Chief Finance Officer except where specifically approved by the CFO in writing.
- 13.4. A creditor's invoice will only be paid after it has been matched to a purchase order and the works, goods or services to which the invoice relates have been received, carried out, examined and accepted. The person who certifies that the works, goods or services have been received, etc. must not be the person who authorised the requisition for those works, goods or services.
- 13.5. Payments should not normally be made if goods, works or services have not been received by the Council. However, if, in exceptional circumstances, it is deemed necessary to make a payment in advance of goods, works and services being supplied, the Chief Finance Officer will require written authorisation from an approved Financial Signatory.
- 13.6. All purchasing should be carried out in accordance with guidance and procedures set out by the Head of Procurement.



## **14. Income**

- 14.1. The Chief Finance Officer will ensure that adequate systems are available, and are maintained, for the recording of all income received by, and due to, the Council.
- 14.2. Where practical, income from fees and charges should be collected in advance of or at the same time as the delivery of service being charged for.
- 14.3. It will be the responsibility of every employee of the Council to ensure that all sums of money due to the Council are promptly invoiced or otherwise demanded and that all sums of money received are promptly paid into the Council's accounts.
- 14.4. All receipts, forms, books, tickets or other official acknowledgements or monies received shall be in the form approved by the Chief Finance Officer which shall be ordered and issued to departments by him/her and controlled under arrangements approved by him/her. All receipts and issues thereof shall be properly recorded and acknowledged.
- 14.5. The Chief Finance Officer is responsible for ensuring that all income collected prior to banking is safeguarded in accordance with the Council's cash handling guidelines.
- 14.6. The amount to be held in a safe overnight will vary according to the particular insurance arrangements. Where the agreed limit is likely to be exceeded then arrangements must be made to bank income as soon as possible. The Chief Finance Officer and Insurance Manager will advise on best practice for cash storage and banking. The Chief Finance Officer is responsible for providing insurance cover for cash awaiting banking.
- 14.7. The raising of sundry debtor invoices should be avoided wherever possible. Invoices must only be raised where payment in advance or at the point of service delivery is inappropriate. The Chief Finance Officer is responsible for ensuring that services are provided with payment methods that support efficient and expedient income collection.

### **Scales of Fees and Charges**

- 14.8. All charges for services or facilities provided by the Council shall be reviewed by the relevant Strategic Director together with the relevant Executive Member not less frequently than annually and not later than September in each financial year. A schedule of fees and charges will be submitted to Council for approval alongside the annual revenue budget report.
- 14.9. When a Strategic Director proposes to amend any scale of charges, they shall consult with the relevant Cabinet Member, the Chief Finance Officer about the financial implications, and with the Monitoring Officer about any legal requirements.

**External Funding/Grant Income**

- 14.10. Strategic Directors shall consult the relevant Executive Member, the Leader of the Council and the Chief Finance Officer prior to submitting applications for grant funding to government departments or other grant-giving bodies.
- 14.11. The Head of Finance is responsible for ensuring that:
- Proper processes and procedures are in place for the completion, assessment, authorisation and submission of applications for grant bids and subsequent grant claims.
  - Grant applications are accurately completed and submitted within the necessary timeframes, ensuring there is sufficient lead-in times for the Head of Finance to review the submission and the Chief Finance Officer to provide final sign-off.
  - All completed grant claims and certifications are approved by the Head of Finance for the service area and the Chief Finance Officer if required
  - All statutory returns related to the grant claim are completed within the statutory timeframes.
  - The income due from the grant claims is received and accurately recorded.
  - Records are maintained and held for reconciliation of grants due and received. The records must meet External Audit requirements.
- 14.12. Where an application for grant funding is successful (unconditionally or conditionally), the Strategic Director shall inform the Chief Finance Officer of the details of awarded funding and provide the CFO with a copy of relevant documents.
- 14.13. If the grant funding was not contemplated when the budget for the relevant financial year was set then the Chief Finance Officer shall make the appropriate changes to the directorate cash limit and/or Capital Programme and these revised amounts will be used in the budget monitoring and year- end balances processes.
- 14.14. Strategic Directors will ensure that all claims for grant funding, including government grants, for which he or she is responsible, are properly authorised, meet all the grant funder's conditions and are submitted by the due date.

**Service Provided to Third Parties**

- 14.15. Where there are contractual arrangements (made in accordance with Procurement Procedure Rules) in place for the provision of goods or services to third parties or external bodies the relevant Strategic Director:
- 14.15.1. shall ensure that fees and charges are promptly invoiced in full accordance with the terms of the contract; and

- 14.15.2. shall suspend the delivery of the goods/service if invoices are not settled in a reasonable time.

**Writing off Debts**

- 14.16. Only the Chief Finance Officer has the legal authority to write-off bad debts and will delegate responsibilities as necessary for debts up to £5,000.
- 14.17. For larger debts, the following arrangements apply:
- 14.17.1. bad or doubtful debts below £50,000 can be authorised by the Chief Finance Officer;
  - 14.17.2. the Chief Finance Officer will consult with the executive member for finance before authorising the writing-off of debts between £50,000 and less than £400,000;
  - 14.17.3. for the write-off of bad or doubtful debts of £400,000 or over the Chief Finance Officer will seek the approval of Cabinet.
- 14.18. Debts written-off over £50,000 will be included in financial management reports to Cabinet.
- 14.19. In all cases, debts will not be written-off unless processes for collection have proved fruitless or where the continued pursuit of the debt would prove to be poor value for money. All write-offs should be properly recorded and such records retained, with due explanation for non-collection.

**15. Taxation**

- 15.1. The Chief Finance Officer shall ensure that adequate procedures are in place and adequate advice is available to Directorates so as to ensure that the Authority is at all times compliant with the specific requirements of the various tax regimes which affect its operations and delivery of services.
- 15.2. In the discharge of this responsibility, the Chief Finance Officer will maintain the Authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate. In appropriate circumstances (e.g. where part of this function may have been devolved to a partner organisation) the Chief Finance Officer will ensure compliance with the requirements of the particular tax regimes.
- 15.3. Each Strategic Director will at all times conduct the financial arrangements of their services in accordance with advice or instructions issued by the Chief Finance Officer with regard to taxation issues, and shall provide to the Chief Finance Officer any related information or documents upon request.

## **16. Accounting Systems**

- 16.1. The Chief Finance Officer will be responsible for the operation of the corporate accounting systems, the form of accounts and the supporting financial records. No changes shall be made to the existing financial systems, or new systems be established, without the prior approval of the Chief Finance Officer.
- 16.2. The Chief Finance Officer shall prepare and issue such accounting and procedural instructions as they consider to be necessary for the financial administration of the Council's affairs.
- 16.3. Strategic Directors will be responsible for the proper operation of financial processes in their own service areas and for ensuring that their staff receive relevant financial training. If Strategic Directors wish to make changes to the financial management procedures within their directorate (for example, to improve efficiency) they must obtain the written approval of the Chief Finance Officer prior to making the changes.
- 16.4. Where directorates (with the knowledge and approval of the Chief Finance Officer) have independent financial systems that hold and/or process financial data then the Strategic Director shall ensure the systems be reconciled with the Council's main accounting system at a frequency agreed with the Chief Finance Officer. (A financial system is any system, manual or computerised, that records transactions or the value or ownership of an asset.)

## **17. Accounting Policies**

- 17.1. The Chief Finance Officer will determine suitable accounting policies to be adopted by the Authority and will ensure that they are applied consistently. The accounting policies will be set out in the Statement of Accounts which is prepared at 31 March each year. The accounting policies will be reviewed and updated accordingly, with the changes being reported to and approved by Audit Committee at least annually. Strategic Directors will ensure that they and their staff comply with all of the prevailing accounting policies and, if requested, they will assist the Chief Finance Officer in restating accounts as a result of any change in accounting policies.

## **18. Trading Accounts**

- 18.1. The Chief Finance Officer will advise Members and Strategic Directors on the establishment and operation of trading accounts within the Authority.

## **19. Statement of Accounts**

- 19.1. The Chief Finance Officer will prepare an overall outturn report for the Council each year for submission to the Strategic Leadership Team, Cabinet and Council. The CFO will also ensure that the statutory Statement of Accounts is

prepared and submitted to Members in the prescribed format and to the prescribed timetable in accordance with the Accounts and Audit Regulations 2015.

- 19.2. In order to prepare the Statement of Accounts Strategic Directors shall provide all accounting information requested by the Chief Finance Officer in accordance with the accounts closedown timetable prepared by the Chief Finance Officer and in the format requested by the Chief Finance Officer. The additional accounting information may include, for example:
  - 19.2.1. an outturn report of expenditure versus approved budget for their Directorate;
  - 19.2.2. value of stocks, stores and work in progress at the end of each financial year and the basis of valuation including writing out of obsolete stock;
  - 19.2.3. any sums due to suppliers that are currently unpaid at the end of the financial year;
  - 19.2.4. any sums due to the Council that have not been credited at the end of the financial year;
  - 19.2.5. income received relating to the subsequent financial year;
  - 19.2.6. pre-payments made relating to the subsequent financial year;
- 19.3. The Chief Finance Officer will make proper arrangements for the audit of the Authority's accounts in accordance with the Accounts and Audit Regulations 2015.
- 19.4. Once the external audit is complete, the Chief Finance Officer will present the Statement of Accounts to the Audit Committee for approval and, subject to that approval, will arrange for the publication of the Statement of Accounts.

## **20. Treatment of Year-end Balances**

- 20.1. Except where statutory requirements dictate otherwise, the following policies are to be applied.
- 20.2. Underspends and overspends will be calculated at Directorate level on the basis of the prevailing accounting policies. In general:
  - 20.2.1. any underspend on General Fund revenue budgets will go into the General Fund Reserve Balance to be applied subsequently, as necessary, in accordance with Council-wide priorities.
  - 20.2.2. any overspend on General Fund revenue budgets will be financed from balances or reserves subject to any arrangements approved by Cabinet in connection with the recovery plan prepared under Financial Regulation

9.10.

- 20.3. In exceptional cases Cabinet may approve the carrying forward of an underspend by a specific Directorate. Applications and supporting cases to carry forward any underspending are to be made to Strategic Leadership Team to recommend to Cabinet for approval.
- 20.4. Prior to the consideration of any report by the Council on the carry forward of any budget under/overspending, the Chief Finance Officer will prepare a composite outturn report, for the consideration of the Strategic Leadership Team outlining the totality of the Council's funds and balances, together with any specific commitments or known pressures which are expected to affect materially the level of those funds and balances.

**21. Reserves**

- 21.1. The Chief Finance Officer shall advise the Cabinet and the Full Council on prudent levels of reserves for the Authority (having taken into account any advice from the external auditor).
- 21.2. The Chief Finance Officer shall maintain reserves in accordance with the relevant codes of practice on local authority accounting in the United Kingdom and agreed accounting policies.
- 21.3. The use of reserves to finance expenditure should be authorised by the Chief Finance Officer unless it is explicitly authorised within the approved Budget or Capital Programme. Details of the Council's reserves will be reported in the Statement of Accounts in accordance with guidance published in the code of practice on local authority accounting.

**22. Internal Control**

- 22.1. Internal control refers to the systems of control devised by management to help ensure the Authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Authority's assets and interests are safeguarded.
- 22.2. It is the responsibility of Strategic Directors to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets. These arrangements need to ensure compliance with all applicable statutes and Regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- 22.3. Every transfer of monies from an officer, employee or agent of the Council to another officer, employee or agent is evidenced by an official receipt bearing the

signature of the receiving officer.

22.4. Strategic Directors shall ensure that the staffing structure and management arrangements within their directorates separate duties such that:

22.4.1. providing information about or calculating, checking and recording sums due to or from the Authority are carried out by different people from the people who have duty of collecting or disbursing the sums;

22.4.2. people with the duty of examining or checking accounts, financial transactions, completion of grant claims/returns and cash balances are not themselves engaged in those transactions.

## **23. Prevention of Fraud and Corruption**

23.1. Strategic Directors are responsible for ensuring that efficient and effective internal controls are operated to prevent the loss of the Council's assets through any means. They therefore have the prime responsibility for preventing and detecting any loss through fraud or corruption.

23.2. The Chief Finance Officer is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.

23.3. If an instance of fraud or corruption is identified or suspected then Strategic Directors shall follow the procedures in the Council's Anti-Fraud and Corruption Policy.

## **24. Risk Management**

24.1. The Council is responsible for approving the Authority's risk management policy statement and strategy and for reviewing the effectiveness of risk management. It is also responsible for ensuring that proper insurance arrangements exist where appropriate.

24.2. The Assistant Chief Executive is responsible for preparing the Authority's risk management policy statement, for promoting it throughout the Authority.

24.3. The Strategic Leadership Team shall promote the Council's Risk Management Policy and Strategy and develop, implement and monitor risk management controls in its capacity as the Council's corporate risk management group.

24.4. Each Strategic Director shall:

24.4.1. take responsibility for risk management of their service, having regard to advice from the specialist officers e.g. Health and Safety, Risk Management and Insurance. This should include having procedures in place to identify, assess, prevent or contain material known risks.

- 24.4.2. undertake regular reviews of risk within their service areas to review the effectiveness of risk reduction strategies and the operation of controls.
- 24.4.3. prepare and maintain a business continuity plan for implementation in the event of a disaster that results in significant loss or damage to its resources.

## **25. Insurance**

- 25.1. The Chief Finance Officer shall ensure that the Council has appropriate insurance cover in place in respect of all its assets and risks as an employer and provider of services and facilities. All Strategic Directors will be responsible for ensuring that the Chief Finance Officer is provided with all relevant information applicable to their Directorate, and in a timely manner, as he/she may reasonably require in order to enable him/her to discharge effectively the responsibility.
- 25.2. The Chief Finance Officer shall effect and keep under constant review all insurance cover and negotiate all claims (in consultation with Strategic Directors where appropriate).
- 25.3. Each Strategic Director shall:
  - 25.3.1. give prompt notification to the Chief Finance Officer of all new risks, properties or vehicles which require to be insured and, if any, alterations affecting existing risks or insurances.
  - 25.3.2. notify in writing the Chief Finance Officer of any loss, liability, or damage or any other event likely to lead to a claim under any of the Council's insurances, together with any information or explanation required by the Chief Finance Officer or the Council's insurers.
  - 25.3.3. keep suitable records to ensure that inspections of engineering plant under their control are duly carried out by the Insurance Company within the periods prescribed and shall take any necessary action arising there from. Any failure by the Council's insurers to carry out such inspections shall be notified to the Chief Finance Officer.
  - 25.3.4. ensure that employees or anyone covered by the Council's insurances, are aware that they should not admit liability or make an offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

## **26. Settlement of Claims Against the Council**

- 26.1. Where a claim against the Council, other than a contractual claim covered by Procurement Procedure Rules, is covered by an insurance policy the Chief Finance Officer shall negotiate settlement of the claims against such insurance



in consultation with the appropriate Strategic Director.

- 26.2. Where a claim against the Council, other than a contractual claim covered by Procurement Procedure Rules, is not covered by an insurance policy (e.g. because the value is below the excess figure for the policy) the Chief Finance Officer shall negotiate settlement of the claims in consultation with the Monitoring Officer and appropriate Strategic Director.
- 26.3. Provided there is sufficient funding available and the negotiated settlement is, in the opinion of the Chief Finance Officer, a fair settlement from the Council's point of view, the Chief Finance Officer may approve the settlement of such claims.
- 26.4. If there is not sufficient funding available, or it is not possible to negotiate an acceptable settlement with the claimant, the Chief Finance Officer shall report the matter to Cabinet.

## **27. Internal Audit Requirements**

- 27.1. The Chief Internal Auditor is responsible for advising on effective systems of internal control.
- 27.2. The Chief Internal Auditor will have overall responsibility for Internal Audit throughout the Authority. Internal Auditors will operate as a managerial control by examining, evaluating and reporting upon the effectiveness of internal financial and operational controls and the efficient use of Council resources.
- 27.3. The Chief Internal Auditor will:
  - 27.3.1. prepare an annual plan which takes account of the characteristics and relative risks of the activities involved;
  - 27.3.2. liaise with the external auditor to ensure the internal and external audit plans are complementary;
  - 27.3.3. seek the approval of the Audit Committee for the annual audit plan;
  - 27.3.4. ensure periodic reporting to the Audit Committee of progress against the annual audit plan;

- 27.3.5. ensure the Internal Audit Annual Report (and any interim report), including outlining actual performance against the annual audit plan, is produced and approved by the Audit Committee, and duly considered by the responsible officer for production of the Annual Governance Statement;
  - 27.3.6. manage the internal audit function and ensure it complies with the Public Sector Internal Audit Standards issued by the Chartered Institute of Internal Auditors and the Chartered Institute of Public Finance and Accountancy;
  - 27.3.7. ensure that effective procedures are in place within the Authority to investigate promptly any fraud or irregularity. Note that this does not mean that internal auditors will conduct all investigations.
- 27.4. Internal auditors have the authority to:
- 27.4.1. access all Authority premises at reasonable times;
  - 27.4.2. access all assets, records, documents, correspondence and control systems;
  - 27.4.3. require from officers, members and suppliers any information and explanation considered necessary concerning any matter under their consideration;
  - 27.4.4. require any officer of the Authority to account for cash, stores or any other authority asset under his or her control;
  - 27.4.5. access records belonging to third parties, such as contractors, when required.
- 27.5. All internal audits will result in a written report. Strategic Directors shall ensure that all agreed actions are implemented in a timely and efficient manner.
- 27.6. External auditors will be appointed to the Council to conduct, and report on the external audit of the Council in accordance with the relevant statutory code of audit practice.

## **28. External Audit**

- 28.1. The Chief Finance Officer is responsible for working with the external auditor and advising Audit Committee, Cabinet, Council and Strategic Directors of their responsibilities in relation to external audit.
- 28.2. The external auditors need to satisfy themselves that:
- The accounts comply with the requirements of the enactments that apply to them;
  - Proper practices have been observed in the preparation of the statement

of accounts and that the statement presents a true and fair view;

- The Council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources.

28.3. The Chief Finance Officer will ensure that external auditors are given access to those premises, employees, documents and assets which the external auditors consider necessary for the purposes of their work.

## **29. Assets**

29.1. Each Strategic Director is responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, moveable plant, machinery, vehicles, ICT equipment and devices, cash, information/data etc., under his/her control (whether owned or leased). Each Strategic Director shall also record a description of all these items in an inventory in the form required by the Chief Finance Officer.

29.2. As far as is considered to be necessary and practical, items appearing on the inventory shall be effectively marked as Council property.

29.3. Each Strategic Director shall arrange for a complete check of their inventories at least once in each financial year. Any discrepancies shall be dealt with in consultation with the Chief Finance Officer.

29.4. The Chief Finance Officer shall maintain a complete and up to date register of all the Authority's tangible assets under the Council's control.

29.5. The Chief Finance Officer shall calculate and process the appropriate capital financing charges in accordance with the prevailing accounting code of practice for local authorities.

29.6. Each Strategic Director and Director will inform promptly the Chief Finance Officer of all additions, deletions, enhancements/impairments or other changes to the Authority's portfolio of capital assets, such as might affect the preparation of the Council's accounts.

### **Disposal of Assets (other than land and buildings)**

29.7. Surplus plant, vehicles, furniture, equipment and stock items (owned by the Council and not leased) should be disposed of by sale via competitive tender or public auction unless the interests of the Council would be better served by disposal in some other way.

29.8. All IT equipment should be disposed of in accordance with the contract arrangements put in place by IT services to ensure equipment is securely and safely dealt with in line with legal requirements.

**Land and Buildings**

- 29.9. All arrangements for the acquisition and disposal of land and buildings shall be robust and transparent, in accordance with prevailing legislation, and be conducted by the Property Officer, including all negotiations and the preparation and certification of valuation certificates.
- 29.10. In respect of the acquisition of land and property:
- 29.10.1. where sufficient budget provision for an acquisition exists within the total Council budget, and the cost of the acquisition is less than
  - 29.10.2. £100,000 the Property Officer may approve a purchase of land or buildings in consultation with the relevant Cabinet Member; or
  - 29.10.3. where the land or property is to be acquired by entering into a lease as tenant, the Property Officer must ensure that there is sufficient provision in the current Council budget for the lease payments and also that the lease payments can be sustained in future budgets.
- 29.11. In respect of the acquisition of land and property, where the value of acquisition is greater than £100,000, Cabinet approval must be in place prior to the completion of the purchase.
- 29.12. In respect of disposals of land and property the processes followed should be robust and transparent and in accordance with prevailing legislation. In all cases of planned disposal of land or property:
- 29.12.1. where the estimated disposal value is less than £100,000 the Property Officer, having taken financial and legal advice, may arrange for the disposal of land or property;
  - 29.12.2. where the estimated disposal value of individual property assets is equal to or greater than £100,000, a decision of Cabinet is required;
  - 29.12.3. in respect of disposal at less than the best consideration that can reasonably be obtained, the Property Officer shall prepare a report to Cabinet, requesting approval to proceed with the disposal in accordance with the relevant legislation (Circular 06/03: Local Government Act 1972 general disposal consent (England) 2003).
- 29.13. The Property Officer shall maintain a terrier of all properties owned by the Council (except dwellings provided under the Housing Acts), recording the purpose for which the property is held, location, extent and plan reference, purchase details, nature of interest, details of all rents and other charges payable and receivable, and particulars of all tenancies granted.
- 29.14. The Monitoring Officer shall have custody of all title deeds for property held by the Council.

### **30. Stocks**

- 30.1. Where a service keeps goods or finished products in stock the relevant Strategic Director shall ensure that a proper stock control system is operated, appropriate to the value of the stock being held. The Strategic Director shall ensure that stock checks and revaluations are carried out at regular intervals (which shall be no less frequent than yearly) and promptly inform the Chief Finance Officer so that appropriate accounting adjustments can be made.
- 30.2. Where stock discrepancies (surpluses or deficiencies) are material the relevant Strategic Director shall investigate the discrepancy and inform the Chief Finance Officer to make appropriate changes to accounts and records. Where the Chief Finance Officer considers it to be appropriate by reason of circumstances and/or value, they may require the Strategic Director to report to the appropriate Executive Member.
- 30.3. Surplus or obsolete stocks should not be held. These should be disposed of at the best prices available in accordance with procedures agreed with the Chief Finance Officer.

### **31. Banking Arrangements**

- 31.1. The Chief Finance Officer will be responsible for the opening of all bank accounts in the name of, and on behalf of, the Council. No employee or member of the Council shall open any bank account (or equivalent) without the express written approval of the Chief Finance Officer.
- 31.2. The Chief Finance Officer will ensure that sound, adequate arrangements are in place for the safe and efficient operation of all Council bank accounts, and will effect, or cause to be effected, proper and timely reconciliations. Authorised signatories shall be determined and approved by the Chief Finance Officer.

### **32. Treasury Management**

- 32.1. The Council has adopted CIPFA's Treasury Management in the Public Services: Code of Practice (the Code), and specifically adopts the key principles as described in Section 4 of the Code.
- 32.2. Accordingly, the Council will create and maintain, as the cornerstones for effective treasury management:-
  - 32.2.1. a treasury management policy statement, stating the policies and objectives of its treasury management activities.
  - 32.2.2. suitable Treasury Management Practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

- 32.3. The content of the policy statement and TMPs will follow the recommendations contained in Sections 6 and 7 of the Code, subject only to amendment, where necessary, to reflect the particular circumstances of this Council. Such amendments will not result in the Council materially deviating from the Code's key recommendations.
- 32.4. The Council will receive reports from the Chief Finance Officer on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the financial year, a mid-year report and an annual report after its close, in the form prescribed in its TMPs.
- 32.5. The Chief Finance Officer shall execute and administer treasury management decisions in accordance with the Council's policy statement and TMPs and CIPFA's Standard of Professional Practice on Treasury Management.
- 32.6. Strategic Directors shall ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Chief Finance Officer and, if applicable, approval of the project in the Capital Programme.
- 32.7. The Audit Committee shall monitor the implementation and operation of the treasury management policies and practices. The Chief Finance Officer shall provide a report on the operation of treasury management policies and practices to the Audit Committee at least once every financial year.
- 32.8. The Treasury Management team will make use of external brokerage firms in order to arrange for the most appropriate and prudent inter Local Authority borrowing and lending deals. This use of an external broker will be determined by having the most cost effective offer available to suit the Councils Treasury Management Strategy and Policies. The Council will, where possible look to vary its use of brokers to prevent any risks of familiarity.

### **33. Petty Cash Imprest Accounts**

- 33.1. The Chief Finance Officer shall make imprest advances of such amounts as is considered necessary for the purpose of defraying petty cash expenses.
- 33.2. Except by arrangement with the Chief Finance Officer, petty cash disbursements shall be limited to minor items of expenditure not exceeding such sums as the Chief Finance Officer may from time to time determine.
- 33.3. No cheques shall be cashed from monies held under these arrangements.
- 33.4. Receipts for petty cash disbursements shall be obtained wherever possible and the imprest holder shall obtain a signature for all reimbursements. Wherever possible a VAT invoice must be obtained for all purchases, and care taken to isolate the VAT element in any payment made.
- 33.5. An officer responsible for an imprest account shall, if so requested, give the

Chief Finance Officer, a certificate as to the state of their imprest account.

- 33.6. On leaving the employment of the Council or otherwise ceasing to be entitled to hold an imprest advance, an officer shall account to the Chief Finance Officer for the amount advanced to them.

#### **34. Data Protection**

- 34.1. Strategic Directors must ensure that, where appropriate, computer and other systems are operated in accordance with Data Protection legislation, and that staff are aware of their responsibilities under Freedom of Information legislation.
- 34.2. In particular, the implementation or alteration of any computerised financial system that is used to hold and/or process personal data requires the approval of the Authority's Data Protection Officer and the Senior Information Risk Owner, before being implemented.

#### **35. External Arrangements and Partnerships**

- 35.1. The Authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area including to develop and achieve the furtherance of the Authority's priorities and objectives.
- 35.2. The Chief Executive, or other properly authorised individual, who represents the Council on a partnership or external body, in accordance with the Scheme of Delegation, shall carry out their duties in a financially responsible way.
- 35.3. The Chief Finance Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. In conjunction with the Monitoring Officer, the CFO must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. The CFO must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- 35.4. Where the Council undertakes to carry out any work for third parties:
- 35.4.1. arrangements should be in place to ensure that any risks associated with third party work is minimised and that such work is within the powers of the Council;
  - 35.4.2. The Monitoring Officer should approve the contractual arrangements for any work for third parties or external bodies;
  - 35.4.3. if the value of such work is £400,000 or more the contractual arrangements must be approved by Cabinet.

- 35.5. Strategic Directors and Directors are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

### **36. Gifts, Loans and Sponsorship**

- 36.1. Gifts, loans and sponsorship can be defined as the voluntary provision to the Council of non-public funds, services, equipment or other resources. In some circumstances they may be accepted from a source which has genuine and well-intentioned reasons for wishing to support specific projects.
- 36.2. For the avoidance of doubt this financial regulation does not apply to any funding received pursuant to any service delivery partnership entered into with another public body or voluntary organisation.
- 36.3. Gifts, loans and sponsorship must not be accepted where there is a risk of damaging the integrity or propriety of the Council. For example, gifts, loans and sponsorships should not be accepted:
- 36.3.1. from sources which come under the direct scrutiny of the Council;
  - 36.3.2. where the provider seeks endorsement of a product or service in order to gain preferential treatment in supplying or contracting goods and services to the Council; or
  - 36.3.3. to influence the direction of a particular policy or operation.
- 36.4. Gifts, loans and sponsorship should only be used to support Council activities which can readily be discontinued, since the donations can be withdrawn at any time on the initiative of the donor.
- 36.5. Where gifts, loans, or sponsorship come from more than one organisation in a competing market, care must be taken to demonstrate an even handed approach in accepting or rejecting any offer.
- 36.6. In considering the offer of a gift, loan or sponsorship, priority must be given to meeting the needs of the Council rather than those of the donor/lender/sponsor, and should avoid:
- 36.6.1. potentially sensitive associations with inappropriate donors/lenders/sponsors;
  - 36.6.2. potentially sensitive associations with organisations already in a contractual arrangement to supply goods or services to the Council, which could be construed by competitors as preferential treatment;
  - 36.6.3. projects which could distract effort from tackling agreed priorities;
  - 36.6.4. projects of dubious or limited benefit;



- 36.6.5. offers of gifts, loans, or sponsorship with conditions attached;
  - 36.6.6. offers of gifts, loans, or sponsorship which could involve the Council in additional net expenditure;
  - 36.6.7. offers of equipment which is incompatible with existing equipment;
  - 36.6.8. inadequate contractual arrangements; and
  - 36.6.9. the risk of becoming unduly dependent on a facility or item of equipment which is liable to be withdrawn.
- 36.7. Where publicity is sought by the donor/lender/sponsor, a commercial agreement should be signed.
- 36.8. Strategic Directors have discretion to accept individual gifts, loans, or sponsorship related to their directorates in accordance with the above guidelines up to a value of £25,000. Above this value, the approval of Cabinet is required.
- 36.9. These rules also apply to the Mayor.

### **37. Voluntary and Trust Funds**

- 37.1. Voluntary and Trust Funds shall include any fund other than an official fund of the Council, which is controlled wholly or partly by an officer by reason of his or her employment.
- 37.2. All such funds shall be held and operated in accordance with such accounting requirements as may be prescribed by the Chief Finance Officer and within the requirements of any Trust Deed or similar document.
- 37.3. The accounts of all such funds shall be made up annually, and audited under such arrangements as may be prescribed or approved by the Chief Finance Officer, and within the requirement of any Trust Deed or similar document.

### **38. Retention of Financial Documents**

- 38.1. The Chief Finance Officer will issue guidance on the minimum periods and storage formats for retention financial documents and ensure that these formats and timescales are complied with.

### **39. Emergency Arrangements**

- 39.1. Nothing in these Financial Regulations shall prevent a Strategic Director from incurring reasonable expenditure which is essential to meet any immediate needs created by a sudden emergency or which is referable to Section 138 (Emergency Planning) of the Local Government Act 1972, if it becomes evident that such expenditure cannot be contained within the budget approved by Council.

### **40. Suspension of a Financial Regulation**

- 40.1. In exceptional cases, the Chief Finance Officer may suspend the application of these Regulations where it is in the best interests of the Council to do so. Any decision to suspend the Regulations shall be recorded in writing along with the reason(s) for making the decision.
- 40.2. In cases of urgency the Chief Finance Officer jointly with the Chief Executive may authorise an officer to incur any lawful expenditure which would otherwise be contrary to these Regulations. The exercise of this regulation shall in every case be recorded in writing along with the reason(s) for making the decision.

### **41. Cash Handling**

- 41.1. The Council has cash handling guidance notes that should be reviewed by any members or staff involved in the handling or management of cash. The cash handling guidance note is issued in accordance with the requirements of the Council's Financial Regulations. It is intended to provide guidance to all members of staff involved in the cash handling process so that officers are fully aware of their responsibilities. It contains specific guidance on the following key areas:-
- Counterfeit Bank Notes
  - Collection of Cash by Security Companies for Banking
  - Credit Cards
  - Cheques

- Cash Registers
- Petty Cash Imprest Floats
- Collection of Cash form Vending and Amusement Machines and Telephones

## **42. Delegation arrangements**

42.1. The Property Officer has the power –

- 42.1.1. to agree the terms and conditions of any disposal or acquisition of land and buildings;
- 42.1.2. to approve the terms and settlement of rent reviews, assignments, lease renewals, licences, tenancies and consents both as landlord and tenant;
- 42.1.3. to approve the terms and conditions of new leases;
- 42.1.4. to grant or refuse consent to the assignment of leases, sub- lettings, ground landlord approval, variations to user clauses, the release of restrictive covenants, variations to, or the extinguishment of, easements or wayleaves, as grantor or grantee;
- 42.1.5. to assign leases, approve sub-lettings, change user clauses and grant landlord's approvals;
- 42.1.6. to approve the grant, refusal or seek consent to the assignment of leases, sub-lettings, ground landlord approval, variations to user clauses, the release of restrictive covenants, variations to, or the extinguishment of, easements or wayleaves as landlord or tenant;
- 42.1.7. to approve the granting, taking and extinguishments of wayleaves, easements and access agreements as grantor or grantee;

- 42.1.8. to determine the method of disposal of land and buildings, and to establish the appropriate price to be paid, including the appropriate guide and reserve price for disposal by auction;
  - 42.1.9. to authorise the entering into of leases and licences as tenant;
  - 42.1.10. to authorise the certification of valuations for insurance reinstatement, financial accounting purposes, statutory compensation, acquisition, disposal or letting of land and property;
  - 42.1.11. to determine applications to place land and property on the schedule of Assets of Community Value;
  - 42.1.12. to authorise the letting of land and property under the terms of the Council's adopted Asset Transfer Policy.
- 42.2. The Property Officer may approve the terms and conditions of any disposal or acquisition of land and buildings.

### **43. Signing contracts and the Common Seal**

- 43.1. The Common Seal of the Council must be affixed to any building contract or construction-related contract with an estimated value of £100,000 or more and to any contract, instrument or other document that is required by law to be made by deed.
- 43.2. Contracts that are required to be made by deed include contracts made without valuable consideration, conveyances or transfers of land or any interest in land and transfers of shares in certain companies.
- 43.3. The affixing of the Common Seal of the Council to any contract, instrument or document shall be deemed to be duly authenticated if but only if the impress of the Seal is accompanied by the signature of –
  - the Chief Executive; or
  - the following officers in Legal Services, namely the Assistant Director of Legal Services, the Deputy Monitoring Officer, the Service Manager of the Litigation and Social Care Teams, the Service Manager of the Property, Commercial and Information Governance Teams or the Team Manager of the Commercial Team (including any temporary appointment to any of those positions to cover a vacancy or long- term absence),

whether or not, in the case of a contract that relates to the discharge of an executive function, a member of the Cabinet also attests the Seal.

## PART II

### PROCUREMENT PROCEDURE RULES

#### 44. Definitions

**‘Approved List’** means a list of suppliers who are assessed as suitable to provide specified Goods, Works or Services.

**‘Assistant Director’** means an officer who reports directly to a Strategic Director (irrespective of job title) and other than a person whose duties are solely secretarial or clerical or are otherwise in the nature of support services.

**‘Authorised Officer’** means any officer involved in undertaking procurement activity on behalf of the Council.

**‘Authorised Signatory’** means the Chief Executive, the Section 151 Officer (or deputy), the Monitoring Officer (or deputy), the Head of Legal Services, Service Manager Property and Commercial, Service Manager of the Litigation and Social Care Teams.

**‘Best Value for Money’** means the optimum combination of cost (whole life costs), quality and benefits (including social value) to meet the Council’s requirements.

**‘Call-Off’** means a purchase from a Framework Agreement or Dynamic Purchasing System that creates a binding Contract.

**‘Chief Finance Officer’** means the person designated as the Section 151 Officer (currently the Strategic Director – Finance and Customer Services).

**‘Chief Legal Officer’** means the Head of Legal Services.

**‘Chief Procurement Officer’** means Head of Procurement.

**‘Concession Contracts’** means a Contract for pecuniary interest, under which the execution of Works or the provision and management of Services is entrusted to one or more Suppliers, the consideration for which is the right to exploit the Works / Services that are the subject of the Contract. Usually this will involve a transfer of operating risk to the Supplier and then receiving payment from third parties, not wholly from the Council.

**‘Contract’** means a formal agreement between the Council and any Supplier for:

- The supply of Goods, Works or Services (including consultants)
- A Call-Off from a Framework Agreement or Dynamic Purchasing System
- An arrangement where no payment is made but there is a financial benefit to the Supplier (e.g. a Concession Contract).

**‘Contracting Authorities’** means the State, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities, or one or more such bodies governed by public law, including central government authorities.

**‘Contract Value’** means the total monetary value over the full contract duration, including any extension options. For Concession Contracts, the total pecuniary value must be considered.

**‘Council’** means Rotherham Metropolitan Borough Council.

**‘Dynamic Purchasing System’** means an electronic procurement process for commonly used purchases that are generally available and is open through the contract period to any new suppliers to join that meet the selection criteria.

**‘Framework Agreement’** means an agreement between the Council and/or other public bodies and one or more Suppliers where the value or volume of business is not set out at the outset but the terms and standards under which the Supplier will enter into a Call-Off to provide Goods, Works or Services are established. If the Council calls-off Goods, Works or Services then a binding Contract is formed.

**‘Goods’** means all supplies and materials that the Council purchases or obtains.

**‘In-House Supplier’** means an identified internal service within the Council established to carry out Council services.

**‘Local Suppliers’** means any supplier that is located within the borough of Rotherham (or if there are no Rotherham based suppliers, the wider South Yorkshire Mayoral Combined Authority).

**‘Procurement Legislation’** means the Public Contracts Regulations 2015 (as amended) supplemented by any appropriate case law.

**‘Professional Buying Organisation’** means a buying consortia such as (but not limited to) the Yorkshire Purchasing Organisation (YPO), Crown Commercial Services (CCS) etc.

**‘Services’** means all services that the Council purchases or obtains.

**‘Social and Other Specific Services’** means those Services defined at Schedule 3 of the Procurement Legislation, that are deemed to be of lower interest to cross-border competition and as such can adopt a more flexible (‘light-touch’) regime.

**‘Social Value Portal’** means the system used for the purposes of securing social value commitments and the ongoing monitoring and measures of their delivery.

**‘Strategic Director’** means an officer who is a member of the Strategic Leadership Team and reports directly to the Chief Executive.

**‘Supplier’** means an individual or organisation that Contracts with the Council to provide Goods, Works or Services.

**‘Threshold’** means the financial threshold at which the Procurement Legislation applies. With effect from 1 January 2020 these are:

- **Works** £4,733,252
- **Goods** £189,330

- <b>Services</b>	£189,330
- <b>Social and Other Specific Services</b>	£663,540
- <b>Concession Contracts</b>	£4,733,252

These thresholds are updated every 2 years.

**‘Works’** means the execution, or both design and execution, or construction works and civil engineering works including the execution of repairs in relation to those works.

#### **45. Introduction**

- 45.1. Procurement is a key strategic enabler supporting all service areas / commissioning teams across the Council to acquire Goods, Works and Services.
- 45.2. These Procurement Procedure Rules set a corporate framework with clear rules and expectations by which all Authorised Officers of the Council can enter into arrangements with third party Suppliers to provide Goods, Works and Services, ranging from the purchase of low value simple day to day commodities through to multi-million-pound construction projects.

#### **46. Compliance with Procurement Procedure Rules**

- 46.1. Every Contract made by or on behalf of the Council for Goods, Works or Services, and all Council employees engaged to act in any capacity to manage a Contract must comply with Procurement Legislation. This requirement cannot be waived since a failure to comply with Legislation may result in a legal challenge with consequent reputational and/or financial risk.
- 46.2. In addition, compliance with the following also applies:
  - 46.2.1. All relevant statutory provisions, law and acts (including the Public Services (Social Value) Act 2012, the Care Act 2014, the Modern Slavery Act 2015, the National Procurement Policy Statement etc).
  - 46.2.2. The Council’s constitution including these Financial and Procurement Procedure Rules.
  - 46.2.3. Relevant Council procurement policies and procedures including the Ethical Procurement policy.
  - 46.2.4. The Council’s strategic objectives and policies including the Social Value policy.
- 46.3. All Council officers and individuals or organisations engaged on the Council’s behalf shall ensure that all procurement activity is undertaken with regard to high standards of probity and in a manner that is non-discriminatory, transparent and

fair; and which avoids conflicts of interest. The Council's Employee Code of Conduct must be followed at all times.

46.4. In applying these Procurement Procedure Rules, all officers should undertake procurement activity having due regard to the duty of Best Value for Money under the Local Government Act 1999 (as amended).

46.5. Strategic Directors may permit, with limitations, other officers to authorise orders and Contracts in their own name on behalf of the Council. Any orders or Contracts made shall remain the responsibility of the Strategic Director. Strategic Directors must maintain an up-to-date scheme of delegation, which is refreshed on an annual basis at the commencement of the financial year. The scheme of delegation must specify:

46.5.1. The names, grades, post references and job titles of Authorised Officers for the purposes of:

- a) Approving procurement business cases.
- b) Approving the award and formally entering into Contracts.
- c) Approving extensions, variations and other matters associated with the management of Contracts.

46.5.2. The maximum value allocated to each Authorised Officer for those purposes.

46.6. These Procurement Procedure Rules must be adhered to, other than in exceptional circumstances which must be authorised by either:

46.6.1. Cabinet; or

46.6.2. The Chief Finance Officer in consultation with the Chief Legal Officer.

Such requests must be made in writing.

46.7. All Strategic Directors are responsible for ensuring compliance with these Procurement Procedure Rules by their staff. Failure to comply with these Procurement Procedure Rules may result in disciplinary action against the Authorised Officer concerned.

## **47. Relevant Contracts**

47.1. All relevant Contracts must comply with these Procurement Procedure Rules.

47.2. A relevant Contract is any arrangement made by, or on behalf of, the Council for



the carrying out of Works, for the supply or provision of Goods, materials or Services.

47.3. Relevant Contracts do not include:

- 47.3.1. Contracts of employment for individual members of staff (permanent, interim or casual). For the avoidance of doubt this does not include the procurement of agencies who provide temporary labour (agency staff). The appointment of these agencies would be subject to these Procurement Procedure Rules.
  - 47.3.2. Property contracts relating to the acquisition, rental or disposal of land or buildings. Please refer to Financial Procedure Rule [42](#).
  - 47.3.3. Grant agreements. Please refer to Financial Procedure Rule [12](#). Genuine grant agreements do not fall within the scope of the Procurement Legislation. However careful consideration is needed to ensure that a grant agreement is not actually a procurement for the purposes of these Procurement Procedure Rules.
- 47.4. Broadcasting time to audio-visual or radio media suppliers. However, such Services shall not be procured without consulting the Head of Communications.
- 47.5. The procurement of legal services in respect of a specific matter which are in contemplation of:
- 47.5.1. Arbitration conciliation.
  - 47.5.2. Judicial proceedings before the courts; and
  - 47.5.3. Legal advice given in the preparation for any of the proceedings referred to above, or where there is tangible indication and high probability that the matter to which the advice relates will become the subject of such proceedings.

However, no such Services shall be procured without the approval of the Chief Legal Officer.

**48. Social, Economic, Environmental and Ethical Considerations**

- 48.1. The development of all procurement activity shall give due regard and consideration to commitments that have been made by the Council in relation to ethical standards, policies, charters and accreditations as detailed in the Council's ethical procurement policy, including the application of social value as defined in the Council's social value policy.

- 48.2. For clarity all Contracts (including Call-Offs from Framework Agreements and Dynamic Purchasing Systems procured in accordance with Procurement Procedure Rule 54) with an estimated Contract Value of £100,000 and above, must secure a social value commitment that is monitored and reported through the Social Value Portal.
- 48.3. Where appropriate and always subject to Procurement Legislation, Authorised Officers should give consideration to designing procurements which encourage participation from Local Suppliers, small and medium sized companies and voluntary, community and social enterprise organisations. This may include dividing the Contract into lots.

#### **49. Forward Procurement Plans**

- 49.1. Before commencement of the financial year the Authorised Officer must prepare and maintain forward procurement plans for the Procurement of Goods, Works and Services to be undertaken over the coming 36-month period.
- 49.2. Procurement plans must be sent to the Chief Procurement Officer no later than 28 February each year to enable a Council-wide procurement plan to be published on the Council's website prior to the start of the financial year.
- 49.3. Authorised Officers must ensure that an Officer Delegated Decision Record is published for the award of Contracts with a Contract Value greater than £250,000, and that these are placed on the forward plan for Officer Delegated Decisions in a timely manner.

#### **50. In-House Suppliers**

- 50.1. Irrespective of Contract Value, where an In-House Supplier is available the In-House Supplier must be used. Procurement outside of the In-House Supplier can only take place where the Assistant Director (or other nominated officer) for the In-House Supplier confirms that they are unable to meet the requirements on that occasion due to insufficient resources, skills or capacity.
- 50.2. The Authorised Officer must retain written confirmation where it is agreed to procure outside of the In-House Supplier.

#### **51. Council Wide Arrangements**

- 51.1. The use of corporate Contracts / Framework Agreements / Dynamic Purchasing Systems awarded by the Council shall be mandatory (irrespective of the value) for all Works, Goods and Services that have been included in the scope of those arrangements.
- 51.2. Information relating to the above arrangements are available on the Council's

intranet site.

- 51.3. Where an Authorised Officer is seeking to procure outside of these arrangements, approval must be sought from the Chief Procurement Officer and the nominated Contract Manager for the Contract with a clear justification as to why the corporate arrangement does not meet the requirements. Any alternative arrangements must be procured in accordance with these Procurement Procedure Rules.

## **52. Estimating Contract Values**

- 52.1. The Authorised Officer must estimate and record the net value of a proposed Contract excluding Value Added Tax.
- 52.2. The method for determining the estimated value of a Contract / Concession Contract should be based on the total amount (net of Value Added Tax) which the Council expects to pay / or any other forms of remuneration the Council and / or Supplier will receive by operation of the Contract over its term. Such calculation must include, where relevant any maintenance and ongoing support costs (**Example calculation:** *Estimated Contract Value = (Annual Cost + other forms of remuneration) \* Contract Length*)).
- 52.3. In determining the value of a Contract, the Council must also include the potential value of any options to extend that may be built into the Contract.
- 52.4. Where a requirement for Goods, Works or Services is sub-divided into several elements (lots), the estimated value of each lot must be aggregated to calculate the overall estimated value of the Contract.
- 52.5. When determining the value of a Framework Agreement or Dynamic Purchasing System, the anticipated value of all spend through that Framework Agreement or Dynamic Purchasing System must be taken into consideration (including the spend of any other Contracting Authorities who are able to access the Framework Agreement or Dynamic Purchasing System).
- 52.6. Authorised Officers must ensure that estimated values are **not** disaggregated in an attempt to avoid the applicability of these Procurement Procedure Rules. Requirements must be calculated based on all Council spend (i.e. the corporate requirement rather than an individual service areas need).
- 52.7. Where a proposed procurement includes two or more types of provision (i.e. Goods, Services or Works) the procedure followed shall be based on the provision that characterises the main subject matter of the Contract in question.

**53. Approved Lists of Suppliers**

- 53.1. Where appropriate and only in exceptional circumstances approved by the Chief Procurement Officer, Authorised Officers may compile and maintain an Approved List for specified Goods, Works or Services.
- 53.2. No Approved List of suppliers must be established where the estimated aggregate value exceeds the relevant Threshold.
- 53.3. Before establishing an Approved List, it should be advertised on the Council's e-tendering portal and expressions of interest should be sought from potential suppliers wanting to be appointed.
- 53.4. The Approved List should:
  - 53.4.1. Indicate the categories of Contracts for which the Suppliers appointed may be invited to submit a bid.
  - 53.4.2. Set out the criteria for inclusion, suspension or exclusion from the list.
  - 53.4.3. Be operated in a fair, transparent manner so as to ensure that all Suppliers on the list are given a reasonable opportunity of submitting quotations or tenders for appropriate Contracts let by the Council from time to time.
  - 53.4.4. Be regularly reviewed (not less than one year or more than four) and agreed with the Chief Procurement Officer.

**54. Framework Agreements and Dynamic Purchasing Systems**

**54.1. Call Off Arrangements (Third Party Agreements)**

- 54.1.1. Where a Call-Off is proposed under an existing Framework Agreement or Dynamic Purchasing System that has been established by a consortium, Professional Buying Organisation, collaboration or other public body, the Council may consider using this Framework Agreement or Dynamic Purchasing System if:
  - a) The Framework Agreement or Dynamic Purchasing System has been established by a legal entity, and via a process, which permits the Council to access those arrangements lawfully; and
  - b) It is in the best interest of the Council to access the Framework Agreement or Dynamic Purchasing System, representing clear Best Value for Money, which must be documented for audit purposes (for procurements above £100,000 this will be through the use of the Procurement Business Case – Appendix D).
- 54.1.2. Before undertaking a Call-Off under any Framework Agreement or Dynamic Purchasing System, thorough due diligence should be undertaken, and

advice sought from the Chief Procurement Officer to confirm whether it is able to be used and whether it is appropriate for use for the Goods, Works or Services required.

- 54.1.3. Subject to the due diligence confirming the suitability of the Framework Agreement or Dynamic Purchasing System, these can be used without needing to undertake one of the procedures outlined at Procurement Procedure Rule [58](#).
- 54.1.4. Call-Offs must be awarded based on the criteria and method identified in the Framework Agreement or Dynamic Purchasing System.
- 54.1.5. Where a Call-Off is undertaken via a direct award (which is permitted in the Framework Agreement), a scope of works must be prepared and the Supplier must be required to supply a written submission that is verified to confirm it can meet the requirements of the Council in accordance with the terms and conditions and pricing established in the Framework Agreement in advance of entering into a Contract unless otherwise prescribed in the Framework Agreement direct award Call-Off procedure.

#### **54.2. Establishing a Framework Agreement or Dynamic Purchasing System (Council Own)**

- 54.2.1. Where the Council is establishing a Framework Agreement or Dynamic Purchasing System (which may or may not be accessed by other Contracting Authorities) the estimated Contract Value must take account of all potential work that may be awarded through the agreement and follow the relevant procedures set out in these Procurement Procedure Rules for Contracts of that value.
- 54.2.2. If the Council is establishing a Framework Agreement or Dynamic Purchasing System which allows access by other Contracting Authorities, reference must be made in the procurement documents explaining that the Framework Agreement or Dynamic Purchasing System is intended for wider use, and advice must be sought from the Chief Legal Officer to ensure the terms upon which other Contracting Authorities access those arrangements are clear and offer appropriate protection to the Council.
- 54.2.3. In establishing a Framework Agreement, where the estimated value exceeds the relevant Threshold, the total duration (including any extensions) can not exceed four years except in exceptional circumstances relating to the subject matter of the Framework Agreement. Any proposal to establish a Framework Agreement with a duration exceeding four years should be referred to the Chief Procurement Officer for advice.
- 54.2.4. Where taking into account all the above, the estimated value of the Framework Agreement or Dynamic Purchasing System is estimated to be above the relevant Threshold, and the Framework Agreement or Dynamic

Purchasing System is being left open for other Contracting Authorities to access, the Authorised Officer must ensure that the Contracting Authorities are included in the notices published via the UK e-notification service, either named individually or by an identifiable class.

- 54.2.5. In establishing a Framework Agreement or Dynamic Purchasing System, the Council must ensure that the terms of the Framework Agreement or Dynamic Purchasing System makes the process by which Call-Offs are entered into explicitly clear.

- 54.3. Call-Off's under Framework Agreements or Dynamic Purchasing Systems may be made at any value, without needing to follow Procurement Procedure Rule [58](#).

## **55. Public to Public Contracts**

- 55.1. Where the Authorised Officer is considering entering into a Contract with another public body, early advice must be sought from the Chief Procurement Officer and the Chief Legal Officer. It should not be assumed that arrangements entered into between the Council and other public bodies (e.g. other local authorities) are outside the scope of Procurement Legislation.

## **56. Pre-Procurement Requirements and Procurement Business Cases**

- 56.1. Prior to commencing procurement activity, the Authorised Officer, must have given consideration to the different commissioning options and delivery models available (make versus buy, contract versus grant etc), retain a file note documenting the justification for third party delivery through a formal contractual procurement procedure and ensure all such decisions are taken in accordance with the Council's constitution.
- 56.2. A procurement business case is required for all procurement activity where the estimated value of the Contract is above £100,000 using the template provided by the Chief Procurement Officer.
- 56.3. The detail contained in the procurement business case should be relevant and proportionate to the value of the Contract, and the nature of Works, Goods or Services being procured.
- 56.4. Whilst a procurement business case is not required for Contracts valued below £100,000, it is recommended best practice to ensure that the following key issues identified through the Procurement Business Case are considered.
- 56.5. For clarity, whilst it is recommended best practice to complete a procurement business case for Call-Off Contracts from a Framework Agreement or Dynamic Purchasing System that the Council has established (in accordance with Procurement Procedure Rule [54.2](#)) it is not a mandatory requirement as the key issues should have been considered in the original set up of the Framework

Agreement or Dynamic Purchasing System. However, where the Framework Agreement or Dynamic Purchasing System provides a range of call-off procedures, a written options appraisal, which includes the scope of the call-off, key considerations and financial implications must be undertaken to determine the recommended option for each Call-Off for transparency and audit purposes.

- 56.6. The Authorised Officer must consider, undertake, and document within the Procurement Business Case a range of factors, including (but not limited to):

**56.6.1. Market Engagement**

Where appropriate, undertake pre-procurement engagement with potential Suppliers, service users and other stakeholders) to understand what is available within the market, the strengths, weaknesses of the market sector and to co-design specifications.

Pre-market engagement must be done in a manner that does not distort competition and ensures that any subsequent procurement process remains open, fair and transparent. Failure to properly manage market engagement, may result in potential bidders being excluded from the opportunity to submit a tender.

**56.6.2. Identification of Risk**

A risk log for the procurement process and the event contractual relationship must be produced, maintained and updated throughout the procurement cycle by the Authorised Officer, in consultation with the relevant stakeholders identified. As a minimum the risk log should be reviewed when submitting the procurement business case for approval, before the publication of tender, following the evaluation before formal award is made, and then at regular intervals during the contract term.

**56.6.3. Governance Arrangements**

Ensure that the governance arrangements for the issuing of the tender and award of the Contract are clearly understood and established for the project.

**56.6.4. Route to Market Options Appraisal and Market Conditions**

Consideration of all known available routes to market to ensure the most successful outcome for the procurement, along with a justification for the chosen recommended option.

**56.6.5. Ethical Considerations**

An analysis of considerations applicable to the Contract from the Council's ethical procurement policy.

**56.6.6. Information Governance**

The identification of contracts involving the processing of personal data with requirements for a Privacy Impact Assessment and which may require

additional method statement questions or clauses developing with the terms and conditions.

**56.6.7. Financial Implications including Pricing Mechanisms**

A clear understanding of any potential requirements to satisfy financial capacity (and any financial security measures needed such as parent company guarantees), insurance requirements, as well as details of how costs are to be controlled over the Contract term, and how proposed requests for price increases are to be dealt with.

**56.6.8. Legal Implications**

Agreement on the form of agreement to be entered into and advice on matters such as TUPE (Transfer of Undertaking (Protection of Employment)).

- 56.7. All procurement business cases require approval, in accordance with the directorates scheme of delegation or other alternative Authorised Signatory before any tender is issued to market, or in the case of a direct award from a third party framework a formal award is made.

**57. Development of Quotation / Tender Documentation**

- 57.1. Authorised Officers must only use standard quotation / tender template documentation available from the Chief Procurement Officer (unless the Chief Procurement Officer agrees an alternative suite of documentation may be used).
- 57.2. Where there are provisions included (or omitted) from the corporate documentation that the Authorised Officer feel are (in)appropriate for their particular procurement, they should seek guidance from the Chief Procurement Officer.
- 57.3. A clear specification of requirements (identifying outputs or outcomes rather than inputs (unless there is a demonstrable need to specify inputs) should be developed for every procurement process undertaken. The specification should incorporate (where agreed) the views of stakeholders along with details that may mitigate risks identified through the risk process referred to above.
- 57.4. The specification should clearly detail any ethical requirements identified through the procurement business case (i.e. safeguarding, equalities, modern slavery, social value etc).
- 57.5. The documentation must clearly describe the evaluation criteria / methodology to be used to determine who will be awarded a contract, including all sub-criteria. It is important to note that in accordance with the Council's Social Value Policy, all procurements in excess of £100,000 must ensure social value accounts for 20% of the decision as to who is awarded the contract, unless alternative arrangements are agreed with the relevant Strategic Director.



- 57.6. It is essential that all procurement documentation (including the form of agreement from the Chief Legal Officer) is finalised before the quotation / tender is issued to market, as all procurement documentation must be available at the point of advertisement.

## **58. Normal Procedure**

### **58.1. Contracts Valued up to £10,000 (inclusive)**

- 58.1.1. These Procurement Procedure Rules do not apply to Contracts of less than £10,000. However, Procurement Procedure Rule 50 and 51 do apply and Procurement Procedure Rule 54 may also be used.
- 58.1.2. The Authorised Officer must be able to demonstrate Best Value for Money and wherever possible seek to use Local Suppliers. A file note must be retained outlining any search undertaken and a justification for the decision to award the work to a given Supplier. All quotations received must be in writing.
- 58.1.3. To comply with the Local Government Transparency Requirements, details of all Contracts awarded over £5,000 must be reported to the Chief Procurement Officer to ensure they are recorded on the Council's centralised contracts register.

### **58.2. Contracts Valued Between £10,000 and £25,000**

- 58.2.1. Contracts with a value between £10,000 and £25,000 must be awarded on a competitive basis (unless the provisions of Procurement Procedure Rule 50 or 51 apply).
- 58.2.2. At this value, the Authorised Officer must either:
- a) Undertake a Call-Off from a third-party Framework Agreement or Dynamic Purchasing System as described in Procurement Procedure Rule 54.
  - b) Use a closed procedure inviting a minimum of 2 informal quotations (based on knowledge, experience, supplier expressions of interest etc), one of which must be from a Local Supplier.
- 58.2.3. The Authorised Officer must be able to demonstrate Best Value for Money and wherever possible seek to use Local Suppliers. A file note must be retained outlining any search undertaken to identify potential suppliers along with a justification for the decision to award the work to a given Supplier.
- 58.2.4. To comply with the Local Government Transparency Requirements, details of all Contracts awarded under this procedure must be reported to the Chief Procurement Officer to ensure they are recorded on the Council's

centralised contracts register.

**58.3. Contracts Valued Between £25,000 and £100,000**

- 58.3.1. Contracts with a value between £25,000 and £100,000 must be awarded on a competitive basis (unless the provisions of Procurement Procedure Rule [50](#) or [51](#) apply) and coordinated through the Corporate Procurement Team (unless alternative arrangements have been agreed with the Chief Procurement Officer).
- 58.3.2. At this value, the Authorised Officer must either:
  - a) Undertake a Call-Off from a third-party Framework Agreement or Dynamic Purchasing System as described in Procurement Procedure Rule [54](#).
  - b) Use a closed procedure inviting a minimum of 3 formal quotations (based on knowledge, experience, supplier expressions of interest etc), one of which must be from a Local Supplier, through the Council's e-tendering portal.
- 58.3.3. Where the Authorised Officer is unsure of the market or the likely response to be received, a discussion should be held with the Chief Procurement Officer to consider whether it would be appropriate to undertake an openly advertised opportunity (as described in Procurement Procedure Rule [58.4](#)), however, the Authorised Officer must be confident this will not generate an excessive volume of responses.

**58.4. Contracts Valued Between £100,000 and £189,330**

- 58.4.1. Contracts with a value between £100,000 and £189,330 must be awarded on a competitive basis (unless the provisions of Procurement Procedure Rule [50](#) or [51](#) apply) and coordinated through the Corporate Procurement Team (unless alternative arrangements have been agreed with the Chief Procurement Officer).
- 58.4.2. At this value, the Authorised Officer must either:
  - a) Undertake a Call-Off from a third-party Framework Agreement or Dynamic Purchasing System as described in Procurement Procedure Rule [54](#).
  - b) Undertake a formal tender which is advertised to the open market, through the Council's e-tendering portal and on Contracts Finder.
- 58.4.3. Tenders undertaken for procurements between these thresholds **must not** include a pre-qualification stage or a stage in the procurement process where the authority can assess the suitability of a candidate for the purpose of reducing the number of candidates to a smaller number who will proceed to a later stage of the process.
- 58.4.4. Where suitability questions are relevant and proportionate to the subject matter of the Contract, they may be included within the award criteria of a

procurement, and considered as part of the wider overall quality evaluation.

**58.5. Social and Other Specific Service, Works and Concession Contracts Valued £189,330 to the Relevant Threshold**

- 58.5.1. For Social and Other Specific Service, Works and Concession Contract with a value between £189,330 and the relevant Threshold must be competitively tendered unless the provisions of Procurement Procedure Rule 50 or 51 apply or the Contract is being procured in accordance with Procurement Procedure Rule 54) which is coordinated through the Corporate Procurement Team, (unless alternative arrangements have been agreed with the Chief Procurement Officer).
- 58.5.2. At this threshold, Authorised Officers are not bound by defined procedures, and have the flexibility to design procedures that are relevant and proportionate for the Contract being procured but must ensure the principles of transparency and equal treatment are observed at all times.

**58.6. Contracts with a Value that Exceed the Relevant Threshold**

- 58.6.1. Contracts which exceed the relevant Threshold must be competitively tendered in accordance with Procurement Legislation (unless the provisions of Procurement Procedure Rule 50 or 51 apply or the Contract is being procured in accordance with Procurement Procedure Rule 54) using one of the procurement procedures detailed at Procurement Procedure Rule 59 which is coordinated through the Corporate Procurement Team (unless alternative arrangements have been agreed with the Chief Procurement Officer).
- 58.6.2. All tenders must be advertised on the Council's e-tendering portal, Contracts Finder and the UK e-notification service.
- 58.6.3. Publication of tender documents on the Council's e-tendering portal and Contracts Finder must not occur until 48 hours after the despatch of the UK e-notification notice, or the publication of the UK e-notification notice, whichever occurs first.

**Timelimits**

- 58.6.4. For Contracts valued above the relevant Threshold (excluding Social and Other Specific Services) there are minimum timescales to be adhered as detailed in the Procurement Legislation. The timescales stipulated are dependent upon the type of notice issued to act as a call for competition and should be treated as minimum timescales and not be relied upon as the standard. When determining timescales, the Authorised Officer must be proportionate and fair to the market and take into consideration, the complexity of the specification and tender submission requirements, along with any previous market consultation undertaken.

## **59. Procurement Procedures**

### **59.1. Open Procedure**

- 59.1.1. This is a one-stage process where all interested suppliers may respond to the advertisement by submitting a tender. This is often the most expedient procedure and enables all suppliers in the market that wish to engage in the process to submit a tender. There is no pre-qualification, selection or short-listing stage prior to invitation to tender.

### **59.2. Restricted Procedure**

- 59.2.1. This is a two-stage process under which a selection process is made of those who respond to the advertisement and those shortlisted are invited to submit a tender.

- 59.3. The following procedures apply to more strategic, complex or high value projects. If consideration is being given to any of the following procedures early consultation is required with the Chief Procurement Officer and Chief Legal Officer as there are limited circumstances under which these procedures can be utilised.

### **59.4. Competitive Dialogue**

- 59.4.1. This procedure is used where the Contract is complex, the Council is unable to specify its requirements and the solution cannot be purchased 'off the shelf'. Following a selection process of those who responded to the Council's advertisement, the Council enters into dialogue with potential bidders to develop one or more solutions on which the bidders submit a tender.

### **59.5. Competitive Procedure with Negotiation**

- 59.5.1. Following a selection process of those who responded to the Council's advertisement, bidders are invited to submit a tender. The Council may then open negotiations with bidders to refine or seek to improve the offers proposed.

### **59.6. Innovation Partnership**

- 59.6.1. Following a selection process of those who responded to the Council's advertisement, the Council uses a negotiated approach to invite suppliers to research and develop innovative proposals to meet a need where no solution currently exists within the market, which the Council may then seek to purchase.

- 59.7. For Social and Other Specific Service Contracts, Authorised Officers have the freedom to design a procurement procedure that is relevant and proportionate to the Services being procured, whilst ensuring the principles of transparency and equal treatment are observed.

## **60. Tender / Quotation Submission, Receipt and Opening**

### **60.1. Contracts Valued up to £25,000**

- 60.1.1. All requests for quotation must state that it will only be considered if it is received by the specified closing date and time.
- 60.1.2. The Authorised Officer may receive quotations up to the value of £25,000 directly, but wherever possible this must be electronic (i.e. via email) to ensure auditability.
- 60.1.3. The Authorised Officer must keep a record of all quotations received.

### **60.2. Contracts Valued over £25,000**

- 60.2.1. All quotations / tenders valued above £25,000 must be received electronically through the Council's e-tendering portal (unless alternative arrangements are agreed with the Chief Procurement Officer), as this ensures bids remain anonymous until after the deadline has passed.
- 60.2.2. All quotations / tenders received above £25,000 through the Council's e-tendering portal shall be opened and released by an independent officer within the Corporate Procurement Team who is not involved in the procurement process.

## **61. Evaluation**

- 61.1. An evaluation panel must be convened for all evaluation processes undertaken. Representation on the panel must be from people who have knowledge of the subject area and proportionate to the size and value of the procurement being undertaken. For Contracts below £25,000 it is acceptable for only 1 person to review the quotations returned so long as any resulting order created is approved by someone independent.
- 61.2. For all Contracts regardless of value, no person with a personal or financial interest in any of the bidders submitting a proposal should be involved in evaluating tenders or involved in any way in influencing the decision as to which bidder is to be awarded a Contract. A declaration of interest form must be completed prior to the commencement of the evaluation process and held on file by the Authorised Officer (for Contracts below £25,000) or within the Corporate Procurement Team (for Contracts above £25,000).
- 61.3. Where a potential conflict is highlighted, this should be brought to the attention of the Chief Procurement Officer for further advice.
- 61.4. The evaluation of quotations / tenders must be in accordance with the evaluation criteria specified in the original quotation / tender documents. Under no circumstances should there be a deviation away from this.
- 61.5. Where a bidder submits a qualified or conditional tender, they must be given the

opportunity to withdraw the qualification or condition without amendment to the bid submitted. If a bidder fails to do so their bid must be rejected unless it is dealt with as an alteration to their submission in accordance with Procurement Procedure Rule 62.

- 61.6. Where a bid received appears to be abnormally low, the Council is under a statutory duty to request that the bidder concerned provides a full and detailed response to explain the price / cost proposed, including confirmation that the supplier is not practising modern slavery. Identifying and dealing with an abnormally low bid shall be the responsibility of the Authorised Officer. The Council may reject an abnormally low bid, where the justification doesn't satisfactorily account for the low level of price. Where consideration is being given to the rejection of a bid on these grounds advice must be sought from the Chief Procurement Officer and Chief Legal Officer.

## **62. Errors in Quotations and Tenders**

- 62.1. A quotation / tender may be amended after it has been received, and before it is accepted if it is identified during the evaluation process that a genuine arithmetical error or other minor discrepancy has been made, that can easily be corrected by way of clarification, following consultation with the Chief Procurement Officer and/or Chief Legal Officer, subject to the following:

62.1.1. The bidder shall be given details of the error(s) found during the examination of the tender and shall be given the opportunity of confirming the quotation / tender without amendment or to withdraw their quotation / tender.

62.1.2. Amending the quotation, to correct genuine arithmetic errors provided that no other adjustment, revision, or qualification is permitted.

- 62.2. The Authorised Officer must ensure a written record of all amendments made under this Procurement Procedure Rule is maintained.

## **63. Post Tender and Quotation Negotiations**

- 63.1. In the interests of ensuring an open, fair and transparent process, negotiation following receipt of tenders / quotations is only permissible in limited circumstances.

63.2. Negotiation is never permissible following the receipt of final tenders where the tender is above the relevant Threshold.

- 63.3. Where the procurement is below the relevant Threshold, the Authorised Officer may, after consulting with the Chief Procurement Officer and Chief Legal Officer enter negotiations with one or more bidders where they consider that it is in the Council's best interest to do so.

- 63.4. Where the scope of the original procurement is to be reduced in order to fit within budgetary provision, advice must be sought from the Chief Procurement Officer and Chief Legal Officer. In instances where the Contract is a Call-Off from a Framework Agreement or Dynamic Purchasing System it may be acceptable that all bidders who were invited to bid must be given the opportunity to re-submit a revised offer. However, where the procurement is the result of an openly advertised tender, dependent on the scale of the change of scope, the tender may need to be re-run.
- 63.5. Negotiations shall be conducted on behalf of the Council by two or more Authorised Officers from the service area concerned and / or the Corporate Procurement Team.
- 63.6. A full written record must be maintained of the negotiation which if agreed in writing by the Authorised Officer and the bidder for inclusion within the final Contract.

#### **64. Due Diligence**

- 64.1. Following the evaluation process of all Contracts valued above £25,000, and upon reaching consensus on the top scoring bidder, it is recommended best practice that a due diligence process is undertaken. The purpose of the due diligence is to confirm aspects such as:
  - 64.1.1. The bid received is bona fide and sustainable.
  - 64.1.2. The Council fully understands the bid that has been submitted.
  - 64.1.3. The Supplier has the financial and technical capacity and capability to deliver the Contract and where this does cause concern appropriate steps have been agreed (i.e. parent company guarantees); and
  - 64.1.4. The Supplier has the relevant policies / certificates required (including evidence of adequate insurance cover).
- 64.2. Minutes from any due diligence meetings / conversations must be formally agreed in writing with the winning bidder for inclusion within the final Contract.

#### **65. Approval to Award**

- 65.1. For all Contracts valued above £25,000 (including further competitions from Framework Agreements or Dynamic Purchasing Systems), prior to formally notifying bidders whether they have been successful or not (regardless of whether the decision taken is to award the Contract or abandon the process), a tender evaluation report must be prepared and approved. Only the most

economically advantageous tender(s) or quotation(s) must be recommended for award.

- 65.2. In instances where the recommendation is to abandon and re-tender the requirement, robust justifiable reasons must be demonstrated (i.e. funding no longer available, all quality submissions below required thresholds etc). It would be a breach of Procurement Legislation if a tender was abandoned on the grounds that a particular supplier was not the successful bidder and such action would leave the Council open to legal challenge.
- 65.3. The tender evaluation report should summarise the procedure undertaken to include for example:
  - 65.3.1. The subject matter, value of the procurement and procedure used.
  - 65.3.2. The suppliers involved.
  - 65.3.3. Results of any compliance, selection and / or award criteria.
  - 65.3.4. The winning bid including any due diligence carried out.
  - 65.3.5. Any outcomes achieved.
  - 65.3.6. Any issues or risks with the proposed recommendation.
- 65.4. The tender evaluation report must be approved in accordance with the directorates scheme of delegation (or any other relevant Authorised Signatory).

## **66. Acceptance and Award**

- 66.1. All bidders must be notified in writing of their success / failure in a quotation / tender process in a timely manner using standard documents supplied by the Corporate Procurement Team.
- 66.2. All notifications for Contracts valued above £25,000 must be issued electronically through the Council's e-tendering portal.
- 66.3. Notification also includes a decision where the Council has decided to abort a process.
- 66.4. It is important to notify bidders as soon as possible after their elimination from a process. therefore, in the case of all tenders which relate to procurements above the relevant Threshold where there are multiple stages (i.e. a selection stage in



the restricted procedure) the bidder must be notified following the evaluation of that stage in the process.

- 66.5. For procurements concerning Contracts with a Contract Value above the relevant Threshold it is essential that all unsuccessful letters contain the following information:
  - 66.5.1. The award criteria used.
  - 66.5.2. The score obtained of the bidder against the award criteria.
  - 66.5.3. The score obtained by the winning bidder against the award criteria.
  - 66.5.4. The name of the winning bidder.
  - 66.5.5. The characteristics and relative advantages of the winning tender; and
  - 66.5.6. Precise details of the standstill period.
- 66.6. The standstill period requires a minimum 10 calendar days (where the notification is made electronically) between the communication of the award decision and Contract conclusion, with day 1 being the day after the award decision is issued. Where the notification is not issued electronically or is followed up by postal notification, the standstill period must be no less than 15 calendar days. The standstill period must end on a weekday.
- 66.7. Whilst the standstill period referred to above is not a legal requirement for below Threshold procurements, above Threshold procurements under Social and Other Specific Services or Call-Offs under Framework Agreements or Dynamic Purchasing Systems, it is recommended best practice to apply such a process to allow an opportunity for unsuccessful aggrieved bidders to challenge/complain, and for the Council to satisfactorily deal with such instances before entering into Contract.
- 66.8. Following the successful conclusion of standstill, the successful bidder(s) should be informed that the Council will be progressing to formal award and the issuing of formal Contracts.
- 66.9. All Contracts awarded with a value of £5,000 and above must be reported to the Chief Procurement Officer and recorded on the Council's contracts register. All Contracts awarded with a value of £25,000 and above must be recorded on Contracts Finder. All Contracts awarded above the relevant Threshold must also be recorded on the UK e-notification service within 30 calendar days following the decision to award the Contract and a Regulation 84 report must also be prepared in accordance with the Procurement Legislation by the Authorised

Officer. For Contracts awarded with a value of £250,000 and above an Officer Delegated Decision record is also required to be published.

## **67. Exemptions from the Normal Procedure**

67.1. The Strategic Director has the power to waive any requirements within these Procurement Procedure Rules for specific projects, where one or more of the following exemptions apply:

- 67.1.1. Where the technical characteristics of the Goods are only compatible with an existing supply or installation, such that procurement of another product other than the one available from the original Supplier would result in disproportionate technical difficulties. The duration of a Contract negotiated in accordance with this exemption shall not exceed 3 years.
- 67.1.2. The procurement of a unique work of art or artistic performance.
- 67.1.3. Where competition is absent for technical reasons where no reasonable alternative or substitute exists, and the absence of the competition is not the result of an artificial narrowing down of the parameters of the procurement.
- 67.1.4. The purchase of proprietary or patented Goods or material, or Services, which are obtainable only from one supplier, and where no reasonable satisfactory alternative is available.
- 67.1.5. Where the execution of Works, or supply of Goods or Services are controlled by a statutory body, trade organisation or legislation and no reasonable satisfactory alternative is available.
- 67.1.6. Where the execution of Work or the supply of Goods or Services are required so urgently<sup>1</sup> that compliance with any competitive process prescribed by these Procurement Procedure Rules cannot be achieved.
- 67.1.7. Where the publication of documents detailing the Council's requirements could reasonably be considered to prejudice the security of the activity to be undertaken, and the Council has considered the use of reasonable measures to protect such security and allow the normal procurement process to be followed (e.g. the use of confidentiality agreements)
- 67.1.8. To allow for the continuation of a Contract beyond its contractual term, in exceptional circumstances and where the term of such an extension is determined in accordance with the timescales required to complete a re-procurement or decommission the existing arrangement.

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<sup>1</sup> The urgency not being due to the action or inaction of the Council or its officers)

- 67.1.9. The execution of Works, or the supply of Goods or Services for which it can be demonstrated that no genuine competition can be obtained.
- 67.1.10. An alternative competitive process to that prescribed by these Procurement Procedure Rules for Contracts with a value between £10,000 and the relevant Threshold subject to reasonable justifications for such a request.
- 67.1.11. All exemptions require the support of the Chief Finance Officer, who is ultimately responsible for procurement within the Council, in advance of gaining the approval of the relevant Strategic Director for the service concerned (or other Chief Officer).
- 67.1.12. An exemption request form must be completed for every instance of an exemption with a total value of £10,000 or more to aid the decision making of the Chief Finance Officer and the relevant Strategic Director. The request must clearly document the exemption to be relied upon, along with the justification and all necessary procurement, legal, financial and procurement implications.
- 67.1.13. A copy of all approved exemptions must be provided to the Chief Procurement Officer, where a record will be maintained. The relevant Strategic Director is responsible for ensuring the appropriate Cabinet Member is kept informed. A summary of agreed exemptions will be reported in quarterly performance monitoring reports.
- 67.1.14. Where an exemption is approved, the Service must ensure that an appropriate Contract is entered into (including a scope of works and proposal from the Supplier) which is managed in line with the requirements of these Procurement Procedure Rules. Details of the contract must be advertised on the Council's contract register and on Contracts Finder (for Contracts above £25,000) in accordance with data transparency and reporting requirements.

## **68. Contracts and Purchase Orders**

### **68.1. Purchase Orders**

- 68.1.1. It is Council policy that all requests (irrespective of value) for Goods, Services and Works are supported by an official purchase order generated from an approved Council system in advance of the services commencing and an invoice being received and coded to the appropriate cost code unless otherwise agreed by the Chief Procurement Officer and relevant Head of Finance.
- 68.1.2. Every purchase order placed by the Council regardless of value must incorporate terms and conditions approved by the Chief Legal Officer.

**68.2. Form and Content of Contracts**

68.2.1. Every Contract must be in writing in a form approved by the Chief Legal Officer.

68.2.2. As appropriate a Contract must specify:

- a) The parties to the Contract, including any surety or guarantor.
- b) The Goods or Services to be supplied or the Works to be performed.
- c) The price to be paid together with a statement as to the amounts of any discounts or other deductions.
- d) The period within which the Contract is to be performed.

68.2.3. Any Contract that deviates from the standard payment terms<sup>2</sup> of the Council must be agreed in advance with the relevant Head of Finance and Chief Procurement Officer.

68.2.4. Every written Contract must contain a clause stating that in circumstances where the Supplier fails to comply with its contractual obligations in whole or in part, or commits a fundamental breach of the Contract, the Council may;

- a) Terminate the Contract, either wholly or to the extent of such default.
- b) Make good the default and/or complete the requirements encompassed in the Suppliers former obligations (set out in the Contract) itself or appoint another Supplier or agent to do so.
- c) Recover from the Supplier the costs incurred in making good the default and/or in the completion of the Suppliers former obligations.

These provisions also cover the Suppliers obligations towards delivering its Social Value commitments.

68.2.5. All Contracts shall require that if one or more sums of money are to be paid to the Council, the Supplier must pay interest on respect of any late payment of such sums at the rate stated in the Contract from the date when payment is due until the date when payment is received.

68.2.6. The Supplier shall be placed under a contractual obligation to comply with the requirements of the Equality Act 2010 and obligated to provide the Council with information on request in relation to compliance with those requirements.

68.2.7. The Supplier shall be placed under a contractual obligation to comply with human rights law (including the Modern Slavery act 2015) and obligated to

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<sup>2</sup> 30 calendar days from receipt of valid invoice

provide the Council with information on request in relation to compliance with those requirements.

- 68.2.8. The Supplier shall be placed under a contractual obligation to comply with data protection law (including the General Data Protection Regulations) and ensure that the Council is able to comply with those statutory obligations.
- 68.2.9. The Supplier shall be placed under a contractual duty to comply with the requirements of the Health and Safety at Work Etc Act 1974 and any other legislation relevant to Health and Safety.
- 68.2.10. Where Suppliers are discharging Council functions, they shall be placed under an obligation to ensure the Council's compliance with the duty of Best Value for Money under the Local Government Act 1999 (as amended).
- 68.2.11. Every Contract shall include a clause requiring the Supplier to hold and maintain appropriate insurance cover (e.g. employers liability, public liability, professional indemnity cover) with a reputable insurance provider at any statutory levels or higher levels if deemed necessary in consultation with the Council's insurance officer.
- 68.2.12. Every Contract shall include a clause preventing the Supplier from transferring, disposing, assigning and/or subcontracting all or any part of the Contract without the prior consent of the Council given in writing.
- 68.2.13. All formal quotations, tenders and Contracts must contain a notice/clause relating to Freedom of Information and a schedule that allows Suppliers to clearly identify those sections or clauses of their proposal which they believe are commercially confidential within the terms of the Freedom of Information Act 2000.
- 68.2.14. If a Contract is to be entered into for the provision of business-critical Services or Supplies, consideration shall be given to the inclusion of clauses that contractually obligate the maintenance of adequate business continuity processes in order to minimise the Council's risk of exposure.
- 68.2.15. In every Contract a clause shall be included to ensure that the Council shall be entitled to terminate the Contract, and to recover from the Supplier the amount of any loss resulting from such termination, if the Supplier (including its employees or agents):
  - a) Does anything improper to influence the Council to award the Contract; and/or
  - b) Commits an offence under the Bribery Act 2010 and/or under Section 117 of the Local Government Act 1972.

- 68.2.16. Every Contract with a value above the relevant Threshold shall contain a clause which enables the Council to terminate the Contract in order to comply with its obligations at Regulation 73 of the Procurement Legislation.

### **68.3. Signing Contracts and the Common Seal**

- 68.3.1. The common seal of the Council must be affixed to any Works Contract with an estimated Contract Value of £100,000 or more and to any contract, instrument or other document that is required by law to be made by deed.
- 68.3.2. The affixing of the common seal of the Council shall be deemed to be duly authenticated if but only if the impress of the seal is accompanied by the signature of an Authorised Signatory (including any temporary appointment to any of those positions to cover a vacancy or long-term absence).
- 68.3.3. Strategic Directors, other officers defined in the directorate scheme of delegation or other Authorised Signatories, have the power to sign Contracts and agreements that are not required to be made by deed.

## **69. Contract Management**

### **69.1. General**

- 69.1.1. For every contractual relationship the relevant Strategic Director shall appoint a suitably qualified, experienced and trained officer to be the contract manager.
- 69.1.2. The contract manager shall be responsible for actions such as:
- 69.1.3. Regularly reviewing management information and supplier performance (as detailed in the tender and contract documentation).
- 69.1.4. Meeting with the supplier at a frequency appropriate to the contract value (but no less than annually) to discuss contract compliance, performance, service development, innovation etc.
- 69.1.5. Dealing with instances of off and non-contract spend within the Council.
- 69.1.6. Benchmarking the Contract to ensure it continues to provide Best Value for Money.
- 69.1.7. Monitoring any ongoing efficiency savings and reporting these to the Chief Procurement Officer.

- 69.1.8. Monitoring that all outputs and outcomes (including social value commitments) are delivered and take appropriate action where a Supplier fails to perform.
- 69.1.9. Make recommendations about options for future procurements / extensions to the Contract.

## **69.2. Contract Extension**

- 69.2.1. An extension to a Contract may only be permitted where the details of any extension provision was included within the terms and conditions of the Contract, tender / quotation documents and UK e-notification service notice (where appropriate).
- 69.2.2. If there is not a provision in the Contract for an extension, but one is required, an exemption to these Procurement Procedure Rules must be identified and dealt with in accordance with Procurement Procedure Rule 67.
- 69.2.3. Prior to formally extending a Contract, the Authorised Officer must ensure that an appraisal is undertaken to determine whether it is in the best interest of the Council to extend the current arrangement. Any recommendation to extend / re-procure or decommission a Contract must be detailed in writing and approved by the appropriate Officer as detailed in the directorates scheme of delegation.
- 69.2.4. When negotiating the terms of a Contract extension (if such terms are not set out in the Contract documentation), the Authorised Officer must make every effort to negotiate competitive rates, additional social value commitments or improved quality outcomes.
- 69.2.5. All extensions to a Contract must be in writing and coordinated through the Corporate Procurement Team. A copy of the extension notice should be stored with the Contract.
- 69.2.6. Details of the Contract extension must be updated on the Council's contracts register.

## **69.3. Contract Modifications / Variations**

- 69.3.1. All Contract variations must be carried out within the scope of the original Contract and must not materially affect or change the Contract.
- 69.3.2. There are significant limitations (especially where Procurement Legislation applies) on modifications which result in additional Works, Goods or Services, which were not considered when the original procurement took place and could be considered as altering the overall nature of the Contract.

- 69.3.3. When considering a modification / variation to an existing Contract, advice must be sought from the Chief Procurement Officer and Chief Legal Officer. Approval of any modification must be made in writing by the relevant officer detailed in the directorate scheme of delegation incorporating the advice of the Chief Procurement Officer and Chief Legal Officer, as well as confirmation from the relevant Head of Finance that budget provision exists.
- 69.3.4. All agreed modifications must be made in writing and signed by the Council and the Supplier. A copy of the signed modification should be stored with the Contract.

#### **69.4. Novation of Contracts to another Supplier**

- 69.4.1. In the event that a novation to a Contract is required due to a Supplier ceasing to provide the Works, Goods or Services as a result of insolvency, company restructuring, company purchase, termination of the Contract or any other reason, then the Authorised Officer must consult and seek advice from the Chief Procurement Officer and Chief Legal Officer before novating or assigning the Contract to a new Supplier.

#### **69.5. Termination of Contracts**

- 69.5.1. If the performance of a Contract is giving rise to concern, before commencing proceedings to terminate a Contract with a Supplier for a breach of Contract, the Authorised Officer must consult and seek advice from the Chief Procurement Officer and Chief Legal Officer.

#### **69.6. Contract Claims**

- 69.6.1. The Authorised Officer must inform the Chief Legal Officer of all claims by or against Suppliers which are the subject of formal dispute resolution or litigation between the Council and the Supplier.

### **70. Miscellaneous**

#### **70.1. Purchasing Cards**

- 70.1.1. The Council uses purchasing cards for some areas of high volume / low value purchases to reduce the amount of time spent on processing orders and invoices.
- 70.1.2. Purchasing cards must only be used in accordance with the agreed Purchasing Card guidelines and not used as a way of bypassing the requirements of these Procurement Procedure Rules.
- 70.1.3. The Chief Procurement Officer and/or relevant Head of Finance will withdraw the use of purchasing cards where they are not being used in accordance with the agreed guidelines. Instances of non-compliance may result in disciplinary action in accordance with Procurement Procedure Rule 46.



**70.2. Review and Amendment**

- 70.2.1. The Assistant Director of Finance and Assistant Director of Legal are authorised to make technical amendments from time to time to ensure these procedures are consistent with legislative requirements, best practice guidance issued from central government, changes in Council policies, procedures and personnel.
  
- 70.2.2. A formal review and update of these Procurement Procedure Rules will take place at least every 2-years.

## **Capital Governance Principles – simple overview**

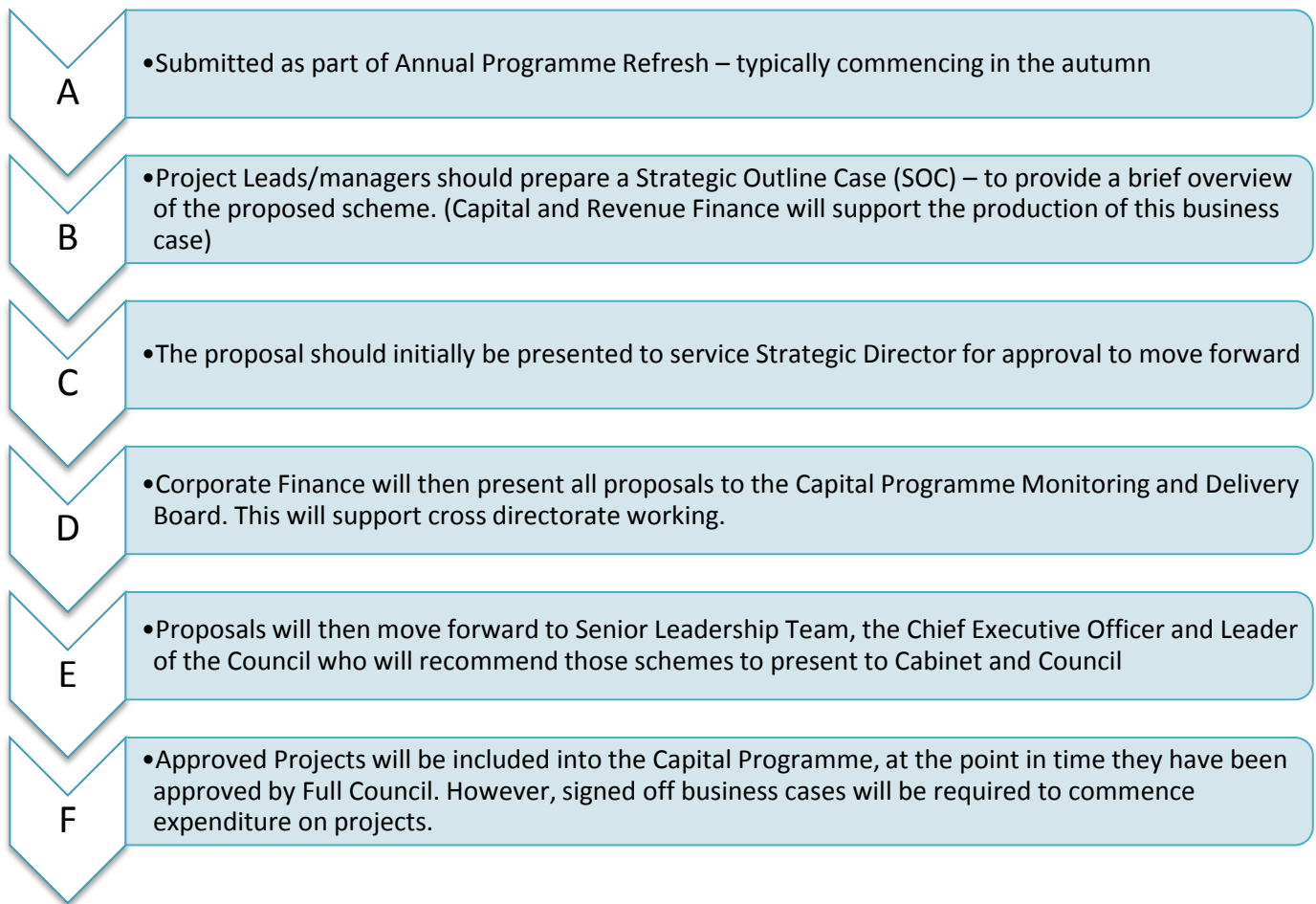
### **1. Introduction**

- 1.1.** This document provides a simple overview of the procedures involved in the approval of the Council's Capital Strategy, Capital Programme, and the projects within. It covers the role of the key stakeholders in overseeing the approvals process, the management of future approvals and how the performance of the capital programme is monitored.
- 1.2.** The procedure seeks to standardise the governance processes around capital approvals, ensuring that key documentation is completed and that there is sufficient Cabinet Member and senior management involvement in the decision making process at an early stage. A matrix of Cabinet Members and senior management will be consulted to ensure effective scrutiny and review of the projects coming forward for approval as well as improving upon opportunities for joint working.
- 1.3.** The annual update of the capital strategy aims to ensure that it meets Member requirements, the Council's strategic aims, and embraces the objectives of the Council's Asset Management Plans for all service areas. The annual capital programme update aims to provide a period for review of the existing five year capital programme, and for review of inclusions/variations of the programme. This process should re-set and re-focus the capital programme where required and ensure that the previous year's programme has delivered the expected outcomes.

### **2. Project Approvals**

#### **Use of Corporate Resources including service funded proposals**

- 2.1.** The use of corporate resources will be robustly controlled to ensure that this finite resource can be effectively managed and focusses on the Council's key priorities. The impact on other policies will be considered, such as the Treasury Management Strategy, to ascertain the impact of corporate borrowing. Any requests for the use of corporate resources will follow the process highlighted below;



**2.2.** It is important that services work directly with their Finance and Procurement Business Partnering Teams from the point of considering a project bid. This will help to ensure that the bid is taken through the appropriate review and scrutiny ahead of submission, considers all financial implications on both capital and revenue budgets, and built into procurement planning to ultimately give the project, should it be approved, the best chance of a successful delivery. Involvement from procurement at the project planning stage will assist in ensuring that the proposed timeframes for delivery of the scheme, in relation to external contracts, are realistic and feasible. The service Head of Finance should be notified of all bids and their approval for submission gained, this will also help to ensure the project is brought into monitoring arrangements and necessary financial work carried out to enable project delivery.

**2.3.** Variations to any corporately funded project, seeking additional resources will have to follow the same process as above, however:

- If there is a need to vire a budget from one project to another, it can be completed at any point in the year. For example, if a Directorate requires additional resources to support project A, and have project B that they have an underspend on due to savings/efficiencies, they can request that the corporate

resources for project B are vired across to project A. This would, of course, have to be reported through to Cabinet. However, variation limits apply as prescribed below.

**2.4.** Virement of under and overspends on schemes must be approved at the appropriate levels as set out below:

- Virements under £100k can be approved by Strategic Director in Consultation with Cabinet Member.
- Virements from £100-£400k can be approved by Strategic Director in Consultation with Cabinet Member, Leader, CEX and S151 Officer.
- For project virements of £400,000 or more, Cabinet approval will be required, as this is a key decision. This can be undertaken via the Council's Financial Monitoring Report or a specific project Cabinet report, depending upon the complexity of the reason for variation and scheme. The route to Cabinet approval will be determined on a case by case basis by the Chief Finance Officer. These changes will be referred onto Council. Please note, a key decision can also be required if the change to the project;
  - Relates to the capital or revenue budget framework that is reserved to the Council
  - Result in income, expenditure or savings of £400,000 or more
  - Have a significant effect on two or more wards

**2.5.** In order to gain the relevant sign off to a variation officers should complete the 'Capital Budget Variation Form', shown at appendix A. The Capital Programme Monitoring and Delivery Board will consider a process for carrying out invest to save schemes. Once a process has been developed this guidance will be updated.

**2.6.** Should a directorate no longer be able to deliver a project that has been approved for delivery by Council, as part of the Council's Budget Report, the removal of the project budget must be reported back to Cabinet and referred onto Council as part of the Council's Financial Monitoring Report. The budget for a cancelled scheme cannot simply be moved to offset pressures on other programme overspends.

### **Borrowing Rates for corporate borrowing**

**2.7.** Borrowing Rates used for corporate borrowing will be set at 3% for short term borrowing (10 years or less on asset life) and 3.3% for Long Term borrowing. The financial assessment of borrowing costs must be carried out by the Financial Accounting Team. There may be occasions where it makes financial sense to carry out an assessment using different rates, such as current PWLB rates, to

provide a like for like comparison but the charges to the service would normally still be based on the corporately set rates.

### **3. Grant Bids & Acceptance**

**3.1.** All Grant Bids should be prepared by the service in conjunction with Finance. For capital bids these should have initial review by the Head of Finance for the relevant directorate, with the capital implications reviewed by the Capital Finance Team.

**3.2.** When the bid has been prepared by the service and reviewed by Head of Finance, it will require the following sign offs prior to submission, in all cases:

- Strategic Director for delivering service
- Cabinet member
- Leader
- CEX
- Chief Finance Officer

**3.3.** In order to gain and evidence these approvals the 'Application for Funding Form', shown at appendix B, should be completed. All bids should demonstrate how they contribute towards the Council Plan and how the bid meets an existing priority.

**3.4.** Grant Acceptance and grant claims will only require sign off via the Strategic Director or relevant Assistant Director, the Head of Finance for the Directorate (in consultation with the Capital Finance Team) and the Chief Finance Officer where the grant terms and conditions require it.

#### **Annual Grant Allocations:**

**3.5.** For the annual grant allocations, in all cases an indicative budget line will have already been included within the approved capital programme. This may be based on a confirmed amount, mix of confirmed and estimates or fully estimated. This does not however mean that the schemes to be delivered from within those indicative allocations are approved. Therefore, approval is required to drawdown these annual grant allocations to specific schemes, this should be done at the outset of the financial year via a Cabinet report (like the LTP Grants/Highways Grants), with minor variations managed by exception during the year.

**3.6.** Where the service is looking to gain approval for the use of an annual allocation they have a number of options in how to proceed. The service can bring forward a report to the Capital Programme Monitoring and Delivery Board (CPMDB) covering the broad aims of the annual allocation, confirming the specific grant

levels, how the grant will be utilised in year, and on what schemes. This will normally take the form of a Strategic Director report that will first be taken to and ultimately approved by the Strategic Director in consultation with Cabinet Member. The Finance Business Partners and Capital Finance Team will assist the service in the production of this report. Once approved the details of the report will then be covered within the next capital monitoring report to Cabinet, covering any key budget adjustments required. From that point the annual allocation is fully approved. It is therefore recommended that this report is typically brought forward for approval ahead of the new financial year, where timeframes for confirmation of grant levels allow.

**3.7.** Alternatively, the service may choose to gain approval for the use of their annual allocation via a Cabinet report, a route used to ensure Members are in full agreement with the proposed use of the grant allocation. The Cabinet report would follow the same route as above, Strategic Director approval in consultation with member, CPMDB, SLT and then Cabinet however, it would be reported at Cabinet as an individual report rather than as part of the capital monitoring report.

**3.8.** Finally, the service may choose to bring forward schemes for use from the annual grant on a project by project basis, in which case they would follow the grant variation process indicated in section 2.4 of this report. However, the aim should be that the annual grant allocation Cabinet reports would include all proposed schemes for the year ahead.

**3.9.** If a variation between schemes within the annual allocation is required and the movement is low in value it can be approved prior to being noted at Cabinet, using the variation levels indicated in section 2.4.

#### **Other Grant Allocations:**

**3.10.** The following section will cover the approval of other grant allocations not covered by the annual grants, in these cases the business case approach will be followed. The inclusion of other grant funded projects requires a tiered approach to the levels of delegation. The approvals required are those indicated for a budget variation in section 2.4 of this guidance.

**3.11.** All new inclusions will first require a business case to be produced and considered by the Head of Finance for the relevant directorate and Capital Finance Team prior to being submitted for approval through the variation process. For example, at the point a new grant fund is being added to the Capital Programme it should have already had a bid submission approved via appendix B and have an approved capital budget variation form completed via appendix A.

- 3.12.** Through these processes the Capital Team and CPMDB will review the schemes submitted for approval to ensure the financial implications have been effectively completed and all capital and revenue financing implications considered and understood.
- 3.13.** The format of the business case can take a couple of different formats. Typically, the service will be required to complete an RMBC business case (SOC) and potentially an OBC, dependent upon the complexity of the project. However, where the grant bid requires the production of an external business case as part of the bidding process, as is required for most South Yorkshire Mayoral Combined Authority funding, this business case can be used to support the internal approvals process. In this scenario an internal business case may not be required (if this external business case is sufficient to cover all internal financing questions) to avoid duplication of effort. All external business cases produced by the service should still be completed in conjunction with the Finance Business Partner and Capital Finance Team and submitted only once internal financial approval is provided
- 3.14.** The new grant fund will be added to the Capital Programme once the grant bid has been approved but held on a holding code until the business case process is complete, these grants will be added to the Capital Programme as part of the Council's Financial Monitoring Cabinet reports.
- 3.15.** For any grant funded schemes that require match funding from corporate resources, they must follow the same route as any other corporate resources bid with the grant simply acting as match. ***Failure to follow these processes will result in a delayed approval of the project.***
- 3.16.** If a variation between schemes is required it must follow the approval levels outlined in section 2.4.

## Use of HRA Funding

### Annual HRA Allocations:

- 3.17.** For the annual HRA allocations (cyclical work on Council Dwellings), in most cases an indicative budget line will have already been included within the approved Capital Programme. This does not however mean that the schemes to be delivered from within those indicative allocations are approved. Therefore, approval is required to drawdown these annual allocations to specific schemes, this can be done at the outset of the financial year, or during the year following the process for one off grant allocations.

- 3.18.** Where the service are looking to gain approval for the use of an annual allocation they have a number of options in how to proceed. The service can bring forward a report to the Capital Programme Monitoring and Delivery Board covering the broad aims of the annual allocation, confirming the specific grant levels, how the grant will be utilised in year, and on what schemes. This will normally take the form of a Strategic Director officer decision report in consultation with the Cabinet Member. The Finance Business Partners and Capital Finance Team will assist the services in the production of this report. The details of the report will then be covered within the next capital monitoring report to Cabinet, covering any key budget adjustments required, from that point the annual allocation is fully approved. It is therefore recommended that this report is typically brought forward for approval ahead of the new financial year, where timeframes for confirmation of grant levels allow.
- 3.19.** Alternatively, the service may choose to gain approval for the use of their annual allocation via a Cabinet report, a route used to ensure members are in full agreement with the proposed use of the grant allocation. The Cabinet report would follow the same route as above, SD and relevant member approval, CPMDB, and then Cabinet however, it would be reported at Cabinet as an individual report rather than as part of the capital monitoring report.
- 3.20.** If a variation between schemes within the annual allocation is required the variations process 2.4 should be followed.

#### **Other HRA Allocations:**

- 3.21.** For the approval of other HRA allocations not covered within the cyclical HRA programme (i.e one off new HRA schemes such as new build projects), in these scenarios the business case approach will be followed, as indicated within the 'other grant allocations' section above, or within the corporate resources approval section if the scheme is requesting corporate resources.

## **4. Documentation**

- 4.1. Strategic Outline Case (SOC):** This is the opening business case document that should be used to get initial buy in to a project proposal. It is intended to be brief and provide an outline view of what the project is aiming to do, provide indicative costs, outputs and timeframes.
- 4.2. Strategic Outline Programme (SOP):** This is the same as above, but where the project lead is looking to gain approval for a programme of work rather than an individual project. For example, where the service is looking to carry out capital



improvement works to the Council's Property on a cyclical basis, they may choose to produce a SOP. The document would cover the key themes of the type of work they will be looking at, what is in and out of scope, and indicative potential projects that make up the programme. However, the SOP will provide them with a degree of flexibility to adjust the properties that they tackle year on year.

**4.3. Outline Business Case (OBC):** Essentially this is a much more detailed business case to be used for more complex schemes. Each section is completed with greater detail, full options appraisals and detailed financial appraisals. For example, a major project like new build housing would require an OBC.

## 5. Monitoring

**5.1.** All project leads will have to provide monthly forecasts, through the collaborative planning system, on the performance and potential outturn of their project. The Capital Finance Team will have responsibility for monitoring the performance of the overall approved Capital Programme and will pull together on a monthly basis a detailed monitoring report. The monitoring report will provide a current position of forecasts, funding, new approvals and variations, grant awards and a brief view of the 5 year Programme position. This detailed version will be used to create a report for the CPMDB, and service specific updates for service DLT's (although in practice these may only go to DLT's quarterly).

**5.2.** A brief overview monitoring report will be presented for the purposes of providing a monthly update to SLT and a bi-monthly update to Cabinet. This report will provide highlights of the current forecast position, note the key budget changes and grant approvals and any key changes within the funding profile of the capital programme. The report will also provide officers with a forecast position on projected capital receipts in the year.

**5.3.** The Programme will be updated at least annually and monitored regularly throughout the year. Monitoring shall be carried out to a timetable and in a format prescribed by the Chief Finance Officer. Any significant variance from the capital expenditure profile must be notified immediately as specified in the Council's capital governance arrangements. Initially, a forecast variance in excess of £100,000 will need to be identified through the monthly monitoring cycle, if the service area cannot resolve the issue it should be escalated to their Strategic Director for a directorate solution, if the wider directorate are unable to find a resolution then the issue should be reported through to the Senior Leadership Team.

## 6. Tenders

- 6.1.** Service Finance Teams and the Capital Finance team will play a role in the review of tender documents to ensure that they are being undertaken for approved capital schemes, within budget, and for the items specified within the approved business case (i.e to flag any significant changes in project scope). However, it is not the responsibility of Finance staff to sign off tender documentation for approval, Finance are simply to agree that the financial implications have been reviewed, are reasonable and within budget. Project Managers and Project sponsors are responsible for ensuring that they follow the Council's Financial and Procurement Procedure Rules.

## **7. Capital Programme Monitoring and Delivery Board**

- 7.1.** The Capital Programme Monitoring and Delivery Board is responsible for the oversight of the Council's approved Capital Programme. Its role is to manage the approvals process and make recommendations to SLT on new project approvals, variations and completion reports. It will also have a key role to play in the performance analysis of the Capital Programme, reviewing the financial performance of the Programme on a monthly basis and reviewing the output/outcome performance. As part of the approvals process CPMDDB will play a key role in the review and scrutiny of Project Management Documentation, including Strategic Outline Cases (SOC's), Strategic Outline Programmes (SOP's), and Outline Business Cases (OBC's)
- 7.2.** The group will also provide a key function in approving the use of and acceptance of capital grants, as well as being the gateway to gaining approval for the use of other key council resources such as capital receipts and borrowing. In line with the procedures, steps to approval outlines above.

### **Terms of Reference**

#### ***Standard Agenda Items:***

- 7.3.** To manage the flow of approvals for project management documentation (SOC/SOP), and the performance management of the Capital Programme this meeting will have some standard agenda items.
- 1. Financial Monitoring Report** – an overview report covering the main issues with the current forecast position of the Capital Programme. This report would flag up areas or concern that may lead to budget variations or indeed savings where more works could be commissioned.
  - 2. Services Presentation** - It is envisaged that each programme lead (Service Director or Service lead) would present an update on the progress of the key schemes within their programme. This should help to promote good practice,

prevent silo working and ensure that we are continually pushing the delivery of capital projects and programmes.

3. **SOC / OBC requesting approval** – review any business cases for new scheme inclusions or variations to ensure they have strategic fit and meet members aims and objectives, and all key areas of the case have been addressed.
4. **Provide updates on the annual Capital Programme refresh and development of the capital strategy** – this particular item will not always have a lot to report but at key points in the year will be vital.
5. **Capital Grants** - Provide an opportunity for Grant bids to be presented to CPG for approval. This will help to ensure that Finance are involved in and aware of bids for any capital grants to ensure that linked financial implications can be reviewed and any planned schemes pushed through the governance process.
6. **Resources Reporting** – Update provided on the current resources position of the Capital Programme, focussing on its affordability and flagging up any concerns around levels of planned grant against those grants we have received.

#### ***Roles and Responsibilities of the board:***

- Agenda to be collated by PA to the Strategic Director - Finance & Customer Services
- Capital Team – for each CPMDb to provide a list of SOC's, OBC's requiring approval
- Capital Finance Manager / Principal Finance Officer – to produce and present the monitoring report
- Project Leads or Directorate leads to attend CPMDb to present or take questions on their SOC/OBC.
- CPMDb members – to provide a challenge to the approvals being put forward to ensure they are robust and have a strategic fit and meet members aims purpose for inclusion into the Capital Programme.

#### **Membership -**

Strategic Director of Finance and Customer Services/ Assistant Director – Financial Services	Chair
Head of Corporate Finance	Deputy Chair
Finance Manager Financial Accounting	Main reports / updates presentation
Head of Finance CYPs	
Head of Finance Adults	
Head of Finance Regeneration & Environment	
<b>Key service leads</b>	
AD/HOS For Highways / Transportation	
AD/HOS for Regeneration (Town Centre development / AMP schemes / Parks & Open	

Spaces)	
AD/HOS for CYPs	
AD/HOS for Adults	
AD/HOS for Housing	
AD/HOS for F&CS major schemes – for example ICT	

## 8. Roles and Responsibility

- It is the responsibility of the project lead to produce and bring forward for approval the correct project documentation.
- It is the responsibility of Directorate Finance Business Partners and Capital Finance Business Partners to support the project leads through the process and to review and scrutinise the quality of the documentation provided, in order to ensure its appropriateness.
- It is the responsibility of the Capital Finance Manager to ensure that the governance procedures are followed robustly.

## 9. Housing Capital Finance Policy

**9.1.** The purpose of the Housing Capital Finance Policy is to set out how capital resources will be utilised to support the Housing Growth strategy, how Housing Revenue Account (HRA) borrowing will be monitored and controlled, and how appropriations between the HRA and General Fund (GF) will take place. It will set out clear rules and procedures to follow in the management of Housing capital resources and in particular borrowing to ensure that the Council's Housing Growth plans align with the requirements of the Council's Treasury Management Strategy, CIPFA Code of Practice and CIPFA Prudential Code.

### ***HRA Capital Receipts – Right to Buy (RTB) retained – non 141***

**9.2.** These are proceeds from the sale of council housing stock to tenants that the Council is able to retain as part of the RTB pooling process, that are not retained under the 141 regulation. These receipts are unrestricted and can be used to finance HRA or General Fund capital expenditure as defined in the Capital Finance and Accounting Regulations.

**9.3.** This policy seeks to earmark these receipts for use as part of the Housing Growth Strategy, for schemes that will enable or deliver new housing units, to support the Disabled Facilities Grant Programme or to meet any general fund requirement to a HRA scheme as required. The only circumstance whereby these receipts would not be used for new housing provision would be if there was a need to appropriate

land from the GF to the HRA. In this scenario, if the Council agreed that the appropriation of the land to the HRA was appropriate, the HRA forgoes its call on a level of RTB receipts, equivalent to the agreed land value, as dictated by the Council's valuers. Those receipts would then be used to support the GF capital programme, compensating the GF for the lost sales receipts, if that land had been sold on the open market.

This policy has two key benefits;

1. it enables the Housing Growth Strategy to be progressive and ambitious by removing a barrier to delivery, i.e the GF selling suitable sites for development on the open market rather than appropriating them to the HRA,
2. enabling the GF to be compensated for lost receipts

### ***Borrowing***

**9.4.** The introduction of the prudential code in 2004 allows the Council to undertake additional borrowing. This borrowing is subject to the requirements of the Prudential Code for Capital Expenditure for Local Authorities. The Council must ensure that unsupported borrowing is affordable, prudent and cost effective. This has provided the Council with the flexibility to borrow to support capital expenditure, as demand and business need have dictated the requirement to do so.

**9.5.** In October 2018, the HRA borrowing cap was lifted providing councils with a greater opportunity to use prudent borrowing to stimulate Housing Growth. The Council has yet to make use of this additional borrowing capacity, and this policy seeks to identify the levels and controls that need to be established around HRA borrowing to ensure a controlled approach is maintained. Whilst the use of additional borrowing does indeed present a significant opportunity to ramp up Housing Growth projects, the Council needs to ensure that it fully understands the additional cost implications it would be entering into, and ensure it has controls on the levels of borrowing / interest it commits to.

**9.6.** Borrowing can be used to fund any capital expenditure, however it's prudent to use borrowing on long life assets, so that the borrowing terms reflect the useful life of the asset.

### **HRA Borrowing Levels & Controls**

**9.7.** At present the HRA is paying interest annually on debt and not paying down any debt on an annual basis. In order to pay down some of the debt outstanding the HRA would need to make a charge from HRA revenue to the Councils Capital Adjustment Account, at present there is plan to do so within the HRA Business Plan. If the HRA chooses to increase the levels of borrowing then provision needs

to be made within the revenue accounts to meet the additional interest payments. At present the level of HRA debt is reported through the Treasury Management Strategy, through the prudential indicators. These indicators provide a ratio of HRA interest payments to net revenue spend.

- 9.8.** This ratio indicates the percentage of the HRA's annual revenue expenditure that is solely to meet the financing costs of debt, i.e to meet the interest payments. This percentage needs to be maintained at a manageable level, too low may indicate the HRA is not making sufficient use of its borrowing abilities, too high and it reduces the HRA's capacity to fund current revenue maintenance and repair issues leading to a deterioration of the stock. This policy will set a top level for the ratio, at 20%. This limit could then only be breached for a short period (less than 12 months) if an opportunity to borrow early presented itself, so long as within the next 12 months the percentage falls back within the limits.

### **Appropriations between the GF and HRA**

- 9.9.** From time to time the HRA may wish to make use of a plot of land that is owned by the GF, in this scenario the HRA would have to appropriate the land from the GF. The process requires both parties to agree to the transfer, an agreed value of the transfer (land value), adjustment to be processed to the Capital Financing Requirements for the GF and HRA and finally re-worked interest payments for the HRA. For example, if a plot of land was appropriated from the GF to the HRA, the GF CFR would need to be reduced by £1m with the HRA CFR increasing by £1m. The HRA's share of debt would have therefore increased, leading to an increase in interest charges.

- 9.10.** This policy will therefore allow both parties to benefit from an appropriation, via the process outlined below.

- 9.11.** If there was a need to appropriate land from the GF to the HRA, and the Council agreed that the appropriation of the land to the HRA was appropriate, the HRA forgoes its call on a level of non-ringfenced RTB receipts, equivalent to the agreed land value, as dictated by the Council's valuers. Those receipts would then be earmarked for use on the GF capital programme, thus compensating the GF for the lost sales receipts, if that land had been sold on the open market, and allowing the HRA to access to the strategic plot they require.

Example: HRA appropriate £1m plot of land from the GF.

1. HRA define that a plot of land is a strategic priority and look to take this from the GF.
2. GF agree to the appropriation rather than selling on the open market.
3. Cabinet approval is sought for the appropriation

4. Accounting adjustments are made, HRA CFR increased by £1m, GF CFR decreased by £1m. Future interest charges adjusted accordingly.
5. The HRA now forgoes its call on £1m of the free to use RTB Capital Receipts, allowing them to be used to support GF capital expenditure.
6. HRA gets the plot of land it requires whilst the GF is compensated with access to RTB Capital Receipts, for the perceived loss of land sales.

## Appendix A

<b>CAPITAL BUDGET VARIATION FORM'</b>															
<b>NAME OF PROJECT:</b>															
<b>PROJECT LEAD:</b>															
<b>PROJECT SPONSOR (AD OR SD):</b>															
<i>Please select the variation level:</i>															
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center; padding: 5px;">VARIATION LEVEL</th> <th style="padding: 5px;"></th> </tr> </thead> <tbody> <tr> <td style="width: 15%;"></td> <td style="width: 20%; padding: 5px;"><i>Less than £100k</i></td> <td style="padding: 5px;"><i>Strategic Director in Consultation with cabinet member</i></td> </tr> <tr> <td></td> <td style="padding: 5px;"><i>£100 to less than £400k</i></td> <td style="padding: 5px;"><i>Strategic Director in Consultation with cabinet member, Leader, CEX and S151 Officer</i></td> </tr> <tr> <td></td> <td style="padding: 5px;"><i>£400k or more</i></td> <td style="padding: 5px;"><i>Strategic Director in Consultation with cabinet member, Leader and S151 Officer and reported for approval by Cabinet and Council</i></td> </tr> </tbody> </table>				VARIATION LEVEL				<i>Less than £100k</i>	<i>Strategic Director in Consultation with cabinet member</i>		<i>£100 to less than £400k</i>	<i>Strategic Director in Consultation with cabinet member, Leader, CEX and S151 Officer</i>		<i>£400k or more</i>	<i>Strategic Director in Consultation with cabinet member, Leader and S151 Officer and reported for approval by Cabinet and Council</i>
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	<i>£400k or more</i>	<i>Strategic Director in Consultation with cabinet member, Leader and S151 Officer and reported for approval by Cabinet and Council</i>													
<i>Please describe the reason for the variation:</i>															
<i>Please describe the budget change values and funding impacted (tables can be used to help):</i>															
<i>Please outline the impact on not making the change:</i>															
<b>Approval to submit application</b>															
<b>Name</b>	<b>Position</b>	<b>Date</b>	<b>Comments</b>												
	<i>Strategic Director</i>														

	<i>Cabinet Member</i>		
	<i>CEX (over £100k only)</i>		
	<i>Leader (over £100k only)</i>		
	<i>S151 Officer (over £100k only)</i>		

## Appendix B

APPLICATION FOR GRANT FUNDING			
<b>NAME OF GRANT:</b>  <b>AMOUNT:</b>  <b>FUNDING BODY:</b>  <b>DEADLINE TO SUBMIT APPLICATION:</b>			
<b>Reason for bid submission:</b>  <i>Briefly outline here the merit of the grant bid, if successful what the Council would be expected to deliver/timeframes to deliver and any anticipated financial implications, clawback risk or match funding.</i>			
<i>Shared with Head of Finance: <b>Yes/No</b></i>  <i>*You must ensure your HOF is aware of the proposal.</i>	<i>Rob Mahon – FCS / ACX / Capital</i>  <i>Owen Campbell – ACH</i>  <i>Richard Young – R&amp;E</i>  <i>Neil Hardwick- CYPS</i>	<b>HOF COMMENTS:</b> <i>Supportive of bid / concerns/ impacts to note.</i>	
<b>Approval to submit application</b>			
<b>Name</b>	<b>Position</b>	<b>Date</b>	<b>Comments</b>



	<i>Strategic Director</i>		
	<i>Cabinet Member</i>		
	<i>CEX</i>		
	<i>Leader</i>		
	<i>S151 Officer</i>		

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**Committee Name and Date of Committee Meeting**

Council – 29 September 2021

**Report Title**

Cabinet Response to Recommendations from Scrutiny Review of Building Use

**Is this a Key Decision and has it been included on the Forward Plan?**

No

**Strategic Director Approving Submission of the Report**

Jo Brown, Assistant Chief Executive

Paul Woodcock, Strategic Director Regeneration and Environment

**Report Author(s)**

Lee Mann - Lee.Mann@rotherham.gov.uk

**Ward(s) Affected**

Borough-Wide

**Report Summary**

Under the Overview and Scrutiny Procedure Rules, the Cabinet is required to respond to any recommendations made by scrutiny. Cabinet considered and agreed the response enclosed at Appendix A at its meeting on 20 September 2021. This report is submitted to ensure that all Members are aware of the response to those recommendations.

**Recommendations**

1. That Council note Cabinet's response to the scrutiny review of Building Use as set out in Appendix A to this report.

**List of Appendices Included**

- Appendix A - Response to Recommendations from Scrutiny Review of Building Use

**Background Papers**

None.

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Cabinet – 20 September 2021

Cabinet – 22 March 2021

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## **Cabinet Response to Recommendations from Scrutiny Review of Building Use**

### **1. Background**

- 1.1 The decision to review the use of the Council's buildings arose from a recommendation made by the Overview and Scrutiny Management Board (OSMB) at its meeting on 16 September 2020, when considering 'The Year Ahead' report prior to its approval by Cabinet. OSMB determined to establish a sub-group of the Improving Places Select Commission, to feed into the planned review relating to the return to and use of Council buildings. The review took place over a period of time where two national lockdowns and local tiering arrangements were introduced as a result of the Covid-19 pandemic situation.
- 1.2 The recommendations from the sub-group were considered by the Council at its meeting on 3 March 2021. Cabinet was asked to consider and respond to the recommendations.
- 1.3 Cabinet's response to those recommendations was considered at its meeting on 20 September 2021.

### **2. Key Issues**

- 2.1 The review produced seven recommendations, all of which were accepted with the responses listed against each in Appendix A.

### **3. Options considered and recommended proposal**

- 3.1 The recommendations and corresponding actions are designed to give Member's assurance that their concerns have been considered.
- 3.2 It is recommended that Council note Cabinet's response to the scrutiny review of Building Use as set out in Appendix A to this report.

### **4. Consultation on proposal**

- 4.1 It is noted that each of the action leads listed have been involved in providing the response to the recommendations included within Appendix A to this report and these were shared and discussed with relevant Strategic Directors and Cabinet Members.

### **5. Timetable and Accountability for Implementing this Decision**

- 5.1 The timetable for implementing the recommended actions is set out within Appendix A to this report.

### **6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)**

6.1 Whilst there are no direct immediate financial implications arising from this report, it is noted within Appendix A to this report, that financial management will be required to ensure that any financial implications arising from any change of use of buildings is within budget and any longer-term implications that may be generated are factored into the Council's medium term financial strategy.

6.2 There are no direct procurement implications contained within the report.

## **7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)**

7.1 There are no direct legal implications arising from this report however it is noted that the legal advice along with any resulting implications for the recommendations set out in Appendix A to this report, has been detailed within that appendix.

## **8. Human Resources Advice and Implications**

8.1 None directly relating to this report. Any associated with Appendix A to this report have been detailed within that appendix.

## **9. Implications for Children and Young People and Vulnerable Adults**

9.1 Any implications for Children and Young People and Vulnerable Adults have been set out in the relevant sections of Appendix A to this report.

## **10. Equalities and Human Rights Advice and Implications**

10.1 As stated in Appendix A to this report, implementation of the recommendations will be monitored to ensure there are no adverse impacts on anyone with one or more protected characteristics, namely age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## **11. Implications for CO<sub>2</sub> Emissions and Climate Change**

11.1 Details of any implications were listed within Appendix A to this report.

## **12. Implications for Partners**

12.1 There are no implications for partners directly arising from this report.

## **13. Risks and Mitigation**

13.1 Cabinet's recommendations listed in Appendix A of this report have considered the risks and mitigations associated with all proposed actions.

**14. Accountable Officer(s)**

- Emma Hill, Acting Head of Democratic Services
- Lee Mann, Assistant Director HR & OD
- Steve Langrick, Head of Digital Services
- Jonathan Marriott, Head of Asset Management

*Report Author:* Lee Mann

Lee.Mann@rotherham.gov.uk

This report is published on the Council's [website](#).

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**Committee Name and Date of Committee Meeting**

Cabinet – 20 September 2021

**Report Title**

Response to Recommendations from Scrutiny Review of Building Use

**Is this a Key Decision and has it been included on the Forward Plan?**

No

**Strategic Director Approving Submission of the Report**

Jo Brown, Assistant Chief Executive

Paul Woodcock, Strategic Director Regeneration and Environment

**Report Author(s)**

Lee Mann

Lee.Mann@rotherham.gov.uk

**Ward(s) Affected**

Borough-wide

**Report Summary**

This report sets out the proposed Cabinet response to the findings and recommendations from the working group on Building Use, which was established by the Overview and Scrutiny Management Board.

**Recommendations**

1. That the Cabinet response to the recommendations of the Scrutiny Review of Building Use be approved.

**Background Papers**

Cabinet Report on Recommendations from Scrutiny Review of Building Use – 22 March 2021

Minutes from Overview and Scrutiny Management Board – 16 September 2020

Agenda Pack and Minutes from Improving Places Select Commission – 2 February 2021

Agenda Pack and Minutes from Overview and Scrutiny Management Board – 10 February 2021

Agenda Pack and Minutes from Council – 3 March 2021

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Improving Places Select Commission – 2 February 2021

Overview and Scrutiny Management Board – 10 February 2021

Council – 3 March 2021

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## Response to Recommendations from Scrutiny Review of Building Use

### 1. Background

- 1.1 The decision to review the use of the Council's buildings arose from a recommendation made by the Overview and Scrutiny Management Board (OSMB) at its meeting on 16 September 2020, when considering 'The Year Ahead' report prior to its approval by Cabinet. OSMB determined to establish a sub-group of the Improving Places Select Commission, in order to feed into the planned review relating to the return to and use of Council buildings. The review took place over a period of time where two national lockdowns and local tiering arrangements were introduced as a result of the Covid-19 pandemic situation.
- 1.2 The recommendations from the sub-group were considered by the Council at its meeting on 3<sup>rd</sup> March 2021. Cabinet was asked to consider and respond to the recommendations.

### 2. Key Issues

- 2.1 In light of their findings following the workshops, the sub-group of the Improving Places Select Commission made the following recommendations. All recommendations have been accepted and a response against each recommendation is set out below:

**a) That the principle be agreed that the future usage of buildings be determined in accordance with the needs of services located therein.**

The key principle when assessing new ways of working for colleagues across the Council is delivering the best possible service for residents.

Throughout the pandemic, operational needs of services have been kept under review to determine whether attendance at the office is required to support service delivery.

Services will continue to assess how they best meet the needs of residents and service users; this will then determine how and when buildings are used in the future, including a strategic review of the Council's estate requirements through a comprehensive Operational Property Review.

Lead Officers:     Lee Mann, Assistant Director HR & OD  
                         Jonathan Marriott, Head of Asset Management

Action by:           Ongoing requirement

**b) That, prior to buildings being brought back into use by staff or the public, consultation take place with Trade Unions and staff following completion of risk assessments in respect of the building or location concerned.**



Asset Management in conjunction with Facilities Services have ensured that all the open operational property is compliant with the Government's guidance on managing the risk of COVID-19.

It has adhered to the Government principles on working safely during coronavirus by adopting the guidance produced for people who work in or run offices, contact centres and similar indoor environments. This has included completing full Covid-19 building risk assessments on all open operational properties in conjunction with the appropriate Service Risk Assessments.

These assessments have been updated and amended when appropriate (such as following the adoption of the Council's face covering policy) and have been reviewed with staff and Trade Unions prior to any return.

Lead Officers:     Lee Mann, Assistant Director HR & OD  
                          Jonathan Marriott, Head of Asset Management

Action by:           Ongoing requirement

- c) That any decision to return employees to Council buildings beyond the minimal number that have been required to be present throughout the pandemic be made having regard to advice from the Corporate Health and Safety Team and Human Resources, as well as being subject to Government guidance around the safe use of Council buildings.**

The Council has applied relevant government guidance throughout the pandemic for those attending Council buildings.

Since the end of most COVID related legal restrictions on 19<sup>th</sup> July 2021, the Council has continued to apply social distancing measures for colleagues attending Council buildings for work. This has included retaining the appropriate signage, ongoing provision of hand sanitisation stations alongside the continued strong encouragement of staff on the use of face masks whilst circulating arounds buildings. This is aligned to the latest government guidance on safe working in offices and will continue to be assessed in the context of local and national infection rates

Requests to return to office working for specific teams due to business need are assessed corporately at the Workforce Cell prior to recommendations being made to Recovery Gold. Decisions are made against the business case submitted by the team / service and include an assessment of business continuity plans and mitigating actions prior to approval.

Lead Officer:       Lee Mann, Assistant Director HR & OD

Action by:           Ongoing requirement

- d) That Members be notified when main operational buildings are to be brought back into use, specifically the Town Hall as the civic hub of the Borough.**

Members will continue to be notified when main operational buildings, including the Town Hall, are brought back into use.

Lead Officer: Jonathan Marriott, Head of Asset Management

Action by: Ongoing requirement

- e) That, having regard to the positive implications associated with virtual meetings in respect of the Council's carbon footprint, the Leader of the Council lobby the Secretary of State for Housing, Communities and Local Government to legislate for the ongoing provision of virtual meetings beyond 7 May 2021.**

The Leader wrote to the Secretary of State for Housing, Communities and Local Government on 18<sup>th</sup> February 2021 requesting consideration be given to extending the Coronavirus Act 2020 to allow virtual meetings to continue past 7<sup>th</sup> May 2021.

A response was received on 9<sup>th</sup> March from Luke Hall MP advising that the Government had received representations from a range Local Authorities and were reviewing the next steps as to extend would require primary legislation being passed. The Government subsequently advised that an extension to allow virtual meetings to continue would not be provided.

Lead officer: Emma Hill, Acting Head of Democratic Services

Action by: Completed 18<sup>th</sup> February 2021

- f) That Asset Management and Digital Services work together to identify the necessary changes or solutions required in Riverside House and Rotherham Town Hall, as well as any changes required to equipment or software for Members and officers, to enable continued use of remote working whilst permitting physical presence in a Council building.**

Following an analysis of service and building usage requirements, a number of IT solutions for supporting hybrid working in meeting rooms across the estate are currently being trialled.

Following testing during August, a decision on further rollout of the meeting room IT equipment will be made in September, with any further installation likely to be completed by the end of 2021.

Lead officers: Steve Langrick, Head of Digital Services

Jonathan Marriott, Head of Asset Management

Action by: 31<sup>st</sup> December 2021

**g) That the Head of Democratic Services prepare guidance and training on the procedures and operation of hybrid meetings.**

Guidance and training to cover Members and Officers will be shared prior to the introduction of hybrid working and will be produced jointly between IT, Asset Management, HR and Democratic Services.

Public-I will provide guidance for the use of the Council Chamber and Democratic Services will circulate to Members and Officers prior to implementation.

Lead Officer: Emma Hill, Acting Head of Democratic Services

Action by: Ongoing requirement

**3. Options considered and recommended proposal**

- 3.1 That the Cabinet response to the recommendations of the Scrutiny Review of Building Use be approved.

**4. Consultation on proposal**

- 4.1 Each of the action leads have been involved in providing the response to the recommendations included within this report and these have been shared and discussed with relevant Strategic Directors and Cabinet Members.

**5. Timetable and Accountability for Implementing this Decision**

- 5.1 The Cabinet will be accountable for responding to the recommendations from Overview and Scrutiny.
- 5.2 The Overview and Scrutiny Procedure Rules require the Cabinet to consider and respond to recommendations made by scrutiny within two months.
- 5.3 Whilst the response had originally been scheduled to be presented at the June Cabinet meeting, it was deferred in order to take account of upcoming advice regarding Covid restrictions from the Government along with guidance from Public Health England.

**6. Financial and Procurement Advice and Implications**

- 6.1 Whilst there are no direct immediate financial implications arising from this report, financial management will be required to ensure that any financial implications arising from any change of use of buildings is within budget and

any longer term implications that may be generated are factored into the Council's medium term financial strategy.

6.2 There are no direct procurement implications contained within the report.

## **7. Legal Advice and Implications**

5.1 The facility for Local Authorities to hold meetings remotely pursuant to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ("the Flexibility Regulations") ended on 7 May 2021. Primary legislation will be required to allow local authority meetings under the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 to take place remotely.

5.2 A court challenge brought by ADSO amongst others in relation to this issue concluded that once the Flexibility Regulations cease to apply:

- such meetings must take place at a single, specified geographical location;
- attending a meeting at such a location means physically going to it; and
- being "present" at such a meeting involves physical presence at that location.

5.3 As such the recommendations within the report are in accordance with the requirements stated above for physical meetings to take place.

5.4 Further as stated in the report the Council must comply with the Covid 19 Government Guidance for the Safe use of Council Buildings and the recommendations within the report are consistent with that guidance. The Council will need to keep under review any amendments to the guidance and Covid Regulations which may affect the future operation of its buildings.

## **8. Human Resources Advice and Implications**

8.1 These are set out in the report.

## **9. Implications for Children and Young People and Vulnerable Adults**

9.1 These have been set out in the relevant sections of the report.

## **10. Equalities and Human Rights Advice and Implications**

10.1 Implementation of the recommendations will be monitored to ensure there are no adverse impacts on anyone with one or more protected characteristics, namely age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

## **11. Implications for CO2 Emissions and Climate Change**

11.1 Details are included in Appendix 1 – Carbon Impact Assessment.

## 12. Implications for Partners

12.1 There are no implications for partners directly arising from this report.

## 13. Risks and Mitigation

13.1 Recommendations from Cabinet have considered the risks and mitigations associated with all proposed actions.

## 14. Accountable Officer

Lee Mann, Assistant Director HR & OD

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	03/09/21
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	01/09/21
Head of Legal Services (Monitoring Officer)	Stuart Fletcher	02/09/21

Lee Mann

*Lee.Mann@rotherham.gov.uk* This report is published on the Council's [website](#).

**AUDIT COMMITTEE**  
**29th July, 2021**

Present:- Councillor Baker-Rogers (in the Chair); Councillors Barley and Browne.

Gareth Mills and Thilina De Zoysa, Grant Thornton, were also in attendance.

Apologies for absence were received from Councillors Hoddinott, Wilson and Wyatt and John Barber, Independent Person.

**16. MINUTES OF THE PREVIOUS MEETING HELD ON 26TH JUNE, 2021**

Consideration was given to the minutes of the previous meeting of the Audit Committee held on 22<sup>nd</sup> June, 2021.

Resolved:- That the minutes of the previous meeting of the Audit Committee be approved as a correct record of proceedings.

**17. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at the meeting.

**18. QUESTIONS FROM MEMBERS OF THE PUBLIC OR THE PRESS**

There were no members of the public or press present at the meeting.

**19. EXCLUSION OF THE PRESS AND PUBLIC**

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for Minute No. 26 (Corporate Strategic Risk Register - appendix) and Minute No. 31 (Risk Management – Adult Social Care, Health and Housing), as they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

**20. DRAFT STATEMENT OF ACCOUNTS**

Rob Mahon, Head of Corporate Finance, presented the draft unaudited Statement of Accounts 2020/21 which would be published on the Council's website on 31<sup>st</sup> July, 2021.

The publication of the unaudited accounts triggered a period of 30 working days (starting on Monday, 2<sup>nd</sup> August and ending on Friday, 13<sup>th</sup> September, 2021) for local electors to exercise their rights to inspect the accounts and supporting records and to ask question of the external auditor.

The external audit of the 2020/21 accounts had commenced with the Finance Team working with Grant Thornton to produce the working papers. Due to the time pressures for Grant Thornton, it was expected that the Council would produce and publish its final account without external audit's final opinion on 30<sup>th</sup> September, 2021.

In order to comply with the Accounts and Audit Regulations, the Council would need to include a brief statement on its website by 30<sup>th</sup> September explaining the audit process was still ongoing with Grant Thornton and the Council agreeing the appropriate wording.

As in the report to the June meeting, there were a number of factors that had led Grant Thornton being unable to conclude the audit by 30<sup>th</sup> September. These factors were out of the Council's control and it should be noted that there were no financial penalties arising from not publishing the audited accounts by the September deadline. Where appropriate, Grant Thornton would set out any material adjustments made to the accounts and any uncorrected differences of a non-trivial nature.

Grant Thornton was targeting a November 2021 sign off date which was expected to be confirmed in their Audit Plan.

The Narrative Report attached at Appendix A to the report submitted, together with the Highlights Report (Appendix B), summarised the key financial disclosures reported in the 2020/21 draft Statement of Accounts and provided further detail on each of the key financial issues referred to above.

The Chair thanked the officers involved in the production of the Statement of Account during the very difficult circumstances.

Discussion ensued on the report with an explanation provided as to how the level of materiality was calculated based on a proportion of the Authority's gross revenue spend i.e. 1.5% and the differing grading of accounts.

Resolved:- That the draft unaudited Statement of Accounts 2020/21 be noted.

## **21. ANNUAL TREASURY MANAGEMENT REPORT AND ACTUAL PRUDENTIAL INDICATORS 2020/21**

In accordance with Minute No. 21 of the Cabinet Meeting on 19<sup>th</sup> July, 2021, consideration was given to a report presented by Rob Mahon, Head of Corporate Finance, which detailed how the Council approved the Treasury Management Strategy in February, 2020, and received a mid-year report in January, 2021, representing a mid-year review of treasury activity during 2020/21.

The Annual Treasury Management report was the final treasury report for 2020/21. Its purpose was to review the treasury activity for 2020/21 against the Strategy agreed at the start of the year.

The report also covered the actual Prudential Indicators for 2020/21 in accordance with the requirements of the Prudential Code.

Presentation of the report met the requirements of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities.

The Council was required to comply with both Codes through Regulations issued under the Local Government Act 2003.

Appendix A of the report submitted gave a summary of the Prudential Indicators and Appendix B a summary of the Prudential Indicators for the former South Yorkshire County Council.

Discussion ensued on the report with the following issues raised/clarified:-

- The Council utilised the services of a Treasury Management Advisory Service with whom quarterly meetings were held as well as daily updates on base rate changes
- The Government had released significant grants/resources to support local authorities during the pandemic all within a short space of time. The demand then limited the availability of developers to deliver schemes which ultimately drove up costs and put pressure on capital spending. This was currently being worked through and would be picked up in the annual monitoring process
- The Treasury Management Strategy was very controlled and decisions made within an agreed set of criteria

Resolved:- That the Financial Outturn 2020/21 - Treasury Management and Prudential Indicators - be noted.

## **22. EXTERNAL AUDIT PROGRESS UPDATE**

In accordance with Minute No. 6 of the previous meeting, Gareth Mills, Grant Thornton, presented the External Audit progress report highlighting the following 2 areas:-



**AUDIT COMMITTEE - 29/07/21****Audit Fee**

- Since the award of external audit contracts in 2017, there had been a number of developments within the accounting and audit profession. The Financial Reporting Council (FRC) had set out its expectation of improved financial reporting from organisations, the need for auditors to demonstrate increased scepticism and challenge and to undertake additional and more robust testing
- The 2020-21 Code had introduced a revised approach to Value for Money (VFM) work
- The ongoing impact of the additional work required on significant risk areas of the audit together with the new VFM Code and the requirements of the revised ISAs, resulted in a proposed audit fee for 2020-21 of £183,938 (2019-20 £148,438)
- Both the Redmond Review and MHCLG recognised the need to increase audit fees. MHCLG had made £15M available to local authorities to support the expected uplift in fees in 2020-21

**Delivery of the Audit**

- The MHCLG had set an indicative date of 30<sup>th</sup> September for audited local authority accounts (2 months earlier than last year). This date Grant Thornton felt was unrealistic although very supportive of the date in a “normal” year
- The impact of Covid working, the need to prioritise its Housing Benefit delivery in the early part of 2021 and the NHS given an earlier audit deadline of June, 2021, had meant that the company was behind in its local authority planning and interim work compared to its normal timings and profile of delivery
- Grant Thornton had also been selected by the Regulator for a full review of Rotherham’s external audit which had commenced in February. The final report had now been received
- It was proposed to complete the audit testing by the end of October with a view to completion and sign off in November. This would then give a relatively clean start to the work process for 2022 in order to meet the September deadline
- Where audits remained ongoing after the statutory date, a short statement would be included on the Council’s website stating that the audit remained ongoing and that the Council was continuing to engage with the external auditors to complete their audit. This would adhere to the Accounts and Audit Regulations

**Discussion ensued with the following issues raised/clarified:-**

- Grant Thornton needed to ensure it concluded the majority of the 2021 audits by the end of the calendar year thus allowing them to go into the start of 2022 with a clean slate; they had not been in that position at the start of 2021
- Nationally there was an expectation that very few audits would hit the 30<sup>th</sup> September 2021 sign off due to the backlogs

- The situation was not helped by the national lack of public sector auditors. It was hoped that the uplift in the audit fee would provide the ability to address some of the challenges and retain/attract staff by way of offering more attractive salaries/benefits
- There were only 3 companies that delivered local government audits
- Appreciation of the impact on the Council's Finance Team
- Grant Thornton would not be taking up any grant certification work to enable focus on audit work

Resolved:- That the update be noted.

### **23. GRANT THORNTON EXTERNAL AUDIT PLAN 2020/21**

Gareth Mills, Grant Thornton, presented the External Audit Plan in which the Council's external auditor, Grant Thornton, set out the proposed external audit work to be undertaken to form an opinion on the Council's financial statements for 2020/21 and to conclude on whether the Council had satisfactory arrangements in place to secure Value for Money in the use of its resources. The Plan also outlined the areas Grant Thornton had determined to be significant risk for special audit consideration.

The International Standards on Auditing provided guidance on the significant risks which should be considered by auditors, these being risks which required special audit consideration. Grant Thornton had identified the following significant risks, a brief description of each provided within the submitted report:-

- Risk of fraud in revenue and expenditure
- Management over-ride of controls
- Valuation of land and buildings including investment properties
- Valuation of the pension fund net liability

The Financial Reporting Council had issued an updated ISA(UK)540 (revised) Auditing Accounting Estimates and Related Disclosures which included significant enhancements in respect of the audit risk assessment process for accounting estimates. As part of the process, auditors were required to understand and assess an entity's internal controls over accounting estimates as well as an understanding of the role of those charged with governance. This was particularly important where the estimates had high estimation uncertainty or required significant judgement. To ensure compliance with this revised auditing standard, further information would be requested from management and those charged with governance during the audit for the year ended 31<sup>st</sup> March, 2021. Based on Grant Thornton's knowledge of the Council, the following material accounting estimates had been identified for which this was likely to apply:-

- Valuations of land and buildings, Council dwellings and investment properties
- Depreciation
- Year end material provisions and accruals
- Credit loss and impairment allowances (as material)
- Valuation of defined benefit net pension fund liabilities
- Fair value estimates
- Valuation of level 2 and level 3 investments
- Liabilities under PFI scheme

On 1<sup>st</sup> April, 2020, the National Audit Office had introduced a new Code of Audit Practice which came into effect from the 2021/21 audit year introducing a revised approach to the audit of Value for Money. The Code required auditors to consider whether the body had put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources. When reporting on these arrangements, the Code required auditors to structure their commentary on arrangements under 3 specified reporting criteria i.e. improving economy, efficiency and effectiveness, financial sustainability and governance. The findings would be summarised in the Auditor's Annual Report.

Rotherham had an agreed number of audit days for a metropolitan council of its size which was built into a timetable.

Resolved:- That the external auditor's audit plan for 2020/21 be noted.

## **24. ANNUAL GOVERNANCE STATEMENT 2020/21**

Consideration was given to the updated 2020-21 draft Annual Governance Statement (AGS) as presented by David Webster, Head of Internal Audit, which had been published alongside the Council's Statement of Accounts on 21<sup>st</sup> July, 2021.

Covid-19 had had a significant impact during 2020/21 and was reflected within the AGS including actions taken in response to the pandemic and lockdown.

Recommended practice required the Leader of the Council and the Chief Executive to sign the final Annual Governance Statement prior to its publication.

Resolved:- (1) That the 2020-21 draft Annual Governance Statement be noted.

(2) That the requirement for the Leader and Chief Executive to sign the Statement prior to the publication of the Annual Governance Statement be noted.

**25. INTERNAL AUDIT ANNUAL REPORT 2020-21**

Consideration was given to a report presented by David Webster, Head of Internal Audit, on the role of Internal Audit, the work completed during the 2020/21 financial year and highlighted the key issues that had arisen. It provided the overall opinion of the Head of Internal Audit on the adequacy of the Council's control environment as well as the performance of the Internal Audit function during 2020/21.

Based upon internal audit work undertaken and taking into account other internal and external assurance processes, it had been possible to complete an assessment of the Council's overall control environment. In the opinion of the Head of Internal Audit, the Council had overall an adequate and effective framework of governance, risk management and control during 2020/21 including the response to Covid-19.

Appendix 1 of the report submitted included:-

- Legislative requirements and Professional Standards
- The Head of Internal Audit's annual opinion on the control framework, risk management and governance
- Resources and audit coverage during the year
- Summary of audit work undertaken during 2020/21 including both planned and responsive/investigatory work
- Summary of other evidence taken into account for control environment opinion
- Summary of audit opinions and recommendations made
- Internal Audit Performance Indicators

The emergency measures implemented in response to Covid-19 resulted in changes to procedures and control arrangements. Standards of governance and control were maintained during the year with risk management being utilised to help manage the response.

Internal Audit had not issued any No Assurance audit opinions during the year and had given an opinion of Partial Assurance in 6 areas subject to audit, however, none were considered serious enough for inclusion in the Annual Governance Statement. Action plans had been agreed with management in respect of all final audit reports issues.

During the year, the Audit Team had supported the Finance Department for more than 235 days in the processing of Business Support Grant applications. There was also a substantial level of sickness absence within the Team with 70 days sickness being recorded. However, resource levels provided sufficient capacity to provide an adequate level of assurance and sufficient work was completed to enable the Head of Internal Audit to provide his overall opinion.

Public Sector Internal Audit Standards (PSIAS) required that an assessment of the Internal Audit function must be undertaken annually with an external assessment at least every 5 years; in 2020-21 an external assessment was completed which showed general conformance with the standards.

A Quality Assurance and Improvement Programme (QAIP) was put into place during 2020 with the results reported to the Audit Committee in March 2021. This showed delays because of the response to Covid-19 but 3 of the actions had been completed and 2 were in progress. One action would be completed in 2021. An updated QAIP, based on the external assessment, had been produced to maintain and increase the level of conformance within the Team. This had 12 Actions to Consider which would be actioned and monitored during 2021.

Discussion ensued on the report with issues raised/clarified around:-

- The number of audit days planned compared to the number actually undertaken had varied in some Directorates. This was partly due to scheduling/resources on the subject matter of the proposed audit and some delays due to Covid, however, there was nothing that had led to cause for concern
- Each audit opinion/recommendation had its own due by date agreed at the time of the audit. By the end of the financial year the vast majority of the recommendations had been implemented. This was an area supported by the Strategic Leadership Team

Resolved:- (1) That the Internal Audit work undertaken during the 2020/21 financial year and the key issues that had arisen therefrom be noted.

(2) That the overall opinion of the Head of Internal Audit on the adequacy and effectiveness of the framework of governance, risk management and control within the Council, be noted.

## **26. CORPORATE STRATEGIC RISK REGISTER**

Simon Dennis, Corporate Improvement and Risk Manager, presented the current Strategic Risk Register which summarised the current position of the Register and also provided additional background on the role of risk management in the Council's response to the Covid-19 pandemic.

Since early 2020, the Council had been involved in responding to an unprecedented emergency which had involved the activation of the Council's Business Continuity Plan to ensure critical services could be maintained as well as the creation of significant new services to meet the needs of the most vulnerable in the Borough. The report summarised the

current arrangements and presented the current Corporate Strategic Risk Register which had recently been considered by the Strategic Leadership Team.

The report detailed the overall arrangements which included:-

- Risk Champions, each of whom led on risk for their Strategic Director
- The Risk Champions, Assistant Chief Executive and the Corporate Improvement and Risk Manager formed the Risk Champions Group responsible for co-ordinating risk management across the Council in normal circumstances
- Corporate Strategic Risk Register completed following reviews of individual risk by Directorate Leadership Teams. Every risk on the Register was owned by a member of SLT and also appeared on their Directorate's Risk Register
- The Strategic Risk Register had been formally reviewed by SLT both at joint SLT/AD Performance Management meetings and at separate SLT meetings. These meetings would continue to review the Register every 3 months
- It was also reported regularly to the Audit Committee together with the annual "deep dives" of Directorate Risk Registers
- The Corporate Improvement and Risk Manager, through the Risk Champions, ensured updates were obtained from all risk owners, reviewed each update and drew attention to issues or missing updates
- The Register had been updated, aligned with the Year Ahead Plan and would be reviewed again to ensure it aligned with the new Council Plan later in the year
- Work was taking place on developing a refreshed approach to risk management training
- The Risk Management Policy and Guide would be refreshed before the new financial year to ensure alignment with current practice

The Council's risk profile had been reducing and an increasing understanding of the key risks that needed to be managed at a strategic level was being developed. However, that improvement had inevitably slowed during the pandemic but the overall track in the last 2 years was still an improving one. Since January 2020, 40% of risks monitored at a strategic level had reduced or been removed, 40% had remained stable and 20% had increased/new to the register.

Since the last update, one risk had been removed and no new risks added. There were now 13 risks on the Strategic Risk Register, down from 14 at the last review but up from 12 in January, 2020.

The risk management process had recently been subject to an Internal Audit review which had compared arrangements to the requirements of the relevant International Standard ISO31000. The review had included that substantial assurance, the highest assurance level possible, could be derived from the controls that were in place.

Discussion ensued with the following issues raised/clarified:-

- Each Strategic Director was responsible for their own Risk Register and, within that, each Assistant Director responsible would have a more extensive Risk Register
- A risk may re-appear on the register but it would be in a different form as the process rolled forward
- The number of risks had slightly increased during the pandemic but was now decreasing
- Ongoing discussions regarding cross cutting-Directorate risks and moving from the Strategic Risk Register to the delivery area
- The Risk Register and the Corporate Plan were designed to address crosscutting issues

Resolved:- That the update be noted.

## **27. EXTERNAL INSPECTIONS, REVIEWS AND AUDITS UPDATE**

Consideration was given to a report, presented by Simon Dennis, Corporate Improvement and Risk Manager, and Tanya Lound, Corporate Improvement and Risk Officer, providing details of recent and current external audits and inspections including the details of arrangements that were in place regarding the accountability and governance for implementing recommendations arising therefrom.

Since the last report to Committee in January, 2021, 6 external inspections, reviews and audits had taken place and 14 recommendations made 12 of which had been implemented and 2 remained ongoing. In addition, 8 of the ongoing recommendations in relation to external inspections, reviews and audits that took place prior to January 2021, had now been implemented, 15 remained either outstanding or ongoing.

The report included detail of progress being made in respect of the following specific areas and Directorates:-



- Children and Young People's Services
- Adult Care and Housing
- Regeneration and Environment Services
- Finance and Customer Services
- Assistant Chief Executive

Discussion ensued on the report with the following issues raised/clarified:-

- Report would benefit from the inclusion of target dates and completion dates for the recommendations
- Investigate as to whether any learning from an inspection in one Directorate could be transferred into another

Resolved:- (1) That the report be received and its contents noted.

(2) That the governance arrangements that were currently in place for monitoring and managing the recommendations from external audits and inspections, as now reported, be noted.

(3) That the Audit Committee continue to receive regular reports in relation to external audit and inspections and the progress made in implementing recommendations.

(4) That where possible, inclusion of target dates and completion dates for the recommendations in future reports.

(5) That consideration be given as to whether any generic inspection recommendations could be passed on as learning to other Directorates.

## **28. AUDIT COMMITTEE ANNUAL REPORT 2020/21**

David Webster, Head of Internal Audit, submitted the Audit Committee 2020/21 Annual Report which had been produced in compliance with current best practice for audit committees. The Chartered Institute of Public Finance and Accountancy (CIPFA) had issued guidance that Audit Committees should report annually on how they had discharged their responsibilities during the previous municipal year.

The draft annual report was attached to the report submitted together with the Committee's Terms of Reference. The report set out:-

- A summary of the work undertaken
- External Audit
- Internal Audit
- Anti-Fraud and Corruption
- Risk Management
- Corporate Governance
- Finance



**AUDIT COMMITTEE - 29/07/21**

- Other
- Training
- Terms of Reference 2020/2021

The Chair requested that the foreword include appreciation of the work of the former Audit Committee Members particularly during the time of the pandemic.

Resolved:- That the Audit Committee Annual Report 2020/21, with the amendment above, be noted and submitted to Council for approval.

**29. AUDIT COMMITTEE FORWARD WORK PLAN**

Consideration was given to the proposed forward work plan for the Audit Committee covering the period July, 2021 to July, 2022.

Resolved:- That the Audit Committee forward plan, now submitted, be supported.

**30. ITEMS FOR REFERRAL FOR SCRUTINY**

There were no items for referral.

**31. ADULT CARE, HOUSING AND PUBLIC HEALTH (ACPH) DIRECTORATE RISK REGISTER**

Consideration was given to a report, presented by AnneMarie Lubanski, Strategic Director, Adult Care, Housing and Public Health, and Jo Hinchliffe, Governance Officer, providing details of the Risk Register and risk management activity within the Adult Care, Housing and Public Health Directorate.

A detailed breakdown was given of the Directorate's approach to risk management and the efforts to ensure transparency and the understanding of risk management by all staff.

Discussion ensued with the following issues raised:-

- Shared risk assessment with regard to Housing partners/repairs and maintenance partners to understand where they were in terms of their workforce
- Any inspection recommendation to Adult Social Care would be shared with other premises
- Heavy involvement of all staff in the Directorate to enable a perception of what their risk may be

- Covid had posed, and still was, numerous issues for Adult Social Care
- Wellbeing of the Social Care workforce
- Residential care establishments had their own risk assessment process as part of the Care Quality Commission inspections
- The Wellbeing Forum provided staff with the ability to discuss situations they had come across in the community where there may be risk and as to whether it fell into the Safeguarding remit
- Suicide prevention was a new risk and would be populated with actions shortly

Resolved:- That the progress and current position in relation to risk management activity in the Adult Social Care, Housing and Public Health Directorate, as detailed in the report now submitted, be noted.

**32. URGENT BUSINESS**

There was no urgent business to be considered.

**33. DATE AND TIME OF NEXT MEETING**

Resolved:- That a further meeting be held on Tuesday, 28<sup>th</sup> September, 2021, commencing at 2.00 p.m. in Rotherham Town Hall.

**PLANNING BOARD**  
**22nd July, 2021**

Present:- Councillor Atkin (in the Chair); Councillors Bird, Castledine-Dack, Cowen, R. Elliott, Fisher, Havard, Keenan, Sansome, Tinsley and Wooding.

Apologies for absence:- Apologies were received from Councillors McNeely and Wilson.

The webcast of the Planning Meeting can be viewed at:-

<https://rotherham.public-i.tv/core/portal/home>

**17. EXCLUSION OF THE PRESS AND PUBLIC**

There were no items on the agenda to warrant exclusion of the press and public.

**18. MATTERS OF URGENCY**

There were no matters of urgency for consideration.

**19. DECLARATIONS OF INTEREST**

There were no Declarations of Interest to record.

**20. DEFERMENTS/SITE VISITS**

There were no site visits recommended.

**21. MINUTES OF THE PREVIOUS MEETING**

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 1<sup>st</sup> July, 2021, be approved as a correct record of the meeting.

**22. DEVELOPMENT PROPOSALS**

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

In accordance with the right to speak procedure, the following attended the meeting and spoke about the applications below:-

- Demolition of existing single storey building and erection of an extension to medical centre at Broom Lane Medical Centre, 70 Broom Lane Broom for Broom Lane Medical Centre (RB2020/1989)

Mr. M. Ollivant (Objector)

- Erection of 99 No. dwellinghouses with associated parking, access, landscaping and ancillary works at land off Park Hill Swallownest for Bellway Homes Ltd - Yorkshire Division (RB2020/2029)

Mr. P. Thornton (Applicant)

Statements objecting to the application were also read out on behalf of:-

Mrs. E. Brown

Mr. F Eizens and Ms C. A. Jones

- Application to vary conditions 01 (plans), 03 (access) & 10 (vehicle turning area) imposed by RB2016/1422 at land at Church Street Wales for Decs Properties (RB2021/0504)

Mr. J. Knowles (on behalf of the Applicant)

An email objecting to the application was read out on behalf of Mr. D. Garrity.

- Demolition of existing garage, formation of new access and erection of 4 No. dwellinghouses at land rear of Thornfield, Lings Lane, Wickersley for Habbin Builders Ltd. (RB2021/0624)

A statement relating to the application was read out on behalf of Wickersley Parish Council.

(2) That applications RB2020/1989, RB2021/0199, RB2021/0504 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3) That, with regards to application RB2020/2029:-

(a) subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:-

- 17 Affordable Housing Units on site (less than 25% but provided 8 bungalows on a 2 for 1 basis).
- A commuted sum of £233,182, towards secondary education provision at Aston Academy.
- A commuted sum of £49,500 towards sustainable travel encouragement.
- A commuted sum of £34,100 for the future management and maintenance of the council tree stock to the south of the site, adjacent Park Hill for a period of 20 years.
- A commuted sum of £4,400 per tree up to a maximum of £48,000 in the event that any of the trees along Park Hill are lost as a result of the new footpath and need to be replaced.

- Financial contribution of £7,800 to enable improvements to children's play area at West Park Drive Playpark on West Park Drive, Swallownest, Rotherham, S26 4UY.
- Establishment of a Management Company to manage and maintain the areas of Greenspace on site.

(b) subject to the satisfactory securing of such an agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report.

(4) That, with regards to application RB2021/0624:-

(a) subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:-

- £39,204 towards off site tree planting within the Wickersley area.

(b) subject to the satisfactory securing of such an agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report.

## **23. UPDATES**

There were no updates to report.

## **24. DATE OF NEXT MEETING**

Resolved:- That the next meeting of the Planning Board take place on Thursday, 12<sup>th</sup> August, 2021 at 9.00 a.m. at Rotherham Town Hall.

**PLANNING BOARD  
12th August, 2021**

Present:- Councillor Atkin (in the Chair); Councillors Bird, Castledine-Dack, Cowen, R. Elliott, Havard, Lelliott, McNeely, Sansome and Wilson.

Apologies for absence:- Apologies were received from Councillors Fisher, Keenan, Tinsley and Wooding.

The webcast of the Planning Meeting can be viewed at:-  
<https://rotherham.public-i.tv/core/portal/home>

**25. EXCLUSION OF THE PRESS AND PUBLIC**

There were no items on the agenda to warrant exclusion of the press and public.

**26. MATTERS OF URGENCY**

There were no matters of urgency for consideration.

**27. DECLARATIONS OF INTEREST**

There were no Declarations of Interest to record.

**28. MINUTES OF THE PREVIOUS MEETING HELD ON 22ND JULY, 2021**

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 22<sup>nd</sup> July, 2021, be approved as a correct record of the meeting.

**29. DEFERMENTS/SITE VISITS**

There were no site visits recommended.

**30. DEVELOPMENT PROPOSALS**

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

In accordance with the right to speak procedure, the following person attended the meeting and spoke about the application below:-

- Increase roof height, formation of rooms in roof space with dormer windows to front and rear at 5 The Crofts, Wickersley for Mr. Baker (RB2021/0962)

Mr. D. Baker (Applicant)

Statements were read out on behalf of the following objectors who were unable to attend the meeting:-

Mr. and Mrs. Hemingway  
Mr. and Mrs. Andrews

(2) That application RB2021/0962 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

**31. UPDATES**

There were no updates to report.

**32. DATE OF NEXT MEETING**

Resolved:- That the next meeting of the Planning Board take place on Thursday, 2<sup>nd</sup> September, 2021 at 9.00 a.m. at Rotherham Town Hall.

**LICENSING SUB-COMMITTEE  
15th July, 2021**

Present:- Councillor Ellis (in the Chair); Councillors Clark and Jones.

**SUMMARY REVIEW OF A PREMISES LICENCE FOLLOWING AN APPLICATION MADE UNDER S.53A OF THE LICENSING ACT 2003 IN RELATION TO THE PREMISES LICENCE IN PLACE AT THE RED LION, BRIDGEGATE, ROTHERHAM, S60 1PN**

Consideration was given to summary review of a Premises Licence following an application made under s.53A of the Licensing Act 2003 in relation to the Premises Licence in place at The Red Lion, Bridgeway, Rotherham, S60 1PN.

On the 21st June, 2021, Superintendent Lynn Knox had made an application on behalf South Yorkshire Police for the summary review of the Premises Licence in place at the Red Lion, Bridgeway, Rotherham. This application had been considered by the Licensing Sub-Committee on 23rd June, 2021, and the Committee determined that it was necessary to suspend the Premises Licence pending a summary review.

The application submitted by South Yorkshire Police outlined concerns regarding the following matters:

- Numerous incidents of serious crime and disorder – some involving the use of snooker cues and glasses as weapons.
- Problematic and obstructive staff and customers who reported themselves as being in charge on behalf of the owner, most of whom were drunk. There were attempts to intimidate police officers as they were carrying out their duties.
- Significant non-compliance with national legislation/guidance introduced to control the spread of Coronavirus / Covid-19 in the UK.
- Children as young as 13 being served alcohol at the premises.

The License Holder was unable to attend the meeting and was represented by Miss Butler, the Designated Premise Supervisor at the Red Lion.



The Sub-Committee heard representations from South Yorkshire Police (applicant for the summary review), Mrs. K. Ladlow (Principal Officer of the Local Authority Licensing Enforcement Unit), Ms. L. Underwood (Senior Licensing Enforcement Officer), Mr. J. Squires (Community Protection Officer) and Miss Butler (Designated Premise Supervisor on behalf of the License holder).

**Resolved: -**

- 1) That in the interest of upholding the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm, that the Premises Licence in place at The Red Lion, Bridgegate, Rotherham be revoked.
- 2) That the interim steps taken by the Licensing Sub-Committee on 23rd June, 2021, to suspend the premises licence in place at The Red Lion, Bridgegate, Rotherham remain appropriate and as such should stay in place.

**LICENSING SUB-COMMITTEE**  
**6th September, 2021**

Present:- Councillor Ellis (in the Chair); Councillors Barker and Hughes.

**LICENSING ACT 2003 - LICENCE - CONSIDERATION OF AN APPLICATION (MADE IN ACCORDANCE WITH S.34 OF THE LICENSING ACT 2003) FOR THE VARIATION OF A PREMISES LICENCE FOR DEER PARK FARM RETAIL VILLAGE, UNIT 2, DONCASTER ROAD, THRYBERGH, ROTHERHAM, S65 4BH**

Consideration was given to an application (made in accordance with Section 34 of the Licensing Act 2003) for the variation of a Premises Licence in relation to Deer Park Farm Retail Village, Unit 2, Doncaster Road, Thrybergh, Rotherham S65 4BH.

The applicant was seeking a variation of the licence to amend the area within which licensable activity could take place, and to include the retail sale of alcohol (for consumption on and off the premises) in a new development (referred to in the application as a “micro pub”).

Following the submission of the application paperwork, 5 representations were received from 6 local residents.

The premises currently had the benefit of a Premises Licence (number P1030), a copy attached at Appendix 2, which permitted the retail sale of alcohol (for consumption on and off the premises) between the following hours:-

Monday to Saturday	1000 hours to 2100 hours
Sunday	1100 hours to 2100 hours

These hours matched the stated opening times of the premises.

The application was to vary the hours during which alcohol could be sold, and to amend the area covered by the licence which permitted the retail sale of alcohol (for consumption on and off the premises). The full application form was attached at Appendix 3.

The applicant had stated that the sale of alcohol in the retail shop/deli would cease at 1700 hours except during November and December when the sale would continue to the terminal hour given above.

The proposed variation included other parts of the premises within the licensable area as well as a recently developed unit referred to as a “micro pub”. This development represented a significant change to the activities carried on at the premises. The applicant has noted that alcohol will be consumed in external areas of the premises and had marked these on the plan that accompanied the application.

Mr. Rose and Mr. Cristinacce, applicants, were in attendance at the hearing.

The Sub-Committee heard representations from:-

Mr. H.M.  
Mr. M.H. and Mrs. G.H.

The objections centred around:-

- Noise, odour and light nuisance
- Potential for crime and disorder
- Lack of confidence in management at the premises due to previous failures to adhere to licensing requirements
- Access to the premises by children

In addition to the above, comments were received from the Council's Environmental Health Service and a number of additional conditions were proposed by the Council's Licensing Service (acting in its role as a Responsible Authority). These proposed conditions had been agreed by the applicant and would be added to the licence should the variation be approved.

No comments/objections had been received from any of the other Responsible Authorities as identified in the Licensing Act 2003.

Mr. Rose and Mr. Cristinacce, applicants, addressed the concerns raised by the objectors.

The Sub-Committee considered the application for the variation of the premises licence and the representations made specifically in light of the following Licensing objectives (as defined in the 2003 Act):-

The prevention of crime and disorder  
Public safety  
The prevention of public nuisance  
The protection of children from harm

Resolved:- That the application for a variation to the Premises Licence, in accordance with the provisions of Section 34 of the Licensing Act 2003, in respect of the premises known as Deer Park Farm Retail Village, Unit 2, Doncaster Road, Thrybergh, Rotherham S65 4BH, be approved for the retail sale of alcohol (for consumption on and off the premises) between the following hours:-

Monday to Saturday	1000 hours to 2030 hours
Sunday	1100 hours to 2030 hours

And subject to the following conditions:-

1. The licence holder shall ensure that consumption of alcohol does not take place within the customer car parks and physically separated and is contained to the inside and seating areas outside as marked out in the plan.
2. That new staff shall receive induction training within 28 days of commencement of their employment at the premises including drug awareness, underage sales training and serving to persons in drink. This training shall be recorded.
3. Staff refresher training shall take place on an annual basis and be recorded.
4. All staff training records shall be retained on the premises, maintained by the Designated Premises Supervisor or Premises Licence Holder, and made available immediately for inspection upon request by South Yorkshire Police or Local Authority Enforcement Officers.
5. A refusal register shall be maintained and kept on site at all times to record all incidents involving refusal to serve alcohol at the premises. The register shall include consecutively numbered pages in a bound format and include the time, date and location of the incident, and details of the nature of the incident and names of any other staff involved or to whom the incident was reported. The register shall be checked and signed on a weekly basis by the Designated Premises Supervisor or, in the absence of the Designated Premises Supervisor, the manager who shall be nominated in writing.
6. This register shall be made available for inspection by South Yorkshire Police or Local Authority Enforcement Officers immediately upon request.
7. An incident register shall be maintained and kept on site at all times to record all incidents involving anti-social behaviour, injury and ejections from the premises. The register shall include consecutively numbered pages in a bound format and include the time, date and location of the incident and details of the nature of the incident and names of any other staff involved or to whom the incident was reported. The register shall be checked and signed on a weekly basis by the Designated Premises Supervisor or, in the absence of the Designated Premises Supervisor, the manager who shall be nominated in writing.
8. The register shall include the details of any Police Officer who attended the incident, names and addresses of any witnesses and confirmation as to whether there is CCTV footage of the incident.
9. This register shall be made available for inspection by South Yorkshire Police or Local Authority Enforcement Officers immediately upon request.

10. The Premises Licence Holder shall adopt an age verification scheme which incorporates Challenge 25.

11. Notices shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person less than 18 years of age.

12. The Licence Holder shall ensure that no promotional offers on prices of alcohol are offered with sale of shop goods.

13. A digital CCTV system shall be installed and in operation at the premises at all times. There shall be CCTV in each of the buildings where alcohol will be sold including the areas where alcohol is on display and the till area. There shall also be CCTV covering the outside area. The system shall have a 28 days' recording and retrieval system and footage shall be capable of being downloaded immediately onto a portable storage device such as memory stick or DVD. The CCTV cameras shall cover the till area where payment is made for alcohol. The location of the monitor to allow playback and retrieval of data shall be located in an area which is easily and safely accessible to Police Officers and Local Authority Officers.

14. At least one current staff member shall be trained in the use of the system to ensure rapid data retrieval and download is retrieved should it be required by a Police Officer or Council Licensing Enforcement Officer. Any footage requested shall be made available in any event within 24 hours.

15. Whenever there are anticipated changes to the normal operating framework of the premises, where it is reasonable to assume there will be an increase in customers, a risk assessment shall be carried out by the Premises Licence Holder to determine whether door supervisors/security officers shall be required. The risk assessment shall be documented in a register, kept at the premises and available for inspection by the Police or Council Licensing Enforcement Officer upon request. The risk assessment shall comply with any advice given by South Yorkshire Police or Council Licensing Officers in respect of door supervisors.

16. Customers shall be reminded by way of clear and prominent notices at the entrance/exit doors to please respect the needs of the local residents and leave the premises and area quietly.

17. That the double doors to the micro bar should be self-closing doors and not to be wedged open at any time to prevent any breakout of noise from the bar and to protect the local residents from any unwanted noise.

18. That the emptying of the bottle bins into exterior bins should only be carried out between the hours of 10.00 a.m. and 2.00 p.m.

**LICENSING BOARD SUB-COMMITTEE**  
**13th September, 2021**

Present:- Councillor Ellis (in the Chair); Councillors Bacon, Hughes, McNeely and Reynolds.

Apologies for absence were received from Councillor Barker (Councillor Bacon substituted).

**6. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at the meeting.

**7. EXCLUSION OF THE PRESS AND PUBLIC**

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the Police Act 1997 and Paragraphs 3 and 7 of Part I of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime).

**8. DETERMINATION OF APPLICATIONS FOR A HOUSE TO HOUSE COLLECTION PERMIT**

Consideration was given to a report, presented by the Licensing Manager concerning the following applications for the grant of promoter's permits to carry out a house-to-house collection:-

Organisation	Area	Date
Recycling Proline Ltd. on behalf of Children's Hope Foundation	Whole of the Borough	28 <sup>th</sup> June, 2021 – 27 <sup>th</sup> June, 2022
Giving Support Ltd. on behalf of Combat Cancer	As allocated by Licensing	15 <sup>th</sup> May, 2021 – 13 <sup>th</sup> April, 2022
Recycling Proline on behalf of Cancer Research and Genetic UK	Whole of the Borough	20 <sup>th</sup> September, 2021 – 19 <sup>th</sup> September, 2022

Resolved:- (1) That, in accordance with the provisions of the House to House Collections Act 1939, the application by Recycling Proline Ltd. (on behalf of the Children's Hope Foundation) be approved subject to the submission of the correct/up-to-date paperwork.

(2) That, in accordance with the provisions of the House to House Collections Act 1939, the applications by Giving Support Ltd. (on behalf of Combat Cancer) and Recycling Proline Ltd. (on behalf of Cancer Research and Genetics UK) be approved.

**9. APPLICATION FOR THE REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

The Sub-Committee, considered a report of the Licensing Manager relating to an application for the review of the hackney carriage/private hire driver licence in respect of Mr. D.A.

Mr. D.A. was in attendance at the meeting.

Resolved:- That the hackney carriage/private hire driver licence in respect of Mr. D.A. be revoked.