

APOLOGIES Committee Services  
Email: [Committee.clerk@maldon.gov.uk](mailto:Committee.clerk@maldon.gov.uk)

DIRECTOR OF STRATEGY,  
PERFORMANCE AND  
GOVERNANCE  
Paul Dodson

7 June 2021

Dear Councillor

You are summoned to attend the meeting of the;

**STRATEGY AND RESOURCES COMMITTEE**

on **TUESDAY 15 JUNE 2021 at 7.30 pm**

in the **Council Chamber, Maldon District Council Offices, Princes Road, Maldon.**

Please Note that due to social distancing and space limitations, we require any members of the public or press who wish to attend physically and observe or speak under Public Participation rules at this meeting to complete [a request form](#) (to be submitted by 12noon on the working day before the Committee meeting). This will be reviewed and managed according to capacity of the meeting and whether any other persons have already registered.

The Committee meeting will still be live streamed via the [Council's YouTube channel](#) for ease of viewing.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

**COMMITTEE MEMBERSHIP:**

CHAIRMAN	Councillor R H Siddall
VICE-CHAIRMAN	Councillor C Swain
COUNCILLORS	R G Boyce MBE
	Mrs P A Channer
	M F L Durham, CC
	K W Jarvis
	K M H Lagan
	N G F Shaughnessy
	W Stamp, CC
	Mrs M E Thompson
	Miss S White





## **AGENDA STRATEGY AND RESOURCES COMMITTEE**

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**TUESDAY 15 JUNE 2021**

1. **Chairman's Notices (please see overleaf)**

2. **Apologies for Absence**

3. **Minutes - 28 January 2021** (Pages 5 - 124)

To confirm the Minutes of the Strategy and Resources Committee held on Thursday 28 January 2021, (copy enclosed).

Members' attention is drawn to the highlighted amendments raised at the extraordinary Council meeting held on 23 February 2021.

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interest or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6 – 8 of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interest as soon as they become aware should the need arise through the meeting.)

5. **Public Participation**

To receive the views of members of the public, of which prior notification in writing has been received (no later than noon on the Tuesday prior to the day of the meeting).

Should you wish to submit a question please complete [the online form](#).

6. **ICT Strategy 2021 - 2026** (Pages 125 - 136)

To consider the report of the Director of Resources, (copy enclosed).

7. **Workforce and Community, Equality, Diversity and Inclusion Statement of Policy** (Pages 137 - 160)

To consider the report of the Director of Resources, (copy enclosed).

8. **Statement of Community Involvement** (Pages 161 - 182)

To consider the report of the Director of Strategy, Performance and Governance, (copy enclosed).

9. **Duty to Co-Operate Strategy - Approval to Consult** (Pages 183 - 200)

To consider the report of the Director of Strategy, Performance and Governance, (copy enclosed).

10. **Appointment of Representatives on Liaison Committees** (Pages 201 - 202)

To consider the report of the Director of Strategy, Performance and Governance, (copy enclosed).

11. **Any other items of business that the Chairman of the Committee decides are urgent**

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### **NOTICES**

#### **Recording of Meeting**

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session. At the start of the meeting an announcement will be made about the recording.

#### **Fire**

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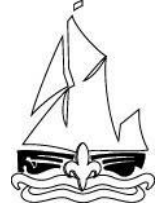
#### **Health and Safety**

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#### **Closed-Circuit Televisions (CCTV)**

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

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**MINUTES of  
STRATEGY AND RESOURCES COMMITTEE  
28 JANUARY 2021**

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**PRESENT**

Chairman	Councillor R H Siddall
Vice-Chairman	Councillor C Swain
Councillors	Mrs P A Channer, CC, M F L Durham, CC, M R Edwards, M W Helm, K M H Lagan, W Stamp, Mrs M E Thompson and Miss S White
Substitutes	Councillor Mrs J Stilts
In attendance	Councillors Mrs J L Fleming, A L Hull and C Morris

**210. CHAIRMAN'S NOTICES**

The Chairman welcomed everyone to this remote meeting of the Strategy and Resources Committee, held under new regulations which had come into effect in response to the COVID-19 situation. The Chairman then went through some general housekeeping arrangements for the meeting.

A roll call of those Members present was taken.

**211. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor N J Skeens and in accordance with notice duly given Councillor Mrs J Stilts was attending as a substitute for Councillor Skeens.

**212. MINUTES - 19 NOVEMBER 2020**

**RESOLVED**

- (i) that the Minutes of the Strategy and Resources Committee held on 19 November 2020 be received.

The Chairman advised that Councillor C Morris had been in attendance, but this was not recorded and the Minutes would be amended accordingly.

## **RESOLVED**

- (ii) that subject to the above amendment, the Minutes of the Strategy and Resources Committee held on 19 November 2020 be agreed (by assent).

### **213. MINUTES - 24 NOVEMBER 2020 (SPECIAL MEETING)**

**RESOLVED** that the Minutes of the special Strategy and Resources Committee held on 24 November 2020 be agreed (by assent).

### **214. DISCLOSURE OF INTEREST**

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a Member of Essex County Council and in particular regarding the Capital Strategy and other document. She declared that she was a member of the Crouch Harbour Advisory Committee which was mentioned and in the papers relating to ~~houseboats~~ the vessel Llys Helig. Councillor Mrs Channer advised that although in the past she had removed herself from the meeting for such items she felt she was able to remain ~~as things had moved on regarding the vessel but would not comment should the vessel Llys Helig itself be discussed.~~

Councillor K M H Lagan declared a non-pecuniary interest in Agenda Item 7 – Discretionary Fees and Charges 2021 / 22 having had conversations with several business owners in the past and was a previous boat owner and operator.

Councillor M F L Durham disclosed a non-pecuniary interest as a Member of Essex County Council and advised that in respect of Agenda Item 21 – Millfields Caravan Park, Burnham-on-Crouch he was Chairman of Visit Essex (non-pecuniary).

Councillor Mrs J Stilts disclosed a non-pecuniary interest in Agenda Item 7 – Discretionary Fees and Charges 2021 / 22 as she knew some of the barge owners and a member of the Maldon Heritage Harbour Association and the Little Ship Club.

Councillor M R Edwards declared a non-pecuniary interest in Agenda Item 7 – Discretionary Fees and Charges 2021 / 22 as a member of a Thames Barge Trust.

### **215. PUBLIC PARTICIPATION**

No requests had been received.

### **216. DISCRETIONARY FEES AND CHARGES 2021 / 22**

The Committee considered the report of the Director of Resources seeking Members' consideration of the fees and charges for 2021 / 22 that generated greater than £2,000. For those fees and charges that generated less than £2,000 delegation to the Director of Resources for their review and setting was sought.

The report advised that the proposed fees and charges for 2021 / 22 (set out in Appendix A to the report) had been based on policy decisions recently updated and agreed by this Committee at its last meeting. A number of new charges were being introduced in place of old ones and a summary of the changes was set out in Appendix B.

The Finance Working Group were proposing changes to the Wharfage fees and section 4 of the report set out the three options put forward for consideration by the Committee. The Chairman referred to the Working Group being newly created, the work it had undertaken and thanked both Members and Officers for their hard work and contributions.

The Chairman put the recommendations as set out in the report and this was duly seconded.

During the debate that ensued support was given by some Members to the proposed 50% reduction for barge owners in respect of Wharfage costs with particular reference being made to the impact of the COVID-19 pandemic, tourism and the importance of maintaining the barges within the District. Some concern was raised regarding setting a precedent and not applying a similar discount to other businesses on the prom, such as kiosks.

In response to a question regarding previous discounts applied to Wharfage fees, the Commercial Manager reported that in December 2019 the Council had agreed to apply a 50% discount to end March 2020 and from April 2020 a new baseline figure was applied which in real terms related to a 40% discount. The Director of Service Delivery, in response to a further question, highlighted that if barge operators met certain criteria there was a grant available in respect of the COVID-19 pandemic.

In accordance with Procedure Rule No. 13 (3) Councillor K M H Lagan requested a recorded vote.

For the recommendation:

Councillors M R Edwards, K M H Lagan, R H Siddall, W Stamp, Mrs J Stilts and C Swain.

Against the recommendation:

None.

Abstention:

Councillors Mrs P A Channer, M F L Durham and M W Helm.

**RECOMMENDED**

- (i) That subject to recommendation (ii) the detailed Fees and Charges for 2021 / 22 as set out in Appendix A to the report be agreed;
- (ii) That wharfage fees be reduced by 50% in 2021 / 22 to £1,787.50 for annual fees and £164 for monthly fees, excluding VAT.

Councillor Miss S White joined the meeting during this item of business.

**217. TREASURY MANAGEMENT STRATEGY 2021 / 22**

The Committee considered the report of the Director of Resources presenting the Treasury Management Strategy 2021 / 22 (attached as Appendix 1 to the report) for approval by the Council. The supporting Treasury Management Practices were attached as Appendix 2 to the report.

It was noted that the Treasury Management Strategy had been updated in line with statutory requirements and good practice, having regard to the Council's financial position, links to wider strategies, plans & aims and the advice of the Council's external treasury advisor.

The Chairman put the recommendation as set out in the report, this was duly seconded and agreed by assent.

**RECOMMENDED** that the Treasury Management Strategy 2021 / 22, attached at Appendix 1 to the report, be approved.

**218. CAPITAL AND INVESTMENT STRATEGIES FOR 2021 / 22 AND MINIMUM REVENUE STATEMENT 2021 / 22**

The Committee considered the report of the Director of Resources seeking Members' approval of the:

- Capital Strategy 2021 / 22 (attached as Appendix 1 to the report);
- Capital Project Bids (Appendix 2 to the report);
- minimum Revenue Provision (Appendix 3 to the report);
- the Investment Strategy (Appendix 4 to the report).

It was reported that the Capital Strategy had been prepared considering the future plans of the Council, ensuring that they were affordable and prudent. The Annual Investment Strategy had been updated in line with statutory requirements and good practice, having regard to the Council's financial position, wider strategies, plans and aims and the advice of the Council's external treasury advisor.

The Chairman detailed the work that the Finance Working Group had undertaken and thanked them for this. He then put the recommendation as set out in the report and this was duly seconded.

In response to a query the Director of Resources clarified that the Appendices to the report was the documentation that would be presented to the Council for consideration.

The Chairman, in response to a question, advised that Officers were looking at other revenue opportunities in relation to the parks area and the Finance Working Group would review these at the appropriate point.



The Commercial Manager reported that the two vehicles detailed in the Capital Projects bids were essential and advised how Officers had worked closely with the Finance Working Group to review and reduce capital monies being spent.

The Chairman moved the recommendations, and these were duly agreed by assent.

### **RECOMMENDED**

- (i) That the Capital Strategy (attached as Appendix 1 to the report) be approved;
- (ii) That the Capital Project Bids (attached as Appendix 2 to the report) be approved;
- (iii) That the Investment Strategy (attached as Appendix 3 to the report) be approved;
- (iv) That the Minimum Revenue Provision Statement (attached as Appendix 4 to the report) be approved.

## **219. REVISED 2020 - 21 ESTIMATES, ORIGINAL 2021 / 22 BUDGET ESTIMATES AND COUNCIL TAX 2021 - 22**

The Committee considered the report of the Director of Resources presenting:

- for noting, the Provisional Local Government Finance Settlement announced by the Government on 17 December 2020;
- the revised 2020 / 21 and original 2021 / 22 General Fund Revenue Budget estimate (attached as Appendices 1, 2 and 3 to the report);
- the proposed Council Tax increase for 2021 / 22 (attached as Appendix 1);
- the policy for the use of Reserves (attached as Appendix 4).

The report and associated appendices to the report outlined the following:

- the latest information on the provisional Local Government finance settlement 2021 / 22;
- revised General Fund revenue budget estimates 2020 / 21;
- original General Fund revenue budget estimates 2020 / 21;
- budget growth, savings and income generation in 2021 / 22;
- New Homes Bonus (NHB);
- Future Council model;
- Pension Fund deficit recovery;
- funding for work on Bradwell B (BRB) Power Station and Community Infrastructure Levy (CIL);
- Essex region business rates pool;
- an update on interest on investments;
- the Council Tax requirement for 2021 / 22;

- Council Tax £5 increase on 2020 / 21 Band D Basic amount;
- General Fund balance and revenue reserves;
- Medium Term Financial Strategy (MTFS);
- risks to the Council's financial position.

The Director of Resources reported that due to the unknown impact of future changes to Local Government finance, it was proposed that the Council should take the opportunity to increase its financial base by increasing the average band D Council Tax by £5, the maximum allowed for by the government before a referendum is required.

The Chairman put the recommendations as set out in the report. These were duly seconded.

In response to a query the Director of Resources advised that:

- the Essex Region Business Rates Pool was coordinated by Essex County Council and pooling was based on actuals which were not known until the end of each financial year.
- the Government had recently announced a further ~~£1.5m~~ £15m to be allocated in respect of audit fees, although it was not yet known what proportion of this Maldon District Council would receive.

Councillor Mrs P A Channer indicated that she reserved judgement until she had seen all the budget papers at the budget meeting. Prior to assent being agreed Councillors Mrs Channer and Mrs M E Thompson placed a caveat regarding themselves on the basis that further information may come forward.

The Chairman moved the recommendations as set out in the report and these were duly agreed by assent.

## **RESOLVED**

- (i) That the main details of the Provisional Local Government Finance Settlement 2021 / 22 as set out in paragraph 3.4 of the report be noted;

## **RECOMMENDED**

- (ii) that the following be approved:
  - (a) the Revised 2020 / 21 and Original 2021/22 General Fund Revenue Budget Estimates (attached at Appendices 1 2 and 3 to the report);
  - (b) an average Band D council tax of £207.40 (excluding parish precepts) (£5 increase) for 2021/22 (attached at Appendix 1 to the report);
  - (c) policies on the designated use of financial reserves (attached at Appendix 3 to the report);
  - (d) maintain the current policy of a minimum general fund balance of £2,600,000;

- (iii) that the Council gives due regard to the Director of Resources' (Section 151 Officer) statement on the robustness of budgets and adequacy of reserves in attached at Appendix 5 to the report.

## **220. MEDIUM TERM FINANCIAL STRATEGY 2021 / 22 TO 2023 / 24**

The Committee considered the report of the Director of Resources presenting the revised Medium-Term Financial Strategy (MTFS) 2021 / 22 to 2023 / 24 (Appendix 1 to the report) to the Committee for recommendation to the Council.

It was noted how this MTFS built on the MTFS for 2020 / 21 to 2023 / 24 approved in February 2020 by the Council and subsequently updated in relation to the COVID-19 pandemic in July 2020.

Appendix 2 to the report set out the specific details of budget growth items identified as being required to meet service demand and carry out Council policy. Members were advised that these had been scrutinised by the Finance Working Group.

The COVID-19 pandemic had created a number of challenges for financial forecasting and in light of the fact that its impact would continue in future years a number of assumptions had been made and were set out in the report. The impact of this on the General Fund Balance was outlined in the report, however it was noted that there was a high level of uncertainty around these figures and ongoing government support which had not been factored in.

The Chairman put the recommendation as set out in the report, this was duly seconded and agreed by assent.

**RECOMMENDED** that the updated Medium-Term Financial Strategy for 2021 / 22 to 2023 / 24 (as at 28 January 2021) attached as Appendix 1 to the report.

## **221. ANNUAL REVIEW OF FINANCIAL REGULATIONS**

The Committee considered the report of the Director of Resources presenting the annual review of the Financial Regulations (set out in Appendix 1 to the report) for approval by the Council.

Members noted that the Financial Regulations had been updated to reflect the new Committee structure and give clarification as to various responsibilities and roles.

The Chairman put the recommendation as set out in the report, this was duly seconded and agreed by assent.

**RECOMMENDED** that the revised Financial Regulations, attached at **APPENDIX 1** to these Minutes, be approved.

## **222. CONTRACT PROCEDURE RULES REVIEW AND UPDATE**

The Committee considered the report of the Director of Resources presenting the revised Contract Procedure Rules (CPR) (attached at Appendix 1 to the report) for

approval by the Council. It was noted that the 2019 / 20 audit had identified recommendations and the revised CPR addressed some of these.

The report set out a number of proposed changes that had been made to the CPR along with the reasons behind them. It was noted that the revised CPR would support the current work being carried out to improve the efficiency and effectiveness of the Council's procurement processes.

The Chairman thanked the COVID-19 Reset and Recovery Working Group for their work and bringing the items forward to the Committee. He then put the recommendation as set out in the report and this was duly seconded.

In response to questions, the following information was provided by the Lead Specialist: Procurement:

- an update on the current procedure for tenders which would have previously required publication through the Official Journal of the European Union and it was noted that the Government were looking to simplify the process. Following Brexit no tenders were being sent to companies outside of the UK.
- a recent procurement policy note issued by the Cabinet Office which sought to put emphasis on Small Medium Enterprises, local businesses and reserving by area was currently being reviewed and discussed.

The Chairman moved the recommendations as set out in the report and these were duly agreed, by assent.

## **RECOMMENDED**

- (i) That the revised Contract Procedure Rules at **APPENDIX 2** to these Minutes are approved.
- (ii) That the Director of Resources is authorised to make minor changes to the Contract Procedure Rules; minor changes are defined as:
  - Changes in statutory framework, such as references to new or updated legislation;
  - Changes in titles, names or terminology;
  - Changes consequential to other constitutional changes already made.

## **223. COUNCIL TAX SUPPORT SCHEME 2021 / 22**

The Committee the report of the Director of Resources seeking Members' consideration of the Local Council Tax Support Scheme (LCTS) for 2021 / 22.

It was noted that the Scheme was significantly unchanged to support the delivery of a largely cost neutral LCTS within the proposed budget for 2021 / 22. Provision had been made to enable changes during the year and an Equality Impact Assessment had been carried out.

The Chairman put the recommendation as set out in the report, this was duly seconded and agreed by assent. The Chairman thanked the Group Manager - Customers and her team for their hard work.

**RECOMMENDED** that the following changes to the existing Local Council Tax Support Scheme (LCTS) be approved:

- a a cost of living increase in line with the Department for Work and Pensions schemes be included in the Local Council Tax Support Scheme for 2021 / 22 for Pensioners only;
- b that any legislative changes being introduced to the Housing Benefit Scheme, for 2021 / 22 are mirrored in the Councils LCTS scheme to ensure consistency;
- c that amendments to the discretionary provisions of the LCTS to ensure that the Council is able to administer the various schemes to reflect local and national guidance;
- d that the LCTS may reflect any additional changes to government welfare benefit regulations during the year which are intended to:
  - increase the income of benefit recipients; and
  - be introduced during a financial year to;to avoid any unintended consequences to customers.
- e that this decision has been made following Members careful reading of and regard to the Equality Impact Assessment attached at **APPENDIX 3** to the Minutes.

## **224. PAY POLICY STATEMENT**

The Committee considered the report of the Director of Resources presenting the Pay Policy Statement (attached as Appendix 1 to the report) for approval by the Council.

It was noted to meet the requirements of the Localism Act 2011 the Council was required to publish a Pay Policy Statement which had been annually approved by the elected Members of the Council. The Pay Policy Statement had been reviewed and reflected the current arrangements for pay at Maldon District Council.

The Chairman put the recommendation as set out in the report, this was duly seconded and agreed by assent.

**RECOMMENDED** that the Pay Policy Statement attached at **APPENDIX 4** to the Minutes be adopted for 2021.

## **225. INSURANCE TENDER**

The Committee considered the report of the Director of Resources seeking agreement of the Council to commence the tender process for the Council's insurance tender. It was noted that the current Long-Term Agreement (LTA) was due to end on 30 September 2021 and new contract would need to be in place to start on 1 October 2021.

In order to seek best value for money the Council's insurance tender should be tendered in lots and the details of these were set out in the report along with a draft timetable for the tender process. Members were advised that a broker had been engaged to facilitate the tender process to ensure that the Council could obtain the most competitive premium rates and ensure that cover was in place by 1 October 2021.

The Chairman put the recommendations as set out in the report and this was duly seconded.

Councillor Mrs P A Channer disclosed a non-pecuniary interest in this item of business as she had dealings with the Broker employed by the Council.

The Chairman moved the recommendations, and these were duly agreed, by assent.

### **RECOMMENDED**

- (i) that the tender process to ensure the Council has compliant insurance contracts in place by 1 October 2021 be commenced;
- (ii) that the insurance contract tender process be put in place for five years with an option to extend the process for a further two years Long Term Agreement.

## **226. CORPORATE PLAN UPDATE 2021 - 2025**

The Committee considered the report of the Director of Resources informing Members on the progress made to update the Maldon District Council Corporate Plan.

The report provided detailed information on the work undertaken to update the Council's Corporate plan, include the new proposed external facing outcomes. The importance of engaging with the public, businesses and staff was highlighted and it was therefore suggested that a Member Task and Finish Working Group be established to distil the feedback received and ensure that the Corporate Plan update adequately considered the input made.

The Chairman put the recommendations as set out in the report and this was duly seconded.

In response to questions, the Chairman highlighted how since the last update to the Corporate Plan in 2019 there had been increased engagement and should the Working Group feel more engagement was required this could be introduced. There was some concern that the expertise and skills of Members not part of this Committee could be beneficial to the Working Group.

The Chairman proposed that the Working Group be formed of six Members of the Committee, four Independents and two Conservatives. He nominated Independent Councillors K M H Lagan, R H Siddall, W Stamp and C Swain and Councillor Mrs P A Channer nominated Conservative Councillors M F L Durham and Miss S White. This was duly seconded.

Councillor M W Helm proposed that one Member of the Democratic Alliance Group be added to the Working Group. In response, the Chairman advised that the Committee

would need to vote on the proposal on the table and if it failed then they would consider the proposal of Councillor Helm.

The Committee voted on the recommendations set out in the report and the proposed Working Group Membership. This was duly agreed.

## **RESOLVED**

- (i) that the progress made on developing the update to the Corporate Plan be noted;
- (ii) that a Corporate Plan Task and Finish Working Group be established to review and validate the updated Corporate Plan prior to its referral to the Council in March 2021;
- (iii) that the following Members of the Strategy and Resources Committee be appointed to serve on the Corporate Plan Task and Finish Group.
  - From the Independent Group:  
Councillors K M H Lagan, R H Siddall, W Stamp and C Swain.
  - From the Conservative Group:  
Councillors M F L Durham and Miss S White.

Councillor C Mayes joined the meeting during this item of business.

## **227. DONATION OF LAPTOPS FOR ESSEX CHILDREN**

Councillor Mrs P A Channer disclosed a non-pecuniary interest in this item of business as a Member of Essex County Council.

The Committee considered the report of the Director of Resources seeking approval for the donation of the Council's obsolete laptops to Essex County Council for use by children in Essex who did not have access to suitable devices for online learning.

The Chairman put the recommendation as set out in the report and this was duly seconded.

Councillor M L F Durham provided further information regarding this initiative set up by Essex County Council and advised that in addition to laptops, they were also accepting desktops which were broken down for spares and the funds raised used to purchase chrome books.

Councillor W Stamp proposed that the recommendation be amended to specify that the laptops / iPads provided by the Council went to benefit children from schools within the Maldon District. Following discussion the Chairman proposed that the recommendation be amended to add "...and the same number of equipment is donated to schools in the Maldon District". This amendment was duly seconded and this was duly agreed by assent.

**RESOLVED** that the Council's four remaining obsolete laptops and four iPads be donated to Essex County Council's laptop recycling scheme and the same number of equipment is donated to schools in the Maldon District.



**228. EXCLUSION OF PUBLIC AND PRESS**

**RESOLVED** under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

**229. ADJOURNMENT OF THE MEETING**

**RESOLVED** by assent, that the meeting be adjourned at 20:08 for a short break.

**230. RESUMPTION OF BUSINESS IN PRIVATE SESSION**

**RESOLVED** by assent, that the meeting of the Strategy and Resources Committee resumes at 20:13 in private session.

**231. MILLFIELDS CARAVAN PARK, BURNHAM-ON-CROUCH**

The Committee considered the report of the Director of Service Delivery providing an update and seeking approval for a revised lease agreement for the Millfields Caravan Park in Burnham-on-Crouch.

The report, along with four appendices, set out background information regarding the development of the Millfields Caravan Park, tendering process completed in 2012, planning conditions applied and a summary of key issues. Detailed legal advice and analysis from the Council's Environmental Health Officer, was also set out in the report along with options for Members' consideration.

The Chairman moved the recommendations as set out in the report and this was duly seconded.

During the debate that ensued, some concerns were raised relating to the lease, its technical details and in response the Commercial Manager advised that further assessments could be carried out but this could impact the current lease agreement.

Councillor Miss S White proposed that the lease agreement not be revised, that deferment be considered pending an Environmental Impact Assessment (EIA). In response the Commercial Manager advised that an EIA had been carried out as part of planning conditions and discharged by the Council's Environmental Health Officers.

Further debate ensued and in response to questions, the Commercial Manager provided additional information to the Committee. During the debate it was suggested that the decision should be made by the Council. The Commercial Manager advised that the Committee had previously approved the award of a lease in respect of the Caravan Park.

The Chairman moved the recommendations to the Council. In accordance with Procedure Rule No. 13 (3) Councillor K M H Lagan requested a recorded vote.



In response to a request to amend the recommendation the Chairman advised that the Committee would vote on the recommendations and should they fail then further options could be considered.

A recorded vote on the recommendations as set out in the report was then taken and the results were as follows:

For the recommendation:

Councillors Mrs P A Channer, M F L Durham, M W Helm, R H Siddall and Mrs M E Thompson.

Against the recommendation:

Councillors M R Edwards, K M H Lagan, W Stamp, Mrs J Stilts, C Swain and Miss S White.

Abstention:

There were none.

The motion was declared lost.

Members discussed deferral of the decision pending further information and during the discussion the Director of Resources explained that Members needed to be clear if agreeing to defer the application what additional information was required.

The Chairman proposed that revision of the lease agreement for Millfields Caravan Park be deferred to the Council with further information provided on the lease and site contamination. Following further discussion the Chairman amended his proposal to refer to additional information including details of the arrangements of the lease, land contamination and the original planning application. This proposal was duly seconded and agreed by assent.

**RESOLVED** that revision of the lease agreement for the Millfields Caravan Park, Burnham-on-Crouch be deferred to the Council for determination subject to additional information, including details of the lease arrangements, land contamination and original planning application.

The meeting closed at 8.55 pm.

R H SIDDALL  
CHAIRMAN

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# MALDON DISTRICT COUNCIL

## *Financial Regulations and Financial Procedures*

*Updated ~~July~~February 201920*

[illegible]

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# 1. Status of Financial Regulations

- 1.1. Financial regulations provide the framework for managing the Council's financial affairs. They apply to every member and officer of the Council and anyone acting on its behalf.
- 1.2. The regulations identify the financial responsibilities of the Council, the Committees, the Directors, and the ~~Council's Statutory~~Monitoring Officers. Directors should maintain a written record where decision making under the regulations has been delegated to members of their staff, including seconded staff. Where decisions have been delegated or devolved to other responsible officers, references to the Director in the regulations should be read as referring to them. Actions under the regulations may also be delegated, and again any such authorisations~~delegation~~ should be documented, however the responsibility to ensure that these actions are happening remains with the person specified in these regulations. (Appendix I)
- 1.3. All Council Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, properly authorised, provides value for money and achieves best value.
- 1.4. The Director of Resources is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to the Council for approval. The Director of Resources is also responsible for reporting, where appropriate, breaches of the financial regulations to the ~~Strategy and Resources~~Finance & Corporate Services Committee. Any non-compliance with the Regulations must be reported to the Director of Resources. Anyone wishing to act outside the provisions of these regulations, in a specific instance, must seek the prior written approval of the Director of Resources.
- 1.5. The Council's detailed financial procedures, setting out how the regulations will be implemented, are contained in the appendices to the financial regulations.
- 1.6. The Director of Resources is responsible for ensuring that all staff are aware of the existence and content of the Council's financial regulations and other internal regulatory documents and that they comply with them.
- 1.7. The Director of Resources 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. Notes and guidance may expand upon, but not contradict the Regulations. Any consultation required under these Regulations must allow sufficient time for a proper consideration of any issues.
- 1.8. All financial and accounting procedures must be carried out in accordance with the Regulations.

## 2. FINANCIAL REGULATIONS

### a) Financial Management

#### 1. INTRODUCTION

- 1.1 Financial management covers all financial accountabilities in relation to the running of the Council, including the policy framework and budget.

#### 2. THE COUNCIL

- 2.1 The Council is responsible for adopting ~~a Constitution and associated~~ the corporate governance arrangements (~~including Council and Committee Procedure Rules and Committee Standing orders and~~ Terms of Reference), for approving the annual budget and the policy framework within which the Committees operate. It is also responsible for approving and monitoring compliance with the Council's overall framework of accountability and control. The framework is set out in its corporate governance arrangements. The Council is also responsible for monitoring compliance with the agreed policy and related Committee decisions.
- 2.2 The Council is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by and decisions taken by the Council and its Committees.

#### 3. THE COMMITTEES

- 3.1 The ~~Strategy and Resources~~~~Finance & Corporate Services~~ Committee is responsible for proposing the annual budget to the Council, and for discharging its own functions in accordance with that budget and framework.
- 3.2 Once approved, the ~~Strategy and Resources~~~~Finance & Corporate Services~~ Committee is responsible for the administration of the budget for the services set out in its Terms of Reference.
- 3.3 Committee decisions can be delegated to an officer or a sub-committee.
- 3.4 The Committees are responsible for establishing protocols to ensure that decisions take account of legal and financial liabilities and risk management issues that may arise from the decision.
- 3.5 The Overview and Scrutiny Committee ~~along with its major role in reviewing Best Value~~, has power to scrutinise decisions made, or action taken, in respect of any of the functions of the Council which have financial implications. It also has powers to make recommendations on future financial policy options and for reviewing the general financial policy and service delivery of the Council.
- 3.6 The Joint Standards Committee is established by the Council and is responsible for promoting and maintaining high standards of conduct amongst councillors. In particular, it is responsible for advising the Council on the adoption and revision of the Members' code of conduct, and for monitoring the operation of the code.

## 4. THE STATUTORY OFFICERS

### 4.1 ~~Head of Paid Service~~

4.1.1 ~~The Council will appoint one of its Directors or senior Officers to the following statutory roles: He/she is responsible for the corporate and overall strategic management of the Council as a whole. He/she must report to and provide information for the Council, the Programme committees and other Committees. He/she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Head of Paid Service is also responsible, together with the Monitoring Officer (see 4.2 below), for the system of record keeping in relation to all the Council's decisions.~~

- ~~• Head of Paid Service – responsible for the co-ordination of the operational activity involved in delivering the Council's services and functions, including the appointment and management of staff.~~
- ~~• Section 151 Officer or Chief Finance Officer – responsible for the proper administration of the Council's financial affairs.~~
- ~~• Monitoring Officer – reports to the Council on cases of maladministration, the conduct of councillors and officers, and responsible for the review and updating of the Constitution (including the provision of advice and interpretation).~~

~~Further information on these roles is contained within the Council's constitution although of particular relevance to these Regulations are the following statutory provisions:~~

4.1.2 ~~The Director of Strategy, Performance and Governance is responsible for keeping the Council's corporate governance arrangements up to date.~~

### 4.2 ~~Monitoring Officer~~

4.2.1 ~~The Monitoring Officer is responsible for promoting and maintaining high standards of financial conduct and therefore provides support to the Standards Committee. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the Council and/or to the Committees, and for ensuring that procedures for recording and reporting key decisions, as defined in the Constitution, are operating effectively.~~

4.2.2 ~~The Monitoring Officer must ensure that Committees' decisions and the reasons for them are made public. He/she must also ensure that Council Members are aware of decisions made by Committees and of those made by officers who have delegated responsibility.~~

4.2.3 ~~The Monitoring Officer is responsible for advising all Members and officers about who has authority to take a particular decision.~~

4.2.4 ~~The Monitoring Officer is responsible for advising the Committees or Council about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework.~~



~~4.2.5 The Monitoring Officer (together with the Section 151 Officer (see below)) is responsible for advising the Committees or Council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:~~

- ~~a) initiating a new policy;~~
- ~~b) committing expenditure in future years to above the current budget level;~~
- ~~c) incurring expenditure where no estimate or an inadequate estimate exists thereby giving rise to the necessity for supplementary estimates or virements above approved limits;~~
- ~~d) causing the total expenditure financed from council tax, grants and corporately held reserves to increase, or to increase by more than a specified amount.~~

#### **4.23 Section 151 Officer (Chief Finance Officer)**

~~4.23.1 The Officer appointed by the Appointments Board as the Section 151 Officer~~Director of Resources is the Chief Finance Officer~~ and has statutory duties in relation to the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. The statutory duties arise from:~~

- a) Section 151 of the Local Government Act 1972;
- b) The Local Government Finance Act 1988;
- c) The Local Government and Housing Act 1989;
- d) The Accounts and Audit Regulations 2015;
- e) The Localism Act 2011.

~~4.23.2 The Section 151 Officer (Chief Finance Officer) is responsible for:~~

- a) the proper administration of the Council's financial affairs;
- b) setting and monitoring compliance with financial management standards;
- c) advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
- d) providing financial information;
- e) preparing the revenue budget and capital programme;

Operational responsibility for these matters is assigned to the Director of Resources.

~~4.23.3 Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer (Section 151 Officer) to report to the Council, Committees and external auditor if the Council, Committees or one of its officers or members:~~

- a) has made, or is about to make, a decision which involves incurring unlawful expenditure;
- b) has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Council;
- c) is about to make an unlawful entry in the Council's accounts.

#### **Section 114 of the 1988 Act also requires:**

- d) the Chief Finance Officer to nominate a properly qualified member of staff to deputise should he/she be unable to perform the duties under section 114 personally;

- e) the Council to provide the Chief Finance Officer with sufficient staff, accommodation and other resources, including legal advice where this is necessary, to carry out the duties under section 114.

### 5. DIRECTORS

- 5.1 Directors are responsible for ensuring that Committees are advised of the financial implications of all proposals and that the financial implications have been agreed by the Director of Resources;
- 5.2 The Directors ~~and the Head of Paid Service~~ are responsible for signing contracts on behalf of the Council.
- 5.3 It is the responsibility of Directors and Committees to consult with the Director of Resources and seek approval on any matter liable to affect the Council's finances, before any commitments are incurred.
- 5.4 The Director of Strategy, Performance and Governance is responsible for keeping the Council's corporate governance arrangements up to date.

### 6. OTHER FINANCIAL ACCOUNTABILITIES

#### 6.1 Virement

- 6.1.1 The Council is responsible for agreeing procedures for revenue and capital virements of expenditure or income between budget headings.
- 6.1.2 Directors must consult the Director of Resources on all virements, (see [Appendix F](#))

#### 6.2 Treatment of year-end balances

- 6.2.1 The Director of Resources is responsible for agreeing procedures for carrying forward under-spending on budget headings.

#### 6.3 Accounting policies

- 6.3.1 The Director of Resources is responsible for selecting accounting policies and ensuring that they are applied consistently.

#### 6.4 Accounting records and returns

- 6.4.1 The Director of Resources is responsible for determining the accounting procedures and records for the Council.

#### 6.5 The Annual Statement of Accounts

- 6.5.1 The Director of Resources is responsible for ensuring that the annual Statement of Accounts is prepared in accordance with the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice for Local Authority Accounting in the United Kingdom and that the annual accounts are published by the deadline set out in the Accounts and Audit Regulations each year. The Audit Committee is responsible for approving the annual Statement of Accounts.

## **b) Financial Planning**

### **1. INTRODUCTION**

- 1.1 The Council is responsible for agreeing the Council's policy framework, in particular the Corporate Plan. It is also responsible for agreeing the budget, the main framework of which will be proposed by the Strategy and Resources~~Finance & Corporate Services~~ Committee. In terms of financial planning, the key elements are:

- a) the revenue budget;
- b) the medium term financial strategy (MTFS);
- c) the capital programme.

### **2. POLICY FRAMEWORK**

- 2.1 The policy framework comprises a number of statutory plans and strategies, which are set out in the Council's corporate governance arrangements.

- 2.2 The Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. The ~~Monitoring Officer or the~~ S151 Officer and/or Monitoring Officer, as appropriate, should refer decisions to the Council.

- 2.3 The ~~Programme~~ Committees are responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the Council.

#### **2.4 Preparation of the Corporate Plan**

- 2.4.1 The Director of Strategy, Performance and Governance is responsible for proposing the Corporate Plan to the Council for approval.

### **3. BUDGETING**

#### **3.1 Budget format**

- 3.1.1 The general format of the budget will be approved by the Strategy and Resources~~Finance & Corporate Services~~ Committee and the Council on the advice of the Director of Resources. The draft budget should include current approvals updated for inflation and volume changes, proposals for growth and savings, together with the proposed taxation level.

#### **3.2 Budget preparation**

- 3.2.1 The Director of Resources is responsible for ensuring that a revenue budget is prepared on an annual basis and a MTFS at least on a three-yearly basis for consideration by the Strategy and Resources~~Finance & Corporate Services~~ Committee, before submission to the Council. The Council may amend the budget before approving it.

#### **3.3 Budget monitoring and control**

- 3.3.1 The Director of Resources is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He/she must monitor and control expenditure against budget allocations and report to the Strategy and Resources~~Finance & Corporate Services~~ Committee on the overall position on a quarterly basis.

- 3.3.2 It is the responsibility of Directors to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Director of Resources. They should also take any action necessary to avoid exceeding their budget allocation and alert the Director of Resources to any problems.

### 3.4 Resource allocation

- 3.4.1 The Director of Resources is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Council's strategic and financial planning process.

### 3.5 Preparation of the Capital Strategy

- 3.5.1 The Director of Resources is responsible for ensuring that the Capital Strategy and Capital Programme are prepared on an annual basis for consideration by the Strategy and Resources~~Finance & Corporate Services~~ Committee before submission to the Council.

### 3.6 Guidelines

- 3.6.1 Guidelines on budget policies are issued to Directors by the Director of Resources following approval of the Strategy and Resources~~Finance & Corporate Services~~ Committee. The guidelines will take account of:

- a) legal requirements;
- b) medium-term financial strategy;
- c) the Corporate Plan;
- d) available resources;
- e) spending pressures;
- f) other relevant guidelines issued by government or external audit;
- g) other internal policy documents;
- h) cross-cutting issues (where relevant);
- i) external partnerships.

## 4. MAINTENANCE OF RESERVES

- 4.1 It is the responsibility of the Director of Resources to advise the Strategy and Resources~~Finance & Corporate Services~~ Committee on prudent levels of reserves for the Council.

## c) Risk Management and Control of Resources

### 1. INTRODUCTION

- 1.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.

### 2. RISK MANAGEMENT

- 2.1 The Performance, Governance and Audit Committee is responsible for approving the Council's Risk Management Policy and for reviewing the effectiveness of risk management. ~~The Finance & Corporate Services Committee is responsible for ensuring that proper insurance exists where appropriate.~~
- 2.2 The Director of Strategy, Performance and ~~Resources~~ Governance is responsible for preparing the Council's Risk Management Policy and for promoting it throughout the Council and is responsible for advising the Committees on proper insurance cover where appropriate.

### 3. INTERNAL CONTROL

- 3.1 Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Council's assets and interests are safeguarded.
- 3.2 The Directors ~~of Resources~~ are responsible for advising on effective systems of internal control. 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, effectively and in accordance with the statutory and other authorities that govern their use.
- 3.3 It is the responsibility of 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.

### 4. AUDIT REQUIREMENTS

- 4.1 The Accounts and Audit Regulations require every local Council to maintain an adequate and effective internal audit.
- 4.2 The Secretary of State for Communities and Local Government, via the Local Government Association has delegated the appointment of external auditors to each local authority to a body called Public Sector Audit Appointments Ltd (PSAA). The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by the Local Audit and Accountability Act 2014.
- 4.3 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenues and Customs, which have statutory rights of access.

### 5. PREVENTING FRAUD AND CORRUPTION

- 5.1 The Director of ~~Strategy, Performance and Governance~~ Resources, is responsible for the development and maintenance of an Anti-Fraud and Anti-Corruption Policy.

## 6. ASSETS

- 6.1 Directors should ensure that records of the Council's assets in excess of the limit set out in section 1.7 of **Appendix F** are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place. The Director of Resources should ensure that all assets above the specified value are properly recorded in the asset register.

## 7. TREASURY MANAGEMENT

- 7.1 The Council has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities.
- 7.2 The ~~Strategy and Resources~~~~Finance & Corporate Services~~ Committee is responsible for approving the treasury management policy and Treasury Management Practices (TMP's) setting out the matters detailed in CIPFA's Code of Practice for Treasury Management in Local Authorities. The Director of Resources has delegated responsibility for implementing and monitoring the TMP's.
- 7.3 All money in the hands of the Council is controlled by the officer designated for the purposes of section 151 of the Local Government Act 1972, referred to in the Code as the Director of Resources.
- 7.4 Subject to the Council setting the overall borrowing limits in accordance with the Prudential Code, the day to day decisions on borrowing, investment or financing shall be delegated to the Director of Resources, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities.

## 8. STAFFING

- 8.1 The Head of Paid Service is responsible for providing overall management to staff. ~~Directors will be~~~~He/she is also~~ responsible for ensuring that there is proper use of evaluation or other agreed systems for determining the remuneration of a job.
- 8.2 Directors, in consultation with the Director of Resources, are responsible for controlling total staff numbers by:
- a) advising the Council on the budget necessary in any given year to cover estimated staffing levels;
  - b) 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;
  - c) the proper use of appointment procedures.

## **d) Systems and Procedures**

### **1. INTRODUCTION**

- 1.1 Sound systems and procedures are essential to an effective framework of accountability and control.

### **2. GENERAL**

- 2.1 The Director of Resources is responsible for the operation of the Council's accounting systems, the form of accounts and the supporting financial records. The Director of Resources must determine any changes proposed by Directors to the existing financial systems or the establishment of new systems. However, Directors are responsible for the proper operation of financial processes in their own services.
- 2.2 Any changes to agreed procedures by Directors to meet their own specific service needs should be agreed with the Director of Resources.
- 2.3 The Director of Resources should ensure that all staff receive relevant financial training.
- 2.4 Directors must ensure that, where appropriate, computer and other systems are registered in accordance with Data Protection legislation. Directors must ensure that staff are aware of their responsibilities under freedom of information legislation.

### **3. INCOME AND EXPENDITURE**

- 3.1 It is the responsibility of Directors to ensure that a proper scheme of internal authorisation has been established within their area and that it is operating effectively. The scheme of delegation, or a system of internal recording, should identify in writing staff authorised to act on the Directors' behalf, or on behalf of the Council, in respect of payments, income collection and placing orders, together with the limits of their authority. The Strategy and Resources Finance & Corporate Services Committee is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

### **4. PAYMENTS TO EMPLOYEES AND MEMBERS**

- 4.1 The Director of Resources is responsible for all payments of salaries and allowances to all staff, including payments for overtime, and for payment of allowances to Members.

### **5. TAXATION**

- 5.1 The Director of Resources is responsible for advising Directors, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council.
- 5.2 The Director of Resources is responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

### **6. TRADING ACCOUNTS**

- 6.1 It is the responsibility of the Director of Resources to advise on the establishment and operation of trading accounts.

## e) External Arrangements

### 1. INTRODUCTION

- 1.1 The Council 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 and environmental well-being of its area.

### 2. PARTNERSHIPS

- 2.1 ~~The CProgramme~~ committees are responsible for approving ~~delegations, including~~ frameworks for partnerships. The ~~CProgramme~~ committees are the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

- 2.2 ~~While Committees can seek to The Programme committees can~~ delegate functions, including those relating to partnerships, to officers, any proposals to alter the Committee Terms of Reference and the Scheme of Delegation must be considered by the Performance, Governance and Audit Committee under. These are set out in the scheme of delegation that forms part of the Council's corporate governance arrangements. Where functions are delegated, the Programme committees remain accountable for them to the Council.

- 2.3 The Director of Resources is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Council.

- 2.4 The Director of Resources, in consultation with the Council's designated legal advisor, must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are robust and comply with best practices. He/she must also consider the overall corporate governance arrangements and in consultation with the designated legal advisor, legal issues when arranging contracts with external bodies. He/she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

- 2.5 ~~CProgramme~~ committees are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

### 3. EXTERNAL FUNDING

- 3.1 The Director of Resources is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.



## A. FINANCIAL MANAGEMENT PROCEDURES

### A.1. FINANCIAL MANAGEMENT STANDARDS

#### 1.1 Why is this important?

- 1.1.1 All staff and Members have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.

#### A.1.2 Key controls

- 1.2.1 The key controls and control objectives for financial management standards are
- (a) their promotion throughout the Council;
  - (b) a monitoring system to review compliance with financial standards, and regular comparisons of performance indicators and benchmark standards that are reported to the Performance, Governance and Audit ~~Finance & Corporate Services and/or Overview & Scrutiny~~ Committees.

#### A.1.3 Responsibilities of the ~~Director of Resources~~ Section 151 Officer

- 1.3.1 To ensure the proper administration of the financial affairs of the Council.
- 1.3.2 To set the financial management standards and to monitor compliance with them.
- 1.3.3 To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards, performance and development of finance staff throughout the Council.
- 1.3.4 To advise on the key strategic controls necessary to secure sound financial management.
- 1.3.5 To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.

#### A.1.4 Responsibilities of Directors

- 1.4.1 To promote the financial management standards set by the Section 151 Officer ~~Director of Resources~~ in their service and to monitor adherence to the standards and practices.
- 1.4.2 To promote sound financial practices in relation to the standards, performance and development of staff in their departments.

### A.2. MANAGING EXPENDITURE

#### 2.1 Scheme of Virement

##### 2.1.1 Why is this important?

- 2.1.1.1 The scheme of virement is intended to enable the Strategy and Resources ~~Finance & Corporate Services~~ Committee, Directors and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the Council, and therefore to optimise the use of resources.

## A.2.2 Key controls

### 2.2.1 Key controls for the scheme of virement are:

- (a) it is administered by the Director of Resources within guidelines set by the Council. Any variation from this scheme requires the approval of the Council;
- (b) the overall budget is proposed by the ~~Strategy and Resources~~Finance & Corporate Services Committee and approved by the Council. Directors and budget holders are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. The rules below cover virement (i.e. switching resources between approved budget headings of expenditure or income). For the purposes of this scheme, a budget heading is considered to be a line in the Budget Summary of the Budget Book;
- (c) virement does not create additional overall budget liability. Directors are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Directors must plan to fund such commitments from within their own budgets.

### A.2.3 Responsibilities of the Director of Resources

- 2.3.1 To prepare jointly with the Directors, a report to the ~~Strategy and Resources~~Finance & Corporate Services Committee where revenue and capital virements, between different directorates, in excess of specified financial limits, are proposed (see **Appendix F**).

### A.2.4 Responsibilities of Directors

- 2.4.1 A Director, in consultation with the Director of Resources may exercise virement within the same directorate under his/her control for any amount. Virements between different directorates must be reported to the ~~Strategy and Resources~~Finance & Corporate Services Committee. The authorisation limits are set out in **Appendix F**.

- 2.4.2 Amounts that require the approval of the ~~Strategy and Resources~~Finance & Corporate Services Committee must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial years.

- 2.4.3 Virement that is likely to impact on the level of service activity of another Director should be implemented only after agreement with the relevant Director.

~~2.4.4 No virement relating to a specific financial year should be made after 31 March in that year.~~

- 2.4.~~54~~54 Where an approved budget is a lump-sum budget or contingency intended for allocation during the year, its allocation will not be treated as a virement, provided that:

- a) the amount is used in accordance with the purposes for which it has been established;
- b) the ~~Strategy and Resources will~~Finance & Corporate Services Committee has approved the basis and the terms, including financial limits, on which it will be allocated. Individual allocations in excess of the financial limits should be reported to ~~that Committee~~Finance & Corporate Services Committee.

- 2.4.~~65~~65 Virements are not permitted in relation to asset charges or other budget headings which are outside the control of the Directors or where a proposal would adversely affect long term revenue commitments.

**A.3. ACCOUNTING POLICIES**

**A.3.1 Why is this important?**

- 3.1.1 The Director of Resources is responsible for the preparation of the Council's Statement of Accounts, in accordance with proper practices as set out in the format required by the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom for each financial year ending 31 March.

**A.3.2 Key controls**

- 3.2.1 The key controls for accounting policies are:
- a) systems of internal control are in place which ensure that financial transactions are lawful;
  - b) suitable accounting policies are selected and applied consistently;
  - c) proper accounting records are maintained;
  - d) financial statements are prepared which present fairly the financial position of the Council and its expenditure and income.

**A.3.3 Responsibilities of the Director of Resources**

- 3.3.1 To select suitable accounting policies and to ensure that they are applied consistently. The accounting policies are set out in the Statement of Accounts, which is prepared at 31 March each year, and covers such items as:
- a) income and expenditure;
  - b) fixed assets;
  - c) treatment of leasing;
  - d) depreciation;
  - e) charges to revenue;
  - f) capital receipts;
  - g) debtors and creditors;
  - h) support services;
  - i) pensions;
  - j) government grants;
  - k) investments;
  - l) reserves.
  - m) stocks

**A.3.4 Responsibilities of Directors**

- 3.4.1 To adhere to the accounting policies and guidelines approved by the Director of Resources.

**A.4. ACCOUNTING RECORDS AND RETURNS**

**A.4.1 Why is this important?**

- 4.1.1 Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the Council's resources.

**A.4.2 Key controls**

4.2.1 The key controls for accounting records and returns are:

- a) all Committees, finance staff and budget managers operate within the required accounting standards and timetables;
- b) all the Council's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis;
- c) procedures are in place to enable accounting records to be reconstituted in the event of systems failure;
- d) reconciliation procedures are carried out to ensure transactions are correctly recorded;
- e) prime documents are retained in accordance with legislative and other requirements.

**A.4.3 Responsibilities of the Director of Resources**

4.3.1 To determine the accounting procedures and records for the Council. Where these are maintained outside his/her department, the Director of Resources should consult the Director concerned.

4.3.2 To arrange for the compilation of all accounts and accounting records under his/her direction.

4.3.3 To comply with the following principles when allocating accounting duties:

- a) separating the duties of providing information about sums due to or from the Council and calculating, checking and recording these sums from the duty of collecting or disbursing them;
- b) employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.

4.3.4 To make proper arrangements for the audit of the Council's accounts in accordance with the Accounts and Audit Regulations 2015.

4.3.5 To ensure that all claims for funds including grants are made by the due date.

4.3.6 To prepare and publish the audited accounts of the Council for each financial year, in accordance with the statutory timetable and with the requirement for the Audit Committee to approve the Statement of Accounts.

4.3.7 To administer arrangements for under-spending to be carried forward to the following financial year.

4.3.8 To ensure the proper retention of financial documents in accordance with the requirements set out in the Council's document retention guidelines.

**A.4.4 Responsibilities of Directors**

4.4.1 To consult and obtain the approval of the Director of Resources before making any changes to accounting records and procedures.

4.4.2 To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.

4.4.3 To supply information required to enable the Statement of Accounts to be completed in accordance with guidelines issued by the Director of Resources.

**A.5. THE ANNUAL STATEMENT OF ACCOUNTS**

**A.5.1 Why is this important?**

5.1.1 The Council has a statutory responsibility to prepare its own accounts to present fairly its operations during the year. The Performance, Governance and Audit Committee is responsible for approving the statutory annual Statement of Accounts.

**A.5.2 Key controls**

5.2.1 The key controls for the annual Statement of Accounts are:

- a) the Council is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs. In this Council, that officer is the Officer appointed by the Appointments Board as ~~Director of Resources~~ (Section 151 Officer);
- b) the Council's Statement of Accounts must be prepared in accordance with proper practices as set out in the latest CIPFA Code of Practice on Local Authority Accounting in the United Kingdom.

**A.5.3 Responsibilities of the Director of Resources**

- 5.3.1 To sign and date the Statement of Accounts, stating that it presents a true and fair view of the financial position of the Council at the accounting date and its income and expenditure for the year ended 31 March.
- 5.3.2 To select suitable accounting policies and to apply them consistently.
- 5.3.3 To make judgements and estimates that are reasonable and prudent.
- 5.3.4 To comply with the latest accounting Code of Practice.
- 5.3.5 To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.

**A.5.4 Responsibilities of Directors**

- 5.4.1 To comply with accounting guidance provided by the Director of Resources and to supply him/her with information when required.

## **B. FINANCIAL PLANNING**

### **B.1. PERFORMANCE PLANS**

#### **B.1.1 Why is this important?**

- 1.1.1 The purpose of performance plans is to explain overall priorities and objectives, current performance, and proposals for further improvement.

#### **B.1.2 Key controls**

- 1.2.1 The key controls for performance plans are:
- (a) to meet the timetables set;
  - (b) to ensure that all performance information is accurate, complete and up to date;
  - (c) to provide improvement targets which are meaningful, realistic and challenging.

#### **B.1.3 Responsibilities of Directors**

- 1.43.1 To contribute to the development of performance plans in line with statutory requirements.
- 1.43.2 To contribute to the development of corporate and service targets and objectives and performance information.
- 1.43.3 To ensure that systems are in place to measure activity and collect accurate information for use as performance indicators.
- 1.43.4 To ensure that performance information is collected and monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met.

### **B.2. BUDGETING**

#### **B.2.1 Format of the budget**

##### **2.1.1 Why is this important?**

- 2.1.1.1 The structure of the budget determines the level of detail to which financial control and management will be exercised. The structure shapes how the rules around virement operate, the operation of financial limits and sets the level at which funds may be reallocated within budgets.

#### **B.2.2 Key controls**

- 2.2.1 The key controls for the budget structure are:
- a) the structure complies with all legal requirements;
  - b) the structure reflects the accountabilities of service delivery.

#### **B.2.3 Responsibilities of Directors**

- 2.3.1 To comply with accounting guidance provided by the Director of Resources.

**B.2.4 Revenue budget preparation, monitoring and control**

**2.4.1 Why is this important?**

- 2.4.1.1 Budget management ensures that once the budget has been approved by the Council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the Council to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account, managers responsible for defined elements of the budget.
- 2.4.1.2 By continuously identifying and explaining variances against budgetary targets, the Council can identify changes in trends and resource requirements at the earliest opportunity. The Council itself operates within an annual financial limit, approved when setting the overall budget. To ensure that the Council in total does not overspend, each service is required to manage its own expenditure within the budget allocated to it.
- 2.4.1.3 For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service or policy area. However, budgetary control may take place at a more detailed level if this is required by the Directors scheme of delegation or by the Council.

**B.2.5 Key controls**

2.5.1 The key controls for managing and controlling the revenue budget are:

- a) budget managers should be responsible only for income and expenditure that they can influence;
- b) there is only one nominated budget manager for each budget area;
- c) budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities;
- d) budget managers follow an approved certification process for all expenditure;
- e) income and expenditure are properly recorded and accounted for;
- f) performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget;
- g) Managers should supervise the financial management of those reporting to them.

**B.2.6 Responsibilities of the Director of Resources**

2.6.1 To establish an appropriate framework of budgetary management and control that ensures that:

- a) budget management is exercised within annual financial limits unless the Council agrees otherwise;
- b) each Manager has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities;
- c) all officers responsible for committing expenditure comply with relevant guidance, and the financial regulations;
- d) each directly controllable cost centre has a single named manager, determined by the relevant Director. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making process that commits expenditure;
- e) significant variances from approved budgets are investigated and reported by budget managers regularly.

- 2.6.2 To administer the Council's scheme of virement.
- 2.6.3 To submit reports to the ~~Strategy and Resources~~Finance & Corporate Services Committee and to the Council, in consultation with the relevant Director, where a Director is unable to balance expenditure and resources within existing approved budgets under his/her control.
- 2.6.4 To prepare and submit reports on the Council's projected income and expenditure compared with the budget on a quarterly basis.
- 2.6.5 To approve fees and charges where the budgeted income is less than or equal to £2,000.

## **B.2.7 Responsibilities of Directors**

- 2.7.1 To maintain budgetary control within their services, in adherence to the principles in 2.6.1, and to ensure that all income and expenditure is properly recorded and accounted for.
- 2.7.2 To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the Director. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.
- 2.7.3 To ensure that spending remains within the service's overall financial limit, and that individual budget headings are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- 2.7.4 To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and that it is operating effectively.
- 2.7.5 To ensure prior approval by the Council or ~~the Strategy and Resources Committee~~Programme committees (as appropriate) for new proposals, of whatever amount, that:
  - a) create financial commitments in the current or future years;
  - b) change existing policies, initiate new policies or cease existing policies;
  - c) materially extend or reduce the Council's services.
- 2.7.6 To ensure compliance with the scheme of virement.
- 2.7.7 To agree with the relevant Director where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or another Director's level of service activity.

## **B.2.8 Budgets and the Medium-Term Financial Strategy (MTFS)**

### **2.8.1 Why is this important?**

- 2.8.1.1 The Council is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. The budget is the financial expression of the Council's plans and policies.



- 2.8.1.2 A report on new proposals should explain the full financial implications, following consultation with the Director of Resources. Unless the Council or the Strategy and Resources~~Finance & Corporate Services~~ Committee has agreed otherwise, Directors must plan to contain the financial implications of such proposals within the relevant financial limit.
- 2.8.1.3 The revenue budget must be constructed so as to ensure that resource allocation properly reflects the business plans and priorities of the Council. Budgets (spending plans) are needed so that the Council can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for a Council to budget for a deficit.
- 2.8.1.4 The annual strategic and financial planning process involves a cycle in which Directors develop their own plans for submission to the relevant Committee. As each year passes, another future year will be added to the MTFS. This ensures that the Council is always preparing for events in advance.

## **B.2.9 Key controls**

- 2.9.1 The key controls for budgets and the MTFS are:
- a) specific budget approval for all expenditure;
  - b) budget managers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the Council for their budgets and the level of service to be delivered;
  - c) a monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

## **B.2.10 Responsibilities of the Director of Resources**

- 2.10.1 To prepare and submit reports on budget prospects to the Strategy and Resources~~Finance & Corporate Services~~ Committee including resource constraints set by the Government. Reports should take account of medium-term prospects, where appropriate.
- 2.10.2 To determine the detailed form of revenue estimates and the methods for their preparation.
- 2.10.3 To advise on the medium-term implications of spending decisions.
- 2.10.4 To encourage the best use of resources and value for money by working with 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.
- 2.10.5 To advise the Council on proposals in accordance with his/her responsibilities under section 151 of the Local Government Act 1972.

## **B.2.11 Responsibilities of Directors**

- 2.11.1 To prepare estimates of income and expenditure, in consultation with the Director of Resources.
- 2.11.2 To prepare budgets that are consistent with any relevant financial limits, with the Council's annual budget cycle and with guidelines issued by the Director of Resources.
- 2.11.3 To integrate financial and budget plans into business planning, so that budget plans can be supported by financial and non-financial performance measures.

2.11.4 In consultation with the Director of Resources and in accordance with the laid-down guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by the Strategy and Resources~~Finance & Corporate Services~~ Committee.

2.11.5 When drawing up draft budget requirements, to have regard to:

- a) spending patterns and pressures revealed through the budget monitoring process;
- b) legal requirements;
- c) requirements as defined by the Council in the Strategic and Financial Policy Process;
- d) initiatives already under way and any new service requirements that are likely to require funding within the financial year in question.

#### **B.2.12 Resource allocation**

##### **2.12.1 Why is this important?**

2.12.1.1 A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfil need/desire. It is therefore imperative that needs/desires are carefully prioritised, taking account of the Council's legal responsibilities and that resources are allocated to meet the urgent priorities. Resources may include staff, money, equipment, goods and materials.

#### **B.2.13 Key controls**

2.13.1 The key controls for resource allocation are:

- a) resources are acquired in accordance with the law and allocated using an approved authorisation process;
- b) resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for;
- c) resources are securely held for use when required;
- d) resources are used in the most efficient manner.

#### **B.2.14 Responsibilities of the Director of Resources**

2.14.1 To coordinate the Strategic and Financial Planning process to ensure that resources are devoted to the Council's stated priorities.

2.14.2 To advise on methods available for the funding of expenditure plans.

#### **B.2.15 Responsibilities of Directors**

2.15.1 To deliver the Council's key objectives within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way.

2.15.2 To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

#### **B.2.16 Capital programmes**

##### **2.16.1 Why is this important?**

- 2.16.1.1 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Council, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.
- 2.16.1.2 The Government controls the financing capacity of the Council through the CIPFA Prudential Code. This means that capital expenditure should be integrated into the Council's Treasury Management Strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

## **B.2.17 Key controls**

- 2.17.1 The key controls for capital programmes are:
- a) the development and implementation of asset management plans;
  - b) specific approval by the Council for the programme of capital expenditure;
  - c) a scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each capital project, for approval by the Strategy and Resources~~Finance & Corporate Services~~ Committee;
  - d) proposals for improvements and alterations to buildings must be approved by the relevant Director;
  - e) accountability for each capital project is accepted by a named manager;
  - f) monitoring of progress in conjunction with expenditure and comparison with approved budget;
  - g) capital spending plans are to be in line with the approved Capital Strategy.

## **B.2.18 Responsibilities of the Director of Resources**

- 2.18.1 To prepare the capital programme and estimates jointly with Directors and to report them to the Strategy and Resources~~Finance & Corporate Services~~ Committee for approval. The ~~Finance & Corporate Services~~ Committee will make recommendations on the capital programme and on any associated financing requirements to the Council.
- 2.18.2 To prepare and submit reports jointly with the officers defined as accountable for capital projects to the Strategy and Resources~~Finance & Corporate Services~~ Committee on the progress of the capital programme compared with the approved estimates.
- 2.18.3 Having regard to regulations determine the definition of 'capital'.

## **B.2.19 Responsibilities of Directors**

- 2.19.1 To comply with guidance concerning capital schemes and controls issued by the Director of Resources.
- 2.19.2 To prepare and submit quarterly reports jointly with the Director of Resources to the Strategy and Resources~~Finance & Corporate Services~~ Committee on the the progress of the capital programme compared with the approved estimates.

- 2.19.3 To prepare regular reports reviewing the capital programme provisions for their services. In consultation with the Director of Resources, to obtain authorisation from the Strategy and Resources~~Finance & Corporate Services~~ Committee and/or the Council for individual schemes where the estimated expenditure exceeds the capital programme provision by more than a specified amount (see **Appendix F**).
- 2.19.4 To ensure that all capital proposals have undergone a project appraisal in accordance with guidance issued by the Director of Resources.
- 2.19.5 To ensure that adequate records are maintained for all capital contracts.
- 2.19.6 To proceed with projects only when there is adequate provision in the capital programme.
- 2.19.7 To prepare and submit reports, jointly with the Director of Resources, to the Strategy and Resources~~Programme committees~~ Committee, of any increase in contract costs in excess of the approved scheme and estimate, unless the excess can be met by virement from elsewhere within the capital programme. The authorisation limits for capital virements are set out in **Appendix F**.
- 2.19.8 To prepare and submit reports, jointly with the Director of Resources, to the Strategy and Resources~~Programme e~~Committees, where it appears that the final cost of a revenue or capital contract will exceed the approved contract sum by more than a specified financial limit (see **Appendix F**).
- 2.19.9 No leasing arrangements as defined by the Director of Resources shall be entered into without prior approval.

### **B.3. MAINTENANCE OF RESERVES**

#### **B.3.1 Why is this important?**

- 3.1.1 The Council must decide the level of general reserves it wishes to maintain before it can decide the level of council tax. Reserves are maintained as a matter of prudence. They enable the Council to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.

#### **B.3.2 Key controls**

- 3.2.1 To maintain reserves in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom and agreed accounting policies.
- 3.2.2 For each reserve established, the purpose, usage and basis of transactions should be clearly identified and approved by the Strategy and Resources~~Finance & Corporate Services~~ Committee.

#### **B.3.3 Responsibilities of the Director of Resources**

- 3.3.1 To advise the Strategy and Resources~~Finance & Corporate Services~~ Committee and/or the Council on prudent levels of reserves for the Council.

#### **B.3.4 Responsibilities of Directors**

- 3.4.1 To ensure that resources are used only for the purposes for which they were intended.

## **C. RISK MANAGEMENT AND CONTROL OF RESOURCES**

### **C.1. RISK MANAGEMENT**

#### **C.1.1 Why is this important?**

- 1.1.1 All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation. In essence it is, therefore, an integral part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.
- 1.1.2 It is the overall responsibility of the Council to approve the Council's risk management strategy, and to promote a culture of risk management awareness throughout the Council.

#### **C.1.2 Key controls**

- 1.2.1 The key controls for risk management are:
- a) procedures are in place to identify, assess, prevent or contain material known risks, and these procedures are operating effectively throughout the Council;
  - b) a monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls;
  - c) managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives;
  - d) provision is made for losses that might result from the risks that remain;
  - e) procedures are in place to investigate claims within required timescales
  - f) acceptable levels of risk are determined and insured against where appropriate;
  - g) the Council has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

#### **C.1.3 Responsibilities of the Director of Strategy, Performance and Governance**

- 1.3.1 To prepare and promote the Council's Risk Management Policy.
- 1.3.2 To develop risk management controls in conjunction with Directors.

#### **C.1.4 Responsibilities of the Director of Resources**

- 1.4.1 To include all appropriate employees of the Council in a suitable fidelity guarantee insurance.
- 1.4.2 To effect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims in consultation with other officers, where necessary.

### **C.1.5 Responsibilities of Directors**

- 1.5.1 To notify the Director of Resources immediately of any loss, liability or damage that may lead to a claim against the Council, together with any information or explanation required by the Council's insurers.
- 1.5.2 To take responsibility for risk management, having regard to advice from the Director of Strategy, Performance and Governance ~~Resources~~ and other specialist officers (e.g. fire prevention, health and safety).
- 1.5.3 To ensure that there are regular reviews of risk within their Service.
- 1.5.4 To notify the Director of Resources promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- 1.5.5 To consult the Director of Resources and the Council's legal advisors on the terms of any indemnity that the authority is requested to give.
- 1.5.6 To ensure those employees, or anyone covered by the Council's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

## **C.2. INTERNAL CONTROLS**

### **C.2.1 Why is this important?**

- 2.1.1 The Council is complex and beyond the direct control of a single individual. It therefore requires internal controls to manage and monitor progress towards strategic objectives.
- 2.1.2 The Council has statutory obligations, and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.
- 2.1.3 The Council faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.
- 2.1.4 The system of internal controls is established in order to provide measurable achievement of:
  - a) efficient and effective operations;
  - b) reliable financial information and reporting;
  - c) compliance with laws and regulations;
  - d) risk management.

### **C.2.2 Key controls**

- 2.2.1 The key controls and control objectives for internal control systems are:
  - a) key controls should be reviewed on a regular basis;
  - b) managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities;

- c) financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems;
- d) an effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in the Auditing Practices Board's auditing guideline Guidance for Internal Auditors, CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom and with any other statutory obligations and regulations.

### **C.2.3 Responsibilities of the Director of Resources**

- 2.3.1 To assist the Council to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

### **C.2.4 Responsibilities of Directors**

- 2.4.1 To manage processes to check that established controls are understood and being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.
- 2.4.2 To review existing controls in the light of changes affecting the Council and to establish and implement new ones in line with guidance from the Director of Resources. Directors should also be responsible, after consultation with the Director of Resources, for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.

## **C.3. AUDIT REQUIREMENTS**

### **C.3.1 Internal audit**

#### **3.1.1 Why is this important?**

- 3.1.1.1 The Accounts and Audit Regulations 2015 (para 5) require that a “relevant authority must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance”.
- 3.1.1.2 Internal Audit must be seen as independent. This is achieved through operating within a framework that allows unrestricted access to senior management, reporting in its own name and segregation as far as practical from line operations. The function reports directly to the ~~Director of Resources (also the e~~Officer designated under Section 151 of the Local Government Act 1972 as responsible for ensuring the proper administration of the Authority's financial affairs). Internal Audit also reports directly to the Performance, Governance and Audit Committee.

### **C.3.2 Key controls**

- 3.2.1 The key controls for internal audit are:
  - a) that it is independent in its planning and operation;
  - b) the Audit Manager has direct access to the ~~Chief Executive,~~ Director of Resources, all levels of management and directly to elected Members;

- c) Internal Auditors work towards complying with the UK Public Sector Internal Audit Standards (PSIAS), and effort is made to preserve objectivity by ensuring staff are free from conflicts of interest. Therefore as far as is practical, Internal Audit will not participate in the day to day operation of any systems of internal financial control.

### **C.3.3 Responsibilities of the Director of Resources**

- 3.3.1 To ensure that internal auditors have the authority to:
  - a) access Council premises at reasonable times;
  - b) access all assets, records, documents, correspondence and control systems ;
  - c) receive any information and explanation considered necessary concerning any matter under consideration;
  - d) require any employee of the Council to account for cash, materials or any other asset under his/her control;
  - e) access records belonging to third parties, such as contractors, when required;
  - f) obtain direct access to the Strategy and Resources~~Finance & Corporate Services~~ Committee and the Performance, Governance and Audit Committee.
- 3.3.2 To approve the annual audit plans, prepared by the Audit Manager, and present to the Performance, Governance and Audit Committee for their approval.
- 3.3.3 To prepare terms of reference for the internal audit function, for approval by the Performance, Governance and Audit Committee.
- 3.3.4 To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

### **C.3.4 Responsibilities of Directors**

- 3.4.1 To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.
- 3.4.2 To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- 3.4.3 To respond to internal and external audit reports in writing, within a timescale agreed by the appropriate Director and the Director of Resources or External Auditor, detailing the action intended to address any recommendations.
- 3.4.4 To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- 3.4.5 To ensure that their staff report any suspicion of fraud, corruption or other financial irregularity in respect of Council funds, either directly, or via the Directors to the Director of Resources for investigation.
- 3.4.6 The Director of Resources must then arrange for appropriate investigation of the matter. The relevant Director must agree any further investigative action with the Director of Resources before proceeding.
- 3.4.7 The Director of Resources, in consultation with the relevant Director and the Monitoring Officer will advise whether any matter should be referred to the police for further investigation.



- 3.4.8 To ensure that the Director of Resources is given an opportunity, in a timely manner before live operation, to evaluate the adequacy of new systems for maintaining financial records, or records of assets, or changes to such systems.

### **C.3.5 External audit**

#### **3.5.1 Why is this important?**

- 3.5.1.1 Under Schedule 1 of the Local Audit and Accountability Act 2014 all contracts for audit and related services, previously let by the Audit Commission, were transferred to Public Sector Audit Appointments Ltd on 1 April 2015. The external auditor has rights of access to all documents and information necessary for audit purposes (para 22 2014 Act).

- 3.5.1.2 The general duties of the external auditor are defined in the Local Audit and Accountability Act 2014 (para 20) and the Local Government Act 1999. In particular, Schedule 6 of the 2014 Act sets out that the Comptroller & Auditor General is responsible for preparing a code of audit practice, which external auditors follow when carrying out their duties. Schedule 1 of the code of audit practice sets out the auditor's statutory responsibilities across 3 main headings:

- a) Audit Scope;
- b) Reporting;
- c) Additional powers and duties.

- 3.5.1.3 The Council's accounts are scrutinised by external auditors, who must be satisfied that the Statement of Accounts 'presents a true and fair view' (Para 20 2014 Act) of the financial position of the Council and its income and expenditure for the year in question and complies with the legal requirements.

### **C.3.6 Key controls**

- 3.6.1 External auditors were initially appointed by Public Sector Audit Appointments Ltd, however subsequent appointments are to be made by the Local Authority for a maximum period of five years. The Comptroller & Auditor General (National Audit Office) prepares the code of audit practice, which external auditors follow when carrying out their audits.

### **C.3.7 Responsibilities of the Director of Resources**

- 3.7.1 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.
- 3.7.2 To work with the external auditor and advise the Council, and Directors on their responsibilities in relation to external audit.
- 3.7.3 To ensure there is effective liaison between external and internal audit.

### **C.3.8 Responsibilities of Directors**

- 3.8.1 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.
- 3.8.2 To ensure that all records and systems are up to date and available for inspection.

## **C.4. PREVENTING FRAUD AND CORRUPTION**

### **C.4.1 Why is it this important?**

- 4.1.1 The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council.
- 4.1.2 The Council's expectation of propriety and accountability is that Members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.
- 4.1.3 The Council also expects that individuals and organisations (e.g. suppliers, contractors, service providers) with whom it comes into contact will act towards the Council with integrity and without thought of or actions involving fraud and corruption. It must guard against the possibility that these expectations will not be fulfilled in all respects.

### **C.4.2 Key controls**

- 4.2.1 The key controls regarding the prevention of financial irregularities are that:
  - a) the Council has an effective Anti-Fraud and Anti-Corruption Policy and maintains a culture that will not tolerate fraud or corruption;
  - b) all Members and staff act with integrity and lead by example as per the relevant Code of Conduct;
  - c) Managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the Council or who are corrupt;
  - d) high standards of conduct are promoted amongst Members by the Joint Standards Committee;
  - e) the maintenance of a register of interests in which any hospitality or gifts accepted must be recorded;
  - f) "whistle blowing" procedures are in place and operate effectively;
  - g) legislation including the Public Interest Disclosure Act 1998 is adhered to.

### **C.4.3 Responsibilities of the Director of Strategy Performance and Governance.**

- 4.3.1 To maintain and review an Anti-Fraud Policy.

### **C.4.4 Responsibilities of the Director of Resources**

- 4.4.1 To maintain adequate and effective internal control arrangements.
- 4.4.3 To ensure that all suspected irregularities are investigated, and all proven irregularities reported to the Monitoring Officer and S151 Officer.

### **C.4.5 Responsibilities of Directors**

- 4.5.1 To ensure that all suspected irregularities are reported to the Director of Resources
- 4.5.2 To instigate the Council's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.

- 4.5.3 To ensure that where financial impropriety is discovered, the Director of Resources is informed. Where sufficient evidence exists to believe that a criminal offence may have been committed, after consultation with the Director of Resources, relevant Director, to ensure that the Police are called in.

#### **C.4.6 Responsibility of the Monitoring Officer**

- 4.6.1 To maintain a register of Member interests.

### **C.5. ASSETS**

#### **C.5.1 Security**

##### **5.1.1 Why is this important?**

- 5.1.1.1 The Council holds assets in the form of property, vehicles, equipment, furniture and other items worth millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

#### **C.5.2 Key controls**

- 5.2.1 The key controls for the security of resources such as land, buildings, fixed plant machinery, equipment, software and information are:
- a) resources are used only for the purposes of the Council and are properly accounted for;
  - b) resources are available for use when required;
  - c) resources no longer required are disposed of in accordance with the law and the regulations of the Council so as to maximise benefits;
  - d) an asset register is maintained for the Council, assets are recorded when they are acquired by the Council and this record is updated as changes occur with respect to the location, value and condition of the asset;
  - e) all staff are aware of their responsibilities with regard to safeguarding the Council's assets and information, including the requirements of the Data Protection Act and software copyright legislation;
  - f) all staff are aware of their responsibilities with regard to safeguarding the security of the Council's Information Communication Technology (ICT) Systems, including maintaining restricted access to the information held on them and compliance with the Council's Information Communication Technology and internet security policies.

#### **C.5.3 Responsibilities of the Director of Resources**

- 5.3.1 To ensure that an asset register is maintained in accordance with good practice for all fixed assets with a value in excess of a specified financial limit (see **Appendix F**). The function of the asset register is to provide the Council with information about fixed assets so that they are:
- a) safeguarded;
  - b) used efficiently and effectively;
  - c) adequately maintained.

- 5.3.2 To receive the information required for accounting, costing and financial records from each Director.
- 5.3.3 To ensure that assets are valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom.

#### C.5.4 Responsibilities of Directors

- 5.4.1 A property database shall be maintained by the Director of Resources for all properties, plant and machinery and moveable assets currently owned or used by the Council subject to the minimum values specified in **Appendix F**. Any use of property by a service other than for direct service delivery should be supported by documentation identifying terms, responsibilities and duration of use.
- 5.4.2 To ensure that lessees and other prospective occupiers of council owned land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the Council's legal advisor, has been established.
- 5.4.3 To ensure the proper security of all buildings and other assets under their control in accordance with laid down guidelines.
- 5.4.4 Where land or buildings are surplus to requirements, a recommendation for sale should be the subject of a joint report by the Director and the Director of Resources (see **Appendix F**).
- 5.4.5 To pass title deeds to Land Charges/the Monitoring Officer ~~who is~~ responsible for maintaining the central repository of all title deeds.
- 5.4.6 To ensure that no Council asset is subject to personal use by a Member or employee without prior agreement of the relevant Director.
- 5.4.7 To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the Council.
- 5.4.8 To ensure that an inventory is maintained of moveable assets (subject to limits in **Appendix F**) in accordance with arrangements defined by the Corporate Leadership Team.
- 5.4.9 To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
- 5.4.10 To consult the Director of Resources in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- 5.4.11 To ensure cash holdings on premises are kept to a minimum.
- 5.4.12 To ensure that keys to safes and similar receptacles are ~~carried~~ kept secure on ~~by~~ the person of those responsible at all times; loss of any such keys must be reported to the Director of Resources as soon as possible.
- 5.4.13 To record all disposals or part exchange of assets that should normally be by competitive tender or public auction in accordance with **Contract Procedure Rules**, unless, the Strategy and Resources~~Finance & Corporate Services~~ Committee agrees otherwise.

- 5.4.14 To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Council in some way.
- 5.4.15 To maintain inventories and record an adequate description of furniture, fittings, equipment, plant and machinery above a specified financial limit in value (see **Appendix F**).
- 5.4.16 To carry out an annual check of all items on the inventory in order to verify location and condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers and cameras should be identified with security markings as belonging to the Council.
- 5.4.17 To make sure that property is only used in the course of the Council's business, unless the Director concerned has given permission otherwise.

### **C.5.5 Asset disposal**

#### **5.5.1 Why is this important?**

- 5.5.1.1 It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the regulations of the Council.

### **C.5.6 Key controls**

- 5.6.1 Assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the Council, and best price is obtained in accordance with ***Contract Procedure Rules*** and bearing in mind other factors, such as environmental issues.
- 5.6.2 Procedures protect staff involved in the disposal from accusations of personal gain.

### **C.5.7 Responsibilities of the Director of Resources**

- 5.7.1 To issue advice on disposal in accordance with ***Contract Procedure Rules***.
- 5.7.2 To ensure appropriate accounting entries are made to remove the value of disposed assets from the Council's records and to include the sale proceeds if appropriate.

## **C.6. TREASURY MANAGEMENT**

### **C.6.1 Why is this important?**

- 6.1.1 Millions of pounds pass through the Council's accounts each year. This requires the establishment of codes of practice. These aim to provide assurances that the Council's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the Council's investment.

### **C.6.2 Key controls**

- 6.2.1 That the Council's borrowings and investments comply with the CIPFA Code of Practice on Treasury Management and with the Council's treasury management practices (TMP's).

- 6.2.2 That the ~~Strategy and Resources~~~~Finance & Corporate Services~~ Committee receives reports on Treasury activity at least twice a year in accordance with the code of practice and that the Treasury Management Strategy is subject to annual scrutiny before it is agreed.

**C.6.3 Responsibilities of Director of Resources – treasury management and banking**

- 6.3.1 To arrange the borrowing and investments of the Council in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the Council's treasury management practices and strategy.
- 6.3.2 To prepare reports for the consideration of the ~~Strategy and Resources~~~~Finance & Corporate Services and Overview & Scrutiny~~ Committees.
- 6.3.3 To operate bank accounts as are considered necessary – opening or closing any bank account shall require the written approval of the Director of Resources in accordance with the Banking Mandate (**Appendix G**).

**C.6.4 Responsibilities of Directors – treasury management and banking**

- 6.4.1 To follow the instructions on banking issued by the Director of Resources.

**C.6.5 Responsibilities of Director of Resources – investments and borrowing**

- 6.5.1 To ensure that all investments of money are made in the name of the Council.
- 6.5.2 To ensure that all securities that are the property of the Council and the title deeds of all property in the Council's ownership are held in the custody of Land Charges/relevant responsible Officer~~the Monitoring Officer~~ or under arrangements approved by the Director of Resources.
- 6.5.3 To effect all borrowings in the name of the Council.
- 6.5.4 To maintain records of all borrowing of money by the Council.

**C.6.6 Responsibilities of Directors – investments and borrowing**

- 6.6.1 To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Council.

**C.6.7 Responsibilities of Directors – funds held for third parties**

- 6.7.1 To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Director of Resources, and to maintain written records of all transactions.

**C.6.8 Responsibilities of the Director of Resources – imprest accounts**

- 6.8.1 To provide employees of the Council with cash imprest accounts to meet minor expenditure on behalf of the Council and to prescribe rules for operating these accounts. Minor items of expenditure should not exceed the prescribed amount.
- 6.8.2 To determine the petty cash limit and to maintain a record of all transactions and petty cash advances made, and periodically to review the arrangements for the safe custody and control of these advances.

- 6.8.3 To reimburse imprest holders, as often as necessary, to restore the imprests.

**C.6.9 Responsibilities of Directors – imprest accounts**

- 6.9.1 To ensure that employees operating an imprest account:
- a) obtain and retain vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained;
  - b) make adequate arrangements for the safe custody of the account;
  - c) produce upon demand by the Director of Resources cash and all vouchers to the total value of the imprest amount;
  - d) record transactions promptly;
  - e) reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder;
  - f) provide the Director of Resources with a certificate of the value of the account held at 31 March each year;
  - g) ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made.

**C.7. STAFFING**

**C.7.1 Why is this important?**

- 7.1.1 In order to provide the highest level of service, it is crucial that the Council recruits and retains high calibre, knowledgeable staff, qualified to an appropriate level.

**C.7.2 Key controls**

- 7.2.1 The key controls for staffing are:
- a) procedures are in place for forecasting staffing requirements and cost;
  - b) controls are implemented to ensure that staff time is used efficiently and to the benefit of the Council;
  - c) checks are undertaken prior to employing new staff to ensure that they are appropriately qualified, experienced, lawfully resident and trustworthy.

**C.7.3 Responsibilities of the Director of Resources**

- 7.3.1 To act as an advisor to Directors on areas such as Income Tax, National Insurance and pension contributions, as appropriate.
- 7.3.2 To ensure that staff costs are charged accurately to allow Directors to monitor staffing budgets effectively.

**C.7.4 Responsibilities of Directors**

- 7.4.1 To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff.

- 7.4.2 To ensure that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.
- 7.4.3 To ensure that the Director of Resources is immediately informed if the staffing budget is likely to be materially over- or under-spent.



**D. FINANCIAL SYSTEMS AND PROCEDURES**

**D.1. GENERAL**

**D.1.1 Why is this important?**

1.1.1 Services have systems and procedures relating to the control of the Council's assets. Services are reliant on computers for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.

1.1.2 The Director of Resources is responsible for ensuring that the authority's financial systems are sound and should therefore be notified of any new developments or changes.

**D.1.2 Key controls**

1.2.1 The key controls for systems and procedures are:

- a) basic data exists to enable the Council's objectives, targets, budgets and plans to be formulated;
- b) performance is communicated to the appropriate managers on an accurate, complete and timely basis;
- c) early warning is provided of deviations from target, plans and budgets that require management attention;
- d) operating systems and procedures are secure.

**D.1.3 Responsibilities of the Director of Resources**

1.3.1 To make arrangements for the proper administration of the Council's financial affairs, including to:

- a) issue advice, guidance and procedures for officers and others acting on the Council's behalf;
- b) determine the accounting systems, form of accounts and supporting financial records;
- c) establish arrangements for audit of the Council's financial affairs;
- d) approve any new financial systems to be introduced;
- e) approve any changes to be made to existing financial systems.

1.3.2 To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.

1.3.3 To ensure that, where appropriate, computer systems are registered in accordance with Data Protection legislation and that staff are aware of their responsibilities under the legislation.

**D.1.4 Responsibilities of Directors**

1.4.1 To ensure that accounting records are properly maintained and held securely.

1.4.2 To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Director of Resources.

- 1.4.3 To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- 1.4.4 To incorporate appropriate controls to ensure that, where relevant:
- a) all input is genuine, complete, accurate, timely and not previously processed;
  - b) all processing is carried out in an accurate, complete and timely manner;
  - c) output from the system is complete, accurate and timely.
- 1.4.5 To ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.
- 1.4.6 To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.
- 1.4.7 To ensure that systems are documented and staff trained in operations.
- 1.4.8 To consult with the Director of Resources before changing any existing system or introducing new systems.
- 1.4.9 In consultation with the Director of Resources to establish a scheme of delegation identifying officers authorised to act upon the Directors behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.
- 1.4.10 To supply lists of authorised officers, with specimen signatures and delegated limits, to the Director of Resources, together with any subsequent variations.
- 1.4.11 To ensure that relevant standards and guidelines for ICT systems issued by the Director of Resources or ~~IT Manager~~Lead Specialist ICT are observed.
- 1.4.12 To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.
- 1.4.13 To comply with the copyright, designs and patents legislation and, in particular, to ensure that:
- a) only software legally acquired and installed by the Council is used on its computers;
  - b) staff are aware of legislative provisions;
  - c) in developing systems, due regard is given to the issue of intellectual property rights.

## **D.2. INCOME AND EXPENDITURE**

### **D.2.1 Income**

#### **2.1.1 Why is this important?**

- 2.1.1.1 Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the Council's cash-flow and also avoids the time and cost of administering debts.

### **D.2.2 Key controls**

- 2.2.1 The key controls for income are:

- a) all income due to the Council is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed;
- b) all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery;
- c) all money received by an employee on behalf of the Council is paid in without delay through the Council's payment facility, as the Director of Resources directs, to the Council's bank account, and properly recorded. The responsibility for cash collection should be separated from that:
  - i. for identifying the amount due
  - ii. for reconciling the amount due to the amount received
- d) effective action is taken to pursue non-payment within defined timescales;
- e) formal approval for debt write-off is obtained;
- f) appropriate write-off action is taken within defined timescales;
- g) appropriate accounting adjustments are made following write-off action;
- h) all appropriate income documents are retained and stored for the defined period in accordance with the document retention guidelines;
- i) money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

### **D.2.3 Responsibilities of the Director of Resources**

- 2.3.1 To agree arrangements for the collection of all income due to the Council and to approve the procedures, systems and documentation for its collection.
- 2.3.2 To approve all debts to be written off in consultation with the relevant Director and to keep a record of all sums written off up to the approved limit and to adhere to the requirements of the Accounts and Audit Regulations 2015.
- 2.3.3 To obtain the approval of the ~~Strategy and Resources~~~~Finance & Corporate Services~~ Committee in consultation with the relevant Director for writing off debts in excess of a specified financial limit (see **Appendix F**)
- 2.3.4 To ensure that appropriate accounting adjustments are made following write-off action.
- 2.3.5 To order and supply to services all receipt forms, books or tickets and similar items and to satisfy himself/herself regarding the arrangements for their control.

### **D.2.4 Responsibilities of Directors**

- 2.4.1 To implement the charging policy for the supply of goods or services, including the appropriate charging of VAT (in consultation with the Director of Resources where appropriate), and to review it regularly, in line with corporate policies.
- 2.4.2 To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.
- 2.4.3 To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.
- 2.4.4 To issue official receipts or to maintain other documentation for income collection.

- 2.4.5 To ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded.
- 2.4.6 To hold securely receipts, tickets and other records of income for the appropriate period in accordance with the documentation retention policy.
- 2.4.7 To secure all income to safeguard against loss or theft, and to ensure the security of cash handling.
- 2.4.8 To ensure that income is paid fully and promptly into the appropriate Council bank account in the form in which it is received. Appropriate details should be recorded on paying-in slips to provide an audit trail. Money collected and deposited must be reconciled to the bank account on a regular basis.
- 2.4.9 To ensure personal cheques or other payments are not en-cashed.
- 2.4.10 To supply the Director of Resources with details relating to work done, goods supplied, services rendered or other amounts due, to enable the Director of Resources to record correctly the sums due to the Council and to ensure accounts are sent out promptly. Directors have a responsibility to assist the Director of Resources in collecting debts that they have originated, by providing any further information requested about the debtor, and in pursuing the matter on the Council's behalf.
- 2.4.11 To notify the Director of Resources of outstanding income relating to the previous financial year as soon as possible after 31st March in line with the timetable determined by the Director of Resources and not later than 15th April.

### **D.3. ORDERING AND PAYING FOR WORK, GOODS AND SERVICES**

#### **D.3.1 Why is this important?**

- 3.1.1 Public money should be spent with demonstrable probity and in accordance with the Council's policies. Authorities have a statutory duty to achieve best value in part through economy and efficiency. The Council's procedures should help to ensure that services obtain value for money from their purchasing arrangements. These procedures should be read in conjunction with the Council's ***Contract Procedure Rules***.

#### **D.3.2 General**

- 3.2.1 Every Officer and Member of the Council has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council, in accordance with appropriate codes of conduct.
- 3.2.2 Official orders must be in a form approved by the Director of Resources. Official orders must be issued for all work, goods or services to be supplied to the Council, except for supplies of utilities, periodic payments, petty cash purchases or other exceptions specified by the Director of Resources.
- 3.3.3 Each order must conform to the guidelines approved by the Council on procurement Standard terms and conditions and must not be varied without the prior approval of the Director of Resources.

- 3.3.4 Apart from petty cash, the normal method of payment from the Council shall be by BACS drawn on the Council's bank account by the Director of Resources. The use of direct debit shall require the prior agreement of the Director of Resources. The use of Council procurement/business cards by non card holders shall require the prior agreement of the Director of Resources.
- 3.3.5 Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of Council contracts, except where there is a specific Council policy to the contrary.
- 3.3.6 Detailed regulations relating to Procurement are set out in the Council's ***Contract Procedure Rules***.
- 3.3.7 Where an order is not appropriate as discussed in section 3.2.2, authorisation must be provided on the specified form and attached to the invoice for payment. Authorisation thresholds for Officers are set out in **Appendix H**.

### **D.3.3 Key controls**

- 3.3.1 The key controls for ordering and paying for work, goods and services are:
- a) all goods and services are ordered only by authorised persons and are correctly recorded;
  - b) all goods and services shall be ordered in accordance with the Council's ***Contract Procedures Rules***;
  - c) goods and services received are checked to ensure they are in accordance with the order;
  - d) payments are not made unless goods have been received by the Council to the correct price, quantity and quality standards;
  - e) all payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method;
  - f) all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the document retention guidelines;
  - g) all expenditure, including VAT, is accurately recorded against the right budget and any exceptions are corrected by journal;
  - h) in addition e-commerce requires that processes are in place to maintain the security and integrity of data for transacting business electronically.

### **D.3.4 Responsibilities of the Director of Resources**

- 3.4.1 To ensure that all the Council's financial systems and procedures are sound and properly administered.
- 3.4.2 To approve any changes to existing financial systems and to approve any new systems before they are introduced.
- 3.4.3 To approve the form of official orders and associated terms and conditions in consultation with the Council's legal advisors.
- 3.4.4 To make payments from the Council's funds on the Director's authorisation that the expenditure has been duly incurred in accordance with financial regulations.
- 3.4.5 To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.

- 3.4.6 To make payments to contractors on the certificate of the appropriate Director, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.
- 3.4.7 To provide advice and encouragement on making payments by the most economical means, in accordance with the Council's Procurement Strategy and associated guidance.
- 3.4.8 To ensure that payment is not made unless a proper VAT invoice, where appropriate, has been received, checked and coded, confirming:
- (a) that the invoice has not previously been paid;
  - (b) that expenditure has been properly incurred;
  - (c) that prices and arithmetic are correct;
  - (d) correct accounting treatment of tax;
  - (e) that discounts have been taken where available;
  - (f) that appropriate entries will be made in accounting records.
- 3.4.9 To ensure that payments are not made on a photocopied or faxed invoice, statement or other document other than the formal invoice, except where the original invoice has been lost, in which case a check must be made to see if payment has been made and if it has not the copy annotated accordingly prior to payment.

**D.3.5 Responsibilities of Directors**

- 3.5.1 To ensure that official orders are issued via the e-procurement system for all goods and services, other than the exceptions as specified in 3.2.2.
- 3.5.2 To ensure that orders are only used for goods and services provided to the service. Individuals must not use official orders to obtain goods or services for their private use (see 3.3.5).
- 3.5.3 To ensure that only staff authorised to raise orders (Buyers) via the e-procurements system have access to the system. To ensure that only staff authorised to approve orders above the specified limit have access to the system. Buyers and Approvers should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary. Best Value principles should underpin the Council's approach to procurement. Value for money should always be achieved.
- 3.5.4 To ensure that goods and services are checked on receipt to verify that they are in accordance with the order. This check should, where possible, be carried out by a different officer from the person who authorised the order. Appropriate entries should then be made in inventories if necessary.
- 3.5.5 To ensure that the e-payment system is updated to show the receipt of goods, immediately after the goods are received.
- 3.5.6 Wherever possible to ensure that two authorised members of staff are involved in the ordering and receiving process.
- 3.5.7 To encourage suppliers of goods and services to receive payment by the most economical means for the Council. It is essential, however, that payments made by direct debit have the prior approval of the Director of Resources.

- 3.5.8 To ensure that the service obtains best value from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality. Due regard to be taken of the Council's procurement strategy and associated procurement guidance.
- 3.5.9 To ensure that employees are aware of the national code of conduct for local government employees specified in personnel policies.
- 3.5.10 To ensure that, loans, leasing or rental arrangements are not entered into without prior agreement from the Director of Resources.
- 3.5.11 To notify the Director of Resources of outstanding expenditure relating to the previous financial year as soon as possible after 31st March in line with the timetable determined by the Director of Resources.
- 3.5.12 With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the Director of Resources the systems and procedures to be adopted in relation to financial aspects. This includes certification of interim and final payments, checking, recording and authorising payments, the system for monitoring and controlling capital schemes and the procedures for validation of subcontractors' tax status.
- 3.5.13 To notify the Director of Resources immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.
- 3.5.14 To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the document retention guidelines.

#### **D.4. PAYMENTS TO EMPLOYEES AND MEMBERS**

##### **D.4.1 Why is this important?**

- 4.1.1 Staff costs are the largest item of expenditure for most Council services. It is therefore important that payments are accurate, timely, made only where they are due for services to the Council and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that Members' allowances are authorised in accordance with the scheme adopted by the Council.

##### **D.4.2 Key controls**

- 4.2.1 The key controls for payments to employees and Members are:
  - (a) proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:
    - i. starters
    - ii. leavers
    - iii. variations
    - iv. enhancements
    - v. and that payments are made on the basis of timesheets or claims;
    - vi. frequent reconciliation of payroll expenditure against approved budget and bank account;
  - (b) all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention guidelines;
  - (c) that HM Revenues and Customs regulations are complied with.

**D.4.3 Responsibilities of the Director of Resources**

- 4.3.1 To arrange and control the secure and reliable payment of salaries, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by him/her, on the due date.
- 4.3.2 To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention guidelines.
- 4.3.3 To record and make arrangements for the accurate and timely payment of tax, pensions and other deductions.
- 4.3.4 To make arrangements for payment of all travel and subsistence claims.
- 4.3.5 To make arrangements for paying Members travel or other allowances upon receiving the prescribed form, duly completed and authorised.
- 4.3.6 To ensure that adequate and effective systems and procedures are operated, so that:
  - (a) payments are only authorised to bona fide employees;
  - (b) payments are only made where there is a valid entitlement;
  - (c) conditions and contracts of employment are correctly applied, employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
- 4.3.7 To ensure that the Director of Resources is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system (P11d).

**D.4.4 Responsibilities of Directors**

- 4.4.1 To send an up-to-date list of the names of officers authorised to sign records to the Director of Resources, together with specimen signatures.
- 4.4.2 To ensure that payroll transactions are processed only through the payroll system. Directors should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. HM Revenues and Customs applies a tight definition for employee status, and in cases of doubt, advice should be sought from the Director of Resources.
- 4.4.3 To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the Council, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and the Director of Resources is informed where appropriate.
- 4.4.4 To make, having regard to the particular circumstances of each case, ex gratia payments not exceeding a specified financial limit (see **Appendix F**) in any one case, subject to consultation with the Director of Resources. The circumstances of the proposed payment must not have the effect of circumventing other Council pay and allowance policies, tax rules or other legislation.
- 4.4.5 To notify the Director of Resources of all appointments, terminations or variations that may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Director of Resources.



- 4.4.6 To ensure appointments are made in accordance with the regulations of the Council and approved establishments, grades and scale of pay and that adequate budget provision is available.

**D.4.5 Responsibilities of Members and Officers**

- 4.5.1 To submit claims for travel and subsistence allowances on a monthly basis and, in any event, within one month of the year end.

**D.5. TAXATION**

**D.5.1 Why is this important?**

- 5.1.1 Like all organisations, the Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers to be aware of their role.

**D.5.2 Key controls**

- 5.2.1 The key controls for taxation are:
- (a) Finance staff remain abreast of tax legislation, in particular that relating to PAYE, NICs, CIS and VAT.
  - (b) budget managers are provided with relevant information and kept up to date on tax issues;
  - (c) budget managers are instructed on required record keeping;
  - (d) all taxable transactions are identified, properly carried out, accounted for within stipulated time-scales and paid through appropriate financial systems;
  - (e) records are maintained in accordance with instructions;
  - (f) returns are made to the appropriate authorities within the stipulated timescale.

**D.5.3 Responsibilities of the Director of Resources**

- 5.3.1 To complete all HM Revenues and Customs returns regarding PAYE and NIC's.
- 5.3.2 To complete a monthly return of VAT inputs and outputs to HM Revenues and Customs.
- 5.3.3 To provide details to HM Revenues and Customs regarding the construction industry tax deduction scheme in accordance with their deadlines.
- 5.3.4 To provide guidance for Council employees on taxation issues (including VAT).

**D.5.4 Responsibilities of Directors**

- 5.4.1 To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenues and Customs regulations.
- 5.4.2 To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
- 5.4.3 To follow any guidance on taxation issued by the Director of Resources.

**D.6. TRADING ACCOUNTS AND BUSINESS UNITS**

**D.6.1 Why is this important?**

- 6.1.1 Trading accounts have become more important as local authorities have developed a more commercial culture.

**D.6.2 General**

- 6.2.1 Trading activities must operate within the Council's overall arrangements and rules for financial, personnel and resource management. Exceptionally, where it can be demonstrated that this would lead to a unit being uncompetitive and losing work, special arrangements can be considered. While the ~~CProgramme~~ committees have an overall responsibility for the operations of trading activities, clearly trading activities need freedom within this framework to operate on a commercial basis. Trading activities must adhere to Financial Regulations, unless alternative arrangements are explicitly identified and agreed in writing with the Director of Resources.

**D.6.3 Responsibilities of the Director of Resources**

- 6.3.1 To advise on the establishment and operation of trading accounts.

**D.6.4 Responsibilities of Directors**

- 6.4.1 To ensure that the control of the trading activity will be to the financial target (the 'bottom line') rather than to individual expenditure and income estimate headings
- 6.4.2 To ensure that as a minimum, a break even position should be achieved.
- 6.4.3 To report to the ~~Strategy and Resources~~~~Finance & Corporate Services~~ Committee, where a trading activity plans a significant item of expenditure (e.g. a capital scheme, the purchase of a major item of computer software or the creation of a major ongoing revenue commitment), prior to the expenditure being committed, unless already in an approved capital programme
- 6.4.4 To make a full report to the ~~Strategy and Resources~~~~Finance & Corporate~~ Services Committee, as soon as it is known that the trading activity may make a deficit.
- 6.4.5 To make a report to the ~~Strategy and Resources~~~~Finance & Corporate Services~~ Committee on the outturn of each trading activity compared to the financial plan.
- 6.4.6 To consult with the Director of Resources and the Council's legal advisors where a trading activity wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the Council. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty.

**E. EXTERNAL ARRANGEMENTS**

**E.1. PARTNERSHIPS**

**E.1.1 Why is this important?**

1.1.1 Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. Local authorities are working in partnership with others – public agencies, private companies, community groups and voluntary organisations. Local authorities still deliver some services, but their distinctive leadership role is to bring together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.

1.1.2 Local authorities usually act as an “enabler” and will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. Local authorities will be measured by what they achieve in partnership with others.

**E.1.2 General**

1.2.1 The main reasons for entering into a partnership are:

- a) the desire to find new ways to share risk;
- b) the ability to access new resources;
- c) to provide new and better ways of delivering services;
- d) to forge new relationships.

1.2.2 A partner is defined as either:

- a) an organisation (private or public) undertaking, part funding or participating as a beneficiary in a project or;
- b) a body whose nature or status give it a right or obligation to support the project.

1.2.3 Partners participate in projects by:

- a) acting as a project deliverer or sponsor, solely or in concert with others;
- b) acting as a project funder or part funder;
- c) being the beneficiary group of the activity undertaken in a project.

1.2.4 Partners have common responsibilities:

- a) to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation;
- b) to act in good faith at all times and in the best interests of the partnership’s aims and objectives;
- c) be open about any conflict of interests that might arise;
- d) to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors;
- e) to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature;
- f) to act wherever possible as ambassadors for the project.

**E.1.3 Key controls**

1.3.1 The key controls for Council partners are:

- a) if appropriate, to be aware of their responsibilities under the Council's financial regulations and procedures together with ***Contract Procedure Rules***;
- b) to ensure that risk management processes are in place to identify and assess all known risks;
- c) to ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise;
- d) to agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences;
- e) to communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.

**E.1.4 Responsibilities of the Director of Resources**

1.4.1 To advise on effective controls that will ensure that resources are not wasted.

1.4.2 To advise on the key elements of funding a project. They include:

- a) a scheme appraisal for financial viability in both the current and future years;
- b) risk appraisal and management;
- c) resourcing, including taxation issues;
- d) audit, security and control requirements;
- e) carry-forward arrangements.

1.4.3 To ensure that the accounting arrangements are satisfactory.

1.4.4 To maintain a register of all contracts entered into with external bodies.

1.4.5 To ensure that spending has occurred in line with the terms and conditions and any eligibility criteria.

**E.1.5 Responsibilities of Directors**

1.5.1 To ensure that, before entering into agreements with external bodies the Council's legal advisors are consulted.

1.5.2 To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared.

1.5.3 To ensure that such agreements and arrangements do not impact adversely upon the services provided by the Council.

1.5.4 To ensure that all agreements and arrangements are properly documented.

1.5.5 To provide appropriate information to the Director of Resources to enable a note to be entered into the Council's Statement of Accounts concerning material items.

**E.2. EXTERNAL FUNDING**

**E.2.1 Why is this important?**

- 2.1.1 External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Council. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies provide additional resources to enable the Council to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the Council's overall plan.

**E.2.2 Key controls**

- 2.2.1 The key controls for external funding are:
- a) to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood;
  - b) to ensure that funds are acquired only to meet the priorities approved in the policy framework by the Council;
  - c) to ensure that any match-funding requirements and future revenue implications are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements.

**E.2.3 Responsibilities of the Director of Resources**

- 2.3.1 To ensure that all funding notified by external bodies is received and properly recorded in the Council's accounts.
- 2.3.2 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- 2.3.3 To ensure that audit requirements are met.

**E.2.4 Responsibilities of Directors**

- 2.4.1 To ensure that all claims for funds are made by the due date.
- 2.4.2 To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.

**E.3. WORK FOR THIRD PARTIES**

**E.3.1 Why is this important?**

- 3.1.1 Legislation enables the Council to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risk associated with this work is minimised and that such work is intra vires.

**E.3.2 Key controls**

- 3.2.1 The key controls for working with third parties are:

- a) to ensure that proposals are costed properly in accordance with guidance provided by the Director of Resources;
- b) to ensure that contracts are drawn up using guidance provided by the Director of Resources and that the formal approvals process is adhered to;
- c) to issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

**E.3.3 Responsibilities of Director of Resources**

- 3.3.1 To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

**E.3.4 Responsibilities of Directors**

- 3.4.1 To ensure that the approval of the appropriate ~~C~~Programme committee is obtained before any negotiations are concluded to work for third parties.
- 3.4.2 To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the Director of Resources.
- 3.4.3 To ensure that appropriate insurance arrangements are made.
- 3.4.4 To ensure that the Council is not put at risk from any bad debts.
- 3.4.5 To ensure that no contract is subsidised by the Council.
- 3.4.6 To ensure that, wherever possible, payment is received in advance of the delivery of the service.
- 3.4.7 To ensure that the service has the appropriate expertise to undertake the contract.
- 3.4.8 To ensure that such contracts do not impact adversely upon the services provided for the Council.
- 3.4.9 To ensure that all contracts are properly documented.
- 3.4.10 To provide appropriate information to the Director of Resources to enable a note to be entered into the Statement of Accounts.

**F. FINANCIAL LIMITS**

**F.1. General**

**F.1.1** Throughout these regulations, there are references to financial limits. These limits will need to be reviewed on a regular basis and, consequently, the latest figures have been consolidated in this appendix in order to facilitate any future changes. The regulations which contain financial limits are listed below:

**F.1.2** Virements between Directorates require the approval of the Strategy and Resources~~Finance & Corporate Services~~ Committee subject to the authorisation limits set out below. For the purpose of virements, salaries are to be considered as a Directorate in their own right, ~~and are under the control of the Head of Paid Service.~~

**F.1.3** The use of reserves is to be approved through the same authorisation process as virements where not approved as part of the annual budget or accounts processes, or have specific delegation.

**F.1.4** The financial limits for approval of revenue virements and revenue supplementary estimates are set out below:

(a) Virements within same Directorate

Relevant Director and Director of Resources

(b) Virements between different Directorates

- (i) Up to **£20,000** – Director and Director of Resources, ~~and reported quarterly to members via email.~~
- (ii) Over **£20,000** up to **£50,000** - Director, Director of Resources in consultation with Chairman of the Strategy and Resources Committee~~relevant Programme committee Chairman;~~ and reported to the next Strategy and Resources~~Finance & Corporate Services~~ Committee meeting;
- (iii) Over **£50,000** - the Finance & Corporate Services Committee.

(c) Supplementary Estimates

- (i) Up to **£20,000** – Director and Director of Resources in consultation with the Chairman of the Strategy and Resources~~Finance & Corporate Services~~ Committee and the Leader and reported to the next Strategy and Resources~~Finance & Corporate Services~~ Committee;
- (ii) Over **£20,000** – the Strategy and Resources~~Finance & Corporate Services~~ Committee.

**NB** One of the Council's budget policies is to only agree supplementary estimates in exceptional circumstances.

**F.1.5** A capital scheme (an identifiable project) is where expenditure exceeds **£10,000**.

**F.1.6** The financial limits for approval of capital virements and capital supplementary estimates are the same as for revenue.

**F.1.7** Any excess expenditure over the approved contract sum of more than **5%** or **£10,000** whichever is the greater must be reported to the Strategy and Resources~~Programme~~ Cecommittee (Appendix B paragraph 2.19.8).

- F.1.8 The asset register shall contain all assets with a value in excess of **£10,000** (Appendix C paragraph 5.3.1).
- F.1.9 All items with a value in excess of **£500** shall be included in inventories (Appendix C paragraph 5.4.15). IT assets (laptops, monitors, printers etc but excluding IT peripherals) are an exception to this limit as are more desirable, and are all recorded on the IT inventory.
- | F.1.10 ~~Strategy and Resources~~~~Finance & Corporate Services~~ Committee approval is required to declare land surplus to requirements where the value exceeds **£10,000** (Appendix C paragraph 5.4.4).
- | F.1.11 ~~Strategy and Resources~~~~Finance & Corporate Services~~ Committee approval is required to write-off bad debts in excess of **£10,000** (Appendix D paragraph 2.3.3), in the case of Non Domestic Rates Debts this is increased to **£20,000**.
- | F.1.12 ~~Strategy and Resources~~~~Finance & Corporate Services~~ Committee approval is required to make ex-gratia payments in excess of **£2,000** (Appendix D paragraph 4.4.4).
- F.1.13 Finance limits relating to contracts are contained in the Council's ***Contract Procedure Rules***.



**G. BANK MANDATE**

- G.1. Cheques are only to be issued in emergencies and will be from the contingency cheque book.
- G.2. Cheques above £10,000 shall be countersigned by the Director of Resources or, in his/her absence, the Director of Service Delivery or the Director of Strategy Performance and Governance.
- G.3. Amendments to cheques can be countersigned by the above and additionally the Resources Specialist Manager for cheques up to £10,000.
- G.4. Manual CHAPS payments shall be signed by any of the following:
- a) Director of Resources
  - b) Director of Service Delivery
  - c) Director of Strategy Performance and Governance
- G.5. All arrangements with the Council's financial institutions shall be made by the Director of Resources who shall be authorised to operate such banking accounts/investments/financial instruments as he/she may consider necessary.
- G.6. All cheques shall be ordered only on the authority of the Director of Resources or under arrangements made by him/her.
- G.7. All cheques shall be ensured are kept in safe custody by the Director of Resources until issue.
- G.8. All instructions relating to the Council's banking accounts, shall be authorised by the Director of Resources or Officers authorised by him or her.
- G.9. Payments may be made by BACS or CHAPS electronic transmission subject to two electronic signatures; and submission by an authorised card holder authentication. Responsibility for the delegation of authorisation below Director level and limits applicable is set by the Director of Resources.

## **H. AUTHORISATION ARRANGEMENTS**

<b>Total Value</b>	<b>Category</b>	<b>Authorisation Level</b>
Up to £5,000	Electronic Orders	<i>Authorised buyer</i>
£5,001 to £50,000	Invoice Authorisations, Electronic Order Approvals, Mileage and Expenses Claims	<i>Line Manager</i>
Above £50,001*	Invoice Authorisations and Order/Contract Approvals	<i>Director</i>

\* Note requirement for written contracts above £50,000 – See Section 165.2 of Contract Procedure Rules.

### **Definitions** (as per Contract Procedure Rules)

*Approved Buyer*- An Officer designated by a Director who is authorised to generate electronic orders on behalf of the Council.

*Line Manager* - An *Officer* designated by the *Director* to exercise the role reserved to the line manager by the contract procedure rules, this will be a Level 2 Manager.

*Director*- One of three Directors responsible for operational delivery of services

## I. AUTHORISATIONS~~DELEGATIONS~~

### I.1.1 Introduction

1.1.1. The Status of financial regulations section (Section one in this document) refer to Directors and Officers ~~authorising others to exercise~~~~delegating~~ their responsibilities ~~under~~~~per~~ these financial regulations. ~~Authorisation~~~~Delegation~~ should be given in writing, however there are instances where this isn't necessary or not possible due to sickness/leave. These delegations are only applicable where decisions/actions are required urgently and the relevant officer is not available and written ~~authorisa~~~~delega~~tion has not been made as not known required.

~~1.1.2. There are statutory delegations for statutory posts, t~~The Monitoring Officer and Returning Officer ~~are able to appoint lawful Deputies who are able to act in the full capacity without separate authorisation unless the terms of their appointment state otherwise, who have a~~ Deputies. ~~Written delegation is not required for these posts to act in the full capacity.~~

~~1.1.2.1.1.3.~~ The Council's Constitution provides that any power or function delegated to a Director may, if that Director or any other Officer authorised by that Director is absent and unable to act, be exercised by another Director should the need arise.

~~1.1.3. Other Officer delegations:-~~

<del>Officer</del>	<del>Delegation given to:</del>
<del>Service Director</del>	<del>Another Service Director</del>
<del>Group Manager</del>	<del>Service Director</del>

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# **MALDON DISTRICT COUNCIL**

## ***Contract Procedure Rules***

Approved by Council XXX

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All costs stated in these contract procedure rules are exclusive of VAT, Staff **costs** and fees. Terms appearing in the definitions appendix are ***italicised***.

## A BRIEF GUIDE TO CONTRACT PROCEDURE RULES

These contract procedure rules (issued in accordance with section 135 of the 1972 Local Government Act) are intended to promote good purchasing practice and public accountability and deter corruption. Following the rules is the best defence against allegations that a purchase has been made incorrectly or fraudulently.

Officers responsible for purchasing or disposal must comply with these contract procedure rules when undertaking Procurement on behalf of the Council. Council employees and third party service providers have a duty to report breaches of Contract Procedure Rules to an appropriate senior manager and the Monitoring Officer.

These rules apply to all relevant contracts.

These rules apply to Officers and Members.

The Director of Resources may make minor changes to these Contract Procedure Rules.

Minor changes are defined as:

- Changes in statutory framework, such as references to new or updated legislation
- Changes in titles, names or terminology
- Changes consequential to other constitutional changes already made.

For the purposes of these rules, where there is a requirement for communication to be in writing, this should be carried out electronically via email or the Councils e-tendering solution where required. ~~y~~ all be deemed to include e-mail and fax transmissions as well as hard copy.

- Follow the rules if you purchase goods or services or order building work.
- Take all necessary legal, financial and professional advice.
- Declare any personal financial interest in a contract. Corruption is a criminal offence.
- Conduct any *Best Value* review and appraise the purchasing need.
- Check whether there is an existing *Corporate Contract* you can make use of before undergoing a competitive process.
- Normally allow at least four weeks for submission of bids (not to be submitted by fax or e-mail).
- Keep bids confidential.
- Complete a written contract or council order before the supply or works begin.
- Identify a contract manager with responsibility for ensuring the contract delivers as intended.
- Keep records of dealings with suppliers.
- Assess each contract afterwards to see how well it met the purchasing need and *Value for Money* requirements.

**Commented [D1]:** Time scales should be proportionate to the contract value



In accordance with the Constitution, the Director of Resources shall have the power to make amendments from time to time to these contract procedure rules after consultation with the Monitoring Officer.

## SECTION 1: SCOPE OF CONTRACT PROCEDURE RULES

### 1. BASIC PRINCIPLES

All purchasing and disposal procedures must:

- Ensure value for money and propriety in spending of public money; be consistent with the highest standards of integrity
- consider all necessary procurement, legal, financial and professional advice
- Comply with all legal requirements and these rules
- Ensure that the Council is not exposed to unnecessary risk and likelihood of challenge arising from non-compliant procurement activity
- Consider and incorporate necessary health and safety, inclusion and diversity, and safeguarding children and vulnerable adults' requirements.
- Not be influenced by Non-Commercial considerations other than those permitted by law.
- Comply with the Council's Procurement Strategy.
- Support the council's corporate and departmental objectives, plan and policies

### 2. OFFICER RESPONSIBILITIES

#### 2.1 Officers

- 2.1.1 *Officers* responsible for purchasing or disposal must comply with these contract procedure rules, *Financial Regulations*, the Code of Conduct and with all UK and European Union binding legal requirements. *Officers* must ensure that any *Agents*, *Consultants* and contractual partners acting on their behalf also comply.

All officers should undertake procurement in a manner which avoids any potential conflicts of interest.

- 2.1.2 *Officers* must:

- *Obtain all appropriate authorisations and check that appropriate budget provisions exist before procurement*
- Have regard to the guidance in the *Purchasing Guidance*
- Check whether a suitable *Corporate Contract* exists before seeking to let another contract; where a suitable *Corporate Contract* exists, this must be used unless there is an auditable reason not to keep the records required by Rule 6
- Take all necessary [Procurement](#), legal, financial and professional advice.

- 2.1.3 When any employee either of the authority or of a service provider may be affected by any transfer arrangement, *Officers* must ensure that the Transfer of Undertaking (Protection of Employment) (*TUPE*) issues are considered and obtain legal advice before proceeding with inviting *Tenders* or *Quotations*.

## 2.2 Directors

### 2.2.1 *Directors* must:

- Ensure that their staff comply with Rule 2.1 Keep registers of: Contracts Completed by signature, rather than by the council's seal (see Rule ~~16~~<sup>15</sup>.3)
- Arrange their safekeeping on council premises exemptions recorded under Rule 3.2.
- Ensure that where exemptions are obtained under section 3 that they are recorded and stored.

### 3. EXEMPTIONS, COLLABORATIVE AND E-PROCUREMENT ARRANGEMENTS

- 3.1 The council has the power to waive any requirements within these contract procedure rules for specific projects.
- 3.2 Where a proposed contract is likely to exceed the European Union (EU) Threshold, Directors have no delegated powers and the matter has to be determined by the council (see Rule 3.1). No exemption can be used if the EU Procedure applies unless in extreme cases of urgency and with Legal advice, or if the Total Value exceeds £24,999.
- 3.3 Where an exemption is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to council services, the Officer and the Director of Resources may jointly approve the exemption but they must prepare a report for the next Strategy and Resources Finance and Corporate Services Committee to support the action taken.
- 3.4 All exemptions, and the reasons for them, must be recorded using the form in the Purchasing Guidance. Exemptions shall be signed by the Officer and countersigned by the Director of Resources and where appropriate the Chairman of the Strategy and Resources Finance & Corporate Services Committee.
- 3.5 The Lead Specialist Procurement Director of Resources must be consulted prior to commencing any procurement process using Crown Commercial Services Office of Government Commerce (OGC) Buying Solutions Contracts. The terms and conditions of contract applicable to any CCS OGC arrangement, including the requirement to undertake competition between providers, must be fully complied with.
- 3.6 Financial Officers must monitor the use of all exemptions.
- 3.7 In order to secure Value for Money, the authority may enter into collaborative procurement arrangements. The Officer must consult the Director of Resources and the Monitoring Officer where the purchase is to be made using collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium.
  - 3.7.1 All purchases made via a local authority purchasing consortium are deemed to comply with these contract procedure rules and no exemption is required. However, purchases above the EU Threshold must be let under the EU Procedure, unless the consortium has satisfied this requirement already by letting their contract in accordance with the EU Procedures on behalf of the authority and other consortium members.
  - 3.7.2 Any contracts entered into through collaboration with other local authorities or other public bodies, where a competitive process has been followed that complies with the contract procedure rules of the leading organisation, will be deemed to comply with these contract procedure rules and no exemption is required. However, advice must be sought from the Resources Directorate.
- 3.8 The use of e-procurement technology does not negate the requirement to comply with all elements of these contract procurement rules, particularly those relating to competition and Value for Money.

#### 4. RELEVANT CONTRACTS

4.1 All *Relevant Contracts* must comply with these contract procedure rules. A *Relevant Contract* is any arrangement made by, or on behalf of, the authority for the carrying out of works or for the supply of goods, materials or services. These include arrangements for:

- The supply or disposal of goods;
- The hire, rental or lease of goods or equipment;
- The delivery of services, including (but not limited to) those related to:
  - The recruitment of staff
  - Land and property transactions
  - Financial and Consultancy Services
  - Legal Services

4.2 ***Relevant Contracts do not include:***

- Contracts of employment which make an individual a direct employee of the authority, or
- Agreements regarding the acquisition, disposal, or transfer of land (for which *Financial Regulations* shall apply).
- Contracts for retention of legal Counsel, or the appointment of expert witnesses in legal proceedings.

#### CONTRACT VALUE CALCULATION Contract Value Calculation

- Contract value means the estimated aggregate or recurring value payable in pounds sterling exclusive of Value Added Tax over the entire contract period including any extensions of the contract.
- Where the contract term without fixed length the estimated value of the contract should be calculated by monthly ~~value~~value of spend multiplied by 48 in accordance with Regulation 8 of the EU regulations.
- Contracts must not be artificially underestimated or disaggregated into two or more separate contracts where the effect is to avoid the application of Contract Procedure Rules or English Law.
- Where a framework agreement is planned the contract value must be calculated to include the total value of all of the individual contract arrangements envisaged under the Framework Agreement.

4.4 ~~EXTENSIONS AND VARIATIONS~~ Extensions and Variation

- Contracts may only be extended or varied if all of the following conditions have been met
- ~~the~~the extension or variation is in accordance with the terms and conditions of the existing contract;
- the contract has not been extended before the extension or variation has an approved budget allocation;
- For advice regarding acceptance thresholds for contract extensions and variations please contact the Director of Resources.

## SECTION 2: COMMON REQUIREMENTS

### 5. STEPS PRIOR TO PURCHASE

- 5.1 The *Officer* must appraise the purchase, in a manner commensurate with its complexity and value and taking into account any guidance in the *Purchasing Guidance*, by:
- Taking into account the requirements from any relevant *Best Value* review appraising the need for the expenditure and its priority defining the objectives of the purchase.
  - Assessing the risks associated with the purchase and how to manage them considering what procurement method is most likely to achieve the purchasing objectives, including internal or external sourcing, partnering, packaging strategy and collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium.
  - Consulting users as appropriate about the proposed procurement method, contract standards and performance and user satisfaction monitoring.
  - Drafting the terms and conditions that are to apply to the proposed contract setting out these matters in writing if the *Total Value* of the purchase exceeds £50,000
- 5.2 And by confirming that:
- There is Council or delegated approval for the expenditure and the purchase accords with the approved policy framework and scheme of delegation as set out in the *Constitution*

### 6. RECORDS (ACQUISITIONS AND DISPOSALS)

- 6.1 Where the *Total Value* is greater than £500 but less than £50,000, the following records must be kept:
- Invitations to quote and *Quotations*;
  - A record:
    - of any exemptions and the reasons for them;
    - of the reason if the lowest price is not accepted.
  - Written records of communications with the successful contractor or an electronic record if a written record of the transaction would normally not be produced.
- 6.2 Where the *Total Value* exceeds £50,000 the *Officer* must record:
- The method for obtaining bids (see Rule 8.1);
  - Any *Contracting Decision* and the reasons for it;
  - Any exemption under Rule 3 together with the reasons for it;
  - The *Award Criteria* in descending order of importance;
  - *Tender* documents sent to and received from *Candidates*;
  - Pre-tender market research;
  - Clarification and post-tender negotiation (to include minutes of meetings);
  - The contract documents;

- Post-contract evaluation and monitoring;
- Communications with *Candidates* and with the successful contractor throughout the period of the contract.

6.3 Records required by this rule must be kept for six years after the end of the contract. However, written documents which relate to unsuccessful *Candidates* may be electronically scanned or stored by some other suitable method after 12 months from award of contract, provided there is no dispute about the award.

## 7. ADVERTISING, APPROVED LISTS AND FRAMEWORK AGREEMENTS

### 7.1 Identifying and Assessing Potential Candidates

7.1.1 *Officers* shall ensure that, where proposed contracts, irrespective of their *Total Value*, might be of interest to potential *Candidates* located in other member states of the EU, a sufficiently accessible advertisement is published.

7.1.2 Generally, the greater the interest of the contract to potential bidders from other member states, the wider the coverage of the advertisement should be. Examples of where such advertisements may be placed include:

- The council's website
  - ~~Portal websites specifically created for contract advertisements~~ [\(all contracts with a Total Value exceeding £24,999 must be advertised on the Contracts Finder website\)](#)
  - National official journals,
- or
- The Official Journal of the European Union (OJEU) / Tenders Electronic Daily (TED) (even if there is no requirement within the *EU Procedure*).

7.1.3 *Officers* are responsible for ensuring that all *Candidates* for a *Relevant Contract* are suitably assessed. The assessment process shall establish that the potential *Candidates* have sound:

- Economic and financial standing;
- Technical ability and capacity to fulfil the requirements of the authority.

### [7.2 Approved Lists](#)

[The Council does not generally agree the use of Approved Lists. Where the use of an approved list may be required, a full business case and Director Level approval must be obtained.](#)

### 7.3 Framework Agreements

7.3.1 The term of a *Framework Agreement* must not exceed four years and, while an agreement may be entered into with one provider, where an agreement is concluded with several organisations, there must be at least three in number.

7.3.2 Contracts based on *Framework Agreements* may be awarded by either:

- applying the terms laid down in the *Framework Agreement* (where such terms are sufficiently precise to cover the particular call-off) without reopening competition, or
- where the terms laid down in the *Framework Agreement* are not precise enough or complete for the particular call-off, by holding a mini competition in accordance with the following procedure:
- inviting the organisations within the *Framework Agreement* that are capable of executing the subject of the contract to submit written *Tenders*;
- fixing a time limit which is sufficiently long to allow *Tenders* for each specific contract to be submitted, taking into account factors such as the complexity of the subject of the contract;
- awarding each contract to the tenderer who has submitted the best *Tender* on the basis of the *Award Criteria* set out in the specifications of the *Framework Agreement*.



## SECTION 3: CONDUCTING PURCHASE AND DISPOSAL

### 8. COMPETITION REQUIREMENTS FOR PURCHASE, DISPOSAL AND PARTNERSHIP ARRANGEMENTS

The *Officer* must calculate the *Total Value* over the term of the contract including any extensions.

The following procedures apply where there are no other procedures which take precedence. Other procedures may include agency agreements with government. If in doubt, *Officers* must seek the advice of the Lead Specialist Procurement Director of Resources.

#### 8.1 Purchasing – Competition Requirements

- 8.1.1 Where the *Total Value* for a purchase is within the values in the first column below, the *Award Procedure* in the second column must be followed. Sign off to award Short-listing shall be done by the persons specified in the third column.

<u>Total Value</u>	<u>Award Procedure</u>	<u>(Shortlisting) This should be Sign off to award</u>
<u>Up to £5,000</u>	<u>At least one and preferably up to three Quotations. (confirmed in writing where the Total Value exceeds £500)</u>	<u>Officer</u>
<u>£5,001 to £50,000</u>	<u>The Receipt of minimum three written Quotations</u>	<u>Officer and Line Manager</u>
<u>£50,001 to EU Threshold</u>	<u>Engage Procurement and obtain at least three tenders following advertisement by public notice on the Councils e-tendering solution</u>	<u>Officer and Line Manager</u>
<u>Above EU Threshold</u>	<u>Engage Procurement as EU Rules apply – full competitive process with tenders following OJEU advertisement on the councils e-tendering solution</u>	<u>Line Manager/T2 Manager Director ??</u>

<u>Total Value</u>	<u>Award Procedure</u>	<u>Short listing</u>
<u>Up to £5,000</u>	<u>At least one and preferably up to three Quotations. (confirmed in writing where the Total Value exceeds £500)</u>	<u>Officer</u>
<u>£5,001 to £24,999</u>	<u>The Receipt of three written Quotations (this requirement may be waived with the written consent of the Director of Resources in</u>	<u>Officer and Line Manager</u>

~~consultation with the Chairman of the Finance & Corporate Services Committee).~~

<del>£25,000 to £50,000</del>	<del>Quotations sought by advertisement on Contracts Finder</del>	<del>Officer and Line Manager</del>
<del>£50,001 to EU Threshold</del>	<del>Invitation to Tender by advertisement on Contracts Finder</del>	<del>Officer, Line Manager and Director</del>
<del>Above EU Threshold</del>	<del>EU Procedure or, where this does not apply, Invitation to Tender by advertisement on Contracts Finder</del>	<del>Consult the Essex Procurement Hub Lead Specialist Procurement – see Rule 8.1.4</del>

8.1.2 ~~Where it can be demonstrated that there are insufficient suitably qualified Candidates to meet the competition requirement, all suitably qualified Candidates must be invited.~~

8.1.3 An Officer must not enter into separate contracts nor select a method of calculating the *Total Value* in order to minimise the application of these contract procedure rules.

8.1.4 Where the *EU Procedure* is required, the Officer shall consult [the Lead Specialist Procurement](#) ~~the Essex Procurement Hub~~ to determine the method of conducting the purchase.

## 8.2 Assets for Disposal

8.2.1 Assets for disposal must be sent to public auction (including electronic auction sites such as eBay) except where better *Value for Money* is likely to be obtained by inviting *Quotations* and *Tenders*. (These may be invited by advertising on the council's internet site.) In the latter event, the method of disposal of surplus or obsolete stocks/stores or assets other than land must be formally agreed with the *Director of Resources*

8.2.2 ~~The Director of Resources has the discretion to agree other methods for disposal of Assets up to a value of £5,000 in consultation with the relevant Director.~~

~~8.2.2.3~~ 2.3 In the first instance surplus vehicles, plant and equipment should be offered to Parish Council's within the District at a fair price (sold as seen) agreed by the *Director of Resources* in consultation with the relevant *Director*.

## 8.3 Providing Services to External Purchasers

8.3.1 The *Director of Resources* and *Financial Regulations and procedures* must be consulted where contracts to work for organisations other than the authority are contemplated.

## 8.4 Collaborative and Partnership Arrangements

8.4.1 Collaborative and partnership arrangements are subject to all UK and EU procurement legislation and must follow these contract procedure rules.

8.4.2 If in doubt, Officers must seek advice of the [Lead Specialist Procurement –Essex Procurement Hub](#).

## 8.5 The Appointment of Consultants to Provide Services

8.5.1 Consultant architects, engineers, surveyors and other professional *Consultants* shall be ~~selected~~[selected](#), and commissions awarded in accordance with the procedures detailed within these contract procedure rules and as outlined below.

[8.5.2 The responsible officer must produce suitable Terms of Reference \(ToRs\) setting out the scope of the assignment/study. This should be used to invite proposals from the Consultant\[s\]](#)

[8.5.3 The Responsible Officer must be satisfied that the fees and charges are reasonable and that appropriate procedures have been followed having regard to the type of work, prevailing market conditions and the particular knowledge or expertise of the consultant.](#)

~~8.5.4 The relevant Director sign off up to a value of £10k thereafter the Regulations should be followed and be in line with the Councils relevant thresholds.~~

[8.5.46 All consultants used must have:](#)

- [performed satisfactory work of a similar nature within the previous two years, or provided satisfactory evidence of relevant work carried out for other similar organisations within the last three years;](#)
- [relevant specialist knowledge and experience which is likely to be of value to Maldon;](#)
- [Hold professional indemnity of a sufficient level to protect the Councils interest](#)

~~8.5.57~~ [Records of consultancy appointments shall be maintained in accordance with Rule 6](#)

Total Value	Award Procedure	Short listing
Up to £5,000	At least one and preferably up to three <del>Quotations</del> (confirmed in writing where the <i>Total Value</i> exceeds £500)	<del>Officer</del>
£5,001 to £24,999	The receipt of three written <del>Quotations</del> (This requirement may be waived with the written consent of the <i>Director of Resources</i> in consultation with the Chairman of the Finance and Corporate Services Committee).	<del>Officer and Line Manager</del>
£25,000 to £50,000	<del>Quotations</del> sought by advertisement on Contracts Finder	<del>Officer and Line Manager</del>

<del>£50,001 to EU Threshold</del>	<del>Invitation to Tender by advertisement on Contracts Finder</del>	<del>—Officer, Line Manager and Director</del>
<del>Above EU Threshold</del>	<del>EU Procedure or, where this does not apply, Invitation to Tender by advertisement on Contracts Finder</del>	<del>Consult the Essex Procurement HubLead Specialist Procurement —see Rule 8.1.4</del>

~~8.5.2 The engagement of a *Consultant* shall follow the agreement of a brief that adequately describes the scope of the services to be provided and shall be subject to completion of a formal letter or contract of appointment.~~

~~8.5.3 Records of consultancy appointments shall be maintained in accordance with Rule 6.~~

~~8.5.4 *Consultants* shall be required to provide evidence of, and maintain professional indemnity insurance policies to the satisfaction of the relevant *Director* for the periods specified in the respective agreement.~~

## 9. PRE-TENDER MARKET RESEARCH AND CONSULTATION

9.1 The *Officer* responsible for the purchase:

- May consult potential suppliers prior to the issue of the *Invitation to Tender* in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential *Candidate*
- Must not seek or accept technical advice on the preparation of an *Invitation to Tender* or *Quotation* from anyone who may have a commercial interest in them, if this may prejudice the equal treatment of all potential *Candidates* or distort competition, and should seek advice from the [Essex Procurement HubLead Specialist Procurement](#).

## 10. STANDARDS AND AWARD CRITERIA

10.1 The *Officer* must ascertain what are the relevant British, European or international standards which apply to the subject matter of the contract. The *Officer* must include those standards which are necessary properly to describe the required quality. The *Director* must be consulted if it is proposed to use standards other than European standards.

10.2 The *Officer* must define *Award Criteria* that are appropriate to the purchase and designed to secure an outcome giving *Value for Money* for the authority. The [award criteria must take into account basic criteria shall be:](#)

- 'Lowest price' where payment is to be made by the authority;
- 'Highest price' if payment is to be received; or
- 'Most economically advantageous', where considerations other than price also apply.
- [Savings over the life of the contract](#)
- [Sustainable Procurement](#)

- Social Value
- The subject matter of the contract
- 

~~If the last criterion is adopted, it must be further defined by reference to sub-criteria which may refer only to relevant considerations.~~

~~These Relevant considerations to the contract should also may include price,~~ service, quality of goods, running costs, technical merit, previous experience, delivery date, cost effectiveness, quality, relevant environmental considerations, aesthetic and functional characteristics (including security and control features), safety, after-sales services, technical assistance and any other relevant matters.

### 10.3 Award Criteria must not include:

- *Non-commercial Considerations*
- Matters which discriminate against suppliers from the *European Economic Area* or signatories to the *Government Procurement Agreement*.

## 11. INVITATIONS TO TENDER / QUOTATIONS

11.1 The Officer responsible must ensure they have the budget and appropriate approvals in place to commence the purchase. Where the value of the contract exceeds £50,000 then a tender process must be followed using the Councils nominated e-tendering portal. Guidance should be sought from the Lead Specialist Procurement as to the correct process to follow. All spend over £5000 is subject to the Transparency Agenda.

11.2 Where legally permissible the Council shall ensure that for purchases of a value of up to £50,000 that at least one SME/Local supplier is invited to quote or tender for suitable and relevant contracts. All documents and communications should be kept and where the lowest price is not accepted this must be recorded.

11.3 Once approval to proceed has been obtained by the necessary delegated authority (Request for Quote procedure note) the process should include the following:

- Details of the requirement must be completed on an RFQ template and include a specification of requirement.
- Identify potential suppliers, (a minimum of 3 must be invited to quote) set a deadline for return of quotes, evaluate all returns, and select supplier.
- Document the reasons for your choice and gain approval to award (see 8.1.1)
- Once all suppliers have been notified of the outcome, all documentation/evidence and approval to award must be recorded and updated on the contracts register.
- Manage the contract in line with the Contract Management guidance

11.4 Where Contracts are of a type and value which means that they are subject to the EU Rules then there are five main types of EU procedures available. These are the Open and Restricted the Competitive Dialogue, Competitive Procedure with Negotiation and the Innovative Partnership. In the vast majority of cases the Open and Restricted procedures will be chosen the other procedures are generally used for more complex contracts.

The *Invitation to Tender* shall state that no *Tender* will be considered unless it is received by the date and time stipulated in the *Invitation to Tender*. No *Tender* delivered in contravention of this clause shall be considered.

**11.52 All *Invitations to Tender* shall include the following:**

- (a) A specification that describes the authority's requirements in sufficient detail to enable the submission of competitive offers.
- (b) A requirement for tenderers to declare that the *Tender* content, price or any other figure or particulars concerning the *Tender* have not been disclosed by the tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose).
- (c) A requirement for tenderers to complete fully and sign all *Tender* documents including a form of *Tender* and certificates relating to canvassing and non-collusion.
- (d) Notification that *Tenders* are submitted to the council on the basis that they are compiled at the tenderer's expense.
- (e) A description of the *Award Procedure* and, unless defined in a prior advertisement, a definition of the *Award Criteria* in objective terms and if possible in descending order of importance.
- (f) All tender submissions should be via the Councils e-tendering solution. Notification that no *Tender* will be considered unless it is enclosed in a sealed envelope or container which bears the word '*Tender*' followed by the subject to which it relates, but no other name or mark indicating the sender. Preforma *Tender* labels are available from the Committee Services Office. (Refer to TENDERS AND QUOTATIONS — procedure note).
- (g) A stipulation that any *Tenders* submitted by fax or other electronic means shall not be considered with the exception of the Council's electronic tender portal.
- (h) The method by which any arithmetical errors discovered in the submitted *Tenders* is to be dealt with. In particular, whether the overall price prevails over the rates in the *Tender* or vice versa.

11.63 All *Invitations to Tender* or *Quotations* must specify the goods, service or works that are required, together with the terms and conditions of contract that will apply (see Rule 156).

11.7.4 The *Invitation to Tender* or *Quotation* must state that the council is not bound to accept any *Quotation* or *Tender*.

~~11.85~~ All *Candidates* invited to *Tender* or quote must be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis. ~~For contracts with a Total Value exceeding £24,999, documentation will need to be uploaded to Contracts Finder at the time of publishing the notice.~~

~~11.96~~ All tendering procedures including obtaining quotes from planning to contract award and signature, shall be undertaken in a manner so as to ensure that the following is secured

- ~~(a) Sufficient time is given to plan and run the process~~
- ~~(b) Equal opportunity and equal treatment~~
- ~~(c) Openness and transparency~~
- ~~(d) Probity~~
- ~~(e) Outcomes which deliver sustainability, efficiency and cost savings (where appropriate).~~

~~11.107~~ Public Services Social Value Act (2012)

~~The Council has a legislative duty to consider the social, economic and environmental benefits of the service being delivered at the pre-procurement stage by way of:~~

- ~~• How what is being procurement might improve the economic, social and environmental well-being of the Councils area and;~~
- ~~• How in conducting the process of procurement, it might act with a view to securing that improvement~~
- ~~• Prior to commencing a tender process guidance should be sort from Procurement with regard to Social Value requirements.~~

## ~~12.~~ **SHORTLISTING**

~~12.1 Any Shortlisting must have regard to the financial and technical standards relevant to the contract and the Award Criteria. Special rules apply in respect of the EU Procedure.~~

~~12.2 The officers responsible for Shortlisting are specified in Rule 8.1.1.~~

~~12.3 Where Approved Lists are used, Shortlisting may be done by the Officer in accordance with the Shortlisting criteria drawn up when the Approved List was compiled (see Rule 7.2.2). However, where the EU Procedure applies, Approved Lists may not be used.~~

## ~~123.~~ **SUBMISSION, RECEIPT AND OPENING OF TENDERS/QUOTATIONS**

~~123.1 Candidates must be given an adequate period in which to prepare and submit a proper Quotation or Tender, consistent with the complexity of the contract requirement. For contracts with a Total Value exceeding £24,999, the minimum term for receipt of tenders or quotations from the date advertised is 35 calendar days. The EU Procedure lays down specific time periods (see guidance in the Purchasing Guidance).~~

~~123.2 All Tenders must be returned via the Council's e-tendering solution to the Director of Resources.~~

~~123.3~~ *Tenders received by fax or other electronic means (e.g. email) must be rejected, unless they have been sought in accordance with an electronic tendering system approved by the Director of Resources.*

~~13.4~~ *All tender submissions will remain locked until the designated return date and time the Councils e tendering solution.*

~~13.4~~ *The Officer must not disclose the names of Candidates to any staff involved in the receipt, custody or opening of Tenders.*

~~13.5~~ *The Director of Resources shall be responsible for the safekeeping of Tenders until the appointed time of opening. Each Tender must be: Suitably recorded so as to subsequently verify the date and precise time it was received adequately protected immediately on receipt to guard against amendment of its contents recorded immediately on receipt in the Tender Record Log.*

~~13.6~~ *The Director of Resources must ensure that all Tenders are opened at the same time when the period for their submission has ended. Members will be made aware of the opening arrangements should they wish to observe the process. The Officer or his or her representative must be present. Tenders must be opened in the presence of two officers representing the Director of Resources, neither of whom can be the Officer. Where the Total Value is more than the EU Threshold, one must be the Director of Resources or Officer designated by the Director of Resources.*

~~13.7~~ *Upon opening, a summary of the main terms of each Tender (i.e. significant issues that are unique to each Tender submission and were not stated in the Tender invitation documents such as Tender sum, construction period, etc.) must be recorded in the Tender Record Log. The summary must be initialled on behalf of the Director of Resources.*

#### **1344- CLARIFICATION PROCEDURES AND POST-TENDER NEGOTIATION**

~~1344.1~~ Providing clarification of an *Invitation to Tender* to potential or actual *Candidates* or seeking clarification of a *Tender*, whether in writing or by way of a meeting, is permitted. However, discussions with tenderers after submission of a *Tender* and before the award of a contract with a view to obtaining adjustments in price, delivery or content (i.e. post-tender negotiations) must be the exception rather than the rule. In particular, they must not be conducted in an *EU Procedure* where this might distort competition, especially with regard to price.

~~1344.2~~ *Post Tender negotiations within an EU Procedure can only be carried out where the correct procedure has been used and advertised with guidance from Lead Specialist Procurement and where necessary with Legal advice. If post tender negotiations are necessary after a single stage Tender or after the second stage of a two stage Tender, then such negotiations shall only be undertaken with the tenderer who is identified as having submitted the best Tender and after all unsuccessful Candidates have been informed. During negotiations tendered rates and prices shall only be adjusted in respect of a corresponding adjustment in the scope or quantity included in the Tender documents. Officers appointed by the relevant Director to carry out post tender negotiations should ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing.*

~~14.3~~ *Post tender negotiation must only be conducted in accordance with the guidance issued by the Solicitor who, together with the Director of Resources, must be*



~~consulted wherever it is proposed to enter into post tender negotiation. Negotiations must be conducted by a team of at least two Officers, one of whom must be from a service independent to that leading the negotiations.~~

- ~~14.4.13.3~~ Where post-tender negotiation results in a fundamental change to the specification (or contract terms) the contract must not be awarded but re-tendered.

## **~~14.4.14~~ EVALUATION, AWARD OF CONTRACT, & DEBRIEFING CANDIDATES**

- ~~14.4.14.1~~ Apart from the debriefing required or permitted by these contract procedure rules, the confidentiality of *Quotations*, *Tenders* and the identity of *Candidates* must be preserved at all times and information about one *Candidate*'s response must not be given to another *Candidate*.
- ~~14.4.14.2~~ Contracts must be evaluated and awarded in accordance with the *Award Criteria*. During this process, *Officers* shall ensure that submitted *Tender* prices are compared with any pre-tender estimates and that any discrepancies are examined and resolved satisfactorily.
- ~~14.4.14.3~~ The arithmetic in compliant *Tenders* must be checked. If arithmetical errors are found they should be notified to the tenderer, who should be requested to confirm or withdraw their *Tender*. Alternatively, if the rates in the *Tender*, rather than the overall price, were stated within the *Tender* invitation as being dominant, an amended *Tender* price may be requested to accord with the rates given by the tenderer.
- ~~14.4.14.4~~ *Officers* may accept *Quotations* and *Tenders* received in respect of proposed contracts, provided they have been sought and evaluated fully in accordance with these contract procedure rules and, in respect of proposed contracts that are expected to exceed £250,000, the approval of the relevant Committee has been secured.
- ~~14.4.14.5~~ For tenders up to the EU threshold it is best practice to inform all tenderers of the intention to award and give unsuccessful tenderers an opportunity to request feedback on their submission. Only useful feedback needs to be provided. A 10-day standstill period shall not apply.
- ~~14.4.14.6~~ ~~The Officer shall~~ For all tenders over the EU threshold a full debrief in writing must be given to all those *Candidates* who submitted a bid about the characteristics and relative advantages of the leading bidder. The debrief should form part of the notification of award letter which commences the 10 day standstill period. No information, other than the following, should be given without taking the advice of the Solicitor:

The notification of award should contain:

- 1 How the *Award Criteria* were applied
- ~~2. The prices or range of prices submitted, in either case not correlated to~~ The prices or range of prices submitted (in percentage analysis form), in either case not correlated to Candidates' names (anonymised) apart from the winning Candidate.
3. Proposed Winning Candidates' name[s]

Date the 10-day standstill period ends

~~4. The names of Candidates where there were three or more Candidates.~~

~~1514.7~~ If a *Candidate* requests in writing the reasons for a *Contracting Decision*, the *Officer* must give the reasons in writing within 15 days of the request. ~~If requested, the Officer may also give~~ the debriefing information at Rule 15.6 above should also be sent to *Candidates* who were deselected in a pre-tender *Shortlisting* process and not advised unsuccessful at that time.

## SECTION 4: CONTRACT AND OTHER FORMALITIES

### ~~46~~15. CONTRACT DOCUMENTS

#### ~~46~~15.1 Relevant Contracts

1615.1.1 ~~46.1.1~~ All *Relevant Contracts* that exceed £50,000 shall be in writing.

~~15.1.2~~ All *Relevant Contracts*, irrespective of value, shall clearly specify:

- what is to be supplied (i.e. the works, materials, services, matters or things to be furnished, had or done);
- the provisions for payment (i.e. the price to be paid and when);
- the time, or times, within which the contract is to be performed;
- the provisions for the council to terminate the contract.

~~156.1.3~~ The council's order form (electronic order system) or standard terms and conditions issued by a relevant professional body must be used wherever possible.

~~156.1.4~~ In addition, every *Relevant Contract* of purchase over £50,000 must also state clearly as a minimum:

- that the contractor may not assign or sub-contract without prior written consent;
- any insurance requirements;
- health and safety requirements;
- ombudsman requirements;
- data protection [Act 2018 \(General Data Protection Regulation \(GDPR\)\)](#) requirements, if relevant;
- that charter standards are to be met if relevant;
- race relations requirements;
- Disability Discrimination Act requirements;
- Freedom of Information Act requirements;
- where *Agents* are used to let contracts, that *Agents* must comply with the council's contract procedure rules;
- a right of access to relevant documentation and records of the contractor for monitoring and audit purposes if relevant.

~~156.1.5~~ The formal advice of the [Lead Specialist Procurement and where necessary the Solicitor](#) must be sought for the following contracts:

- where the Total Value exceeds EU Threshold;
- those involving leasing arrangements;
- where it is proposed to use a supplier's own terms;
- those involving the purchase of application software with a Total Value of more than £50,000;
- those that are complex in any other way.

## 156.2 Contract Formalities

156.2.1 Agreements (Contracts and Orders) shall be completed as follows:

Total Value	Method of Completion	By
Up to £5,000	Electronic order	<i>Authorised buyer</i> (see Rule 16.2.3)
£5,001 to £50,000	Electronic order	<i>Authorised Buyer</i> approved by <i>Line Manager</i> (see Rule 16.2.3)
Above £50,001	Signature on written contract	<i>Director or Head of Paid Service</i> (see Rule 16.2.3)

156.2.2 All contracts must be concluded in writing or by email before the supply, service or construction work begins.

156.2.3 The *Officer* responsible for securing signature of the contract must ensure that the person signing for the other contracting party has authority to bind it.

156.2.4 All contract documents must be placed in the central repository in accordance with *Financial Regulations*.

## 156.3 Sealing

156.3.1 Where contracts are completed by each side adding their formal seal, such contracts shall be signed in accordance with the Council's ~~Constitution~~Standing Orders ~~(Chief Executive or Deputy and a Member)~~.

156.3.2 Every ~~C~~council sealing will be consecutively numbered, recorded and signed by the person witnessing the seal.

15.3.3A contract must be sealed where:

- the Council may wish to enforce the contract more than six years after its end;
- the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services.

**16. BONDS AND PARENT COMPANY GUARANTEES**

16.1 The *Officer* must consult the *Director of Resources* about whether a *Parent Company Guarantee* is necessary when a *Candidate* is a subsidiary of a parent company and:

- the *Total Value* exceeds £250,000; or
- award is based on evaluation of the parent company; or
- there is some concern about the stability of the *Candidate*.

16.2 The *Officer* must consult the *Director of Resources* about whether a *Bond* is needed:

- where the *Total Value* exceeds £250,000, or
- where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the *Candidate*.

**17. PREVENTION OF CORRUPTION**

17.1 The *Officer* must comply with the *Code of Conduct* and must not invite or accept any gift or reward in respect of the award or performance of any contract. High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the statutes referred to in Rule 18.2 below.

17.2 The following clause **must** be put in every written Council contract:

*"The Council may terminate this contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor's behalf do any of the following things:*

- (a) *offer, give or agree to give to anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done), or*
- (b) *commit an offence under the Prevention of Corruption Acts 1889 to 1916 or Section 117(2) of the Local Government Act 1972, or*
- (c) *commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors or employees. Any clause limiting the Contractor's liability shall not apply to this clause."*

**18. DECLARATION OF INTERESTS**

18.1 If it comes to the knowledge of a member or an employee of the authority that a contract in which he or she has a pecuniary interest as described in the Code of Conduct has been or is proposed to be entered into by the Council, he or she shall immediately give written notice to the Monitoring Officer~~Chief Executive~~. The Monitoring Officer~~Chief Executive~~ shall report such declarations to the appropriate Committee.

~~189.2~~ Such written notice is required irrespective of whether the pecuniary interest is direct or indirect. An indirect pecuniary interest is distinct from a direct pecuniary interest in as much as it is not a contract to which the member or employee is directly a party.

~~189.3~~ A shareholding in a body not exceeding a total nominal value of £1,000 or 1% of the nominal value of the issued share capital (whichever is the less) is not a pecuniary interest for the purposes of this standing order.

~~19.4~~ ~~18.2~~ The Monitoring Officer shall maintain a record of all declarations of interests notified by members and Officers.

~~18.3~~ The Director of Strategy, Performance and Governance ~~Chief Executive~~ shall ensure that the attention of all members is drawn to the Council's ~~Local~~ ~~National~~ Code of ~~Local~~ ~~Government~~ Conduct when taking office.

## SECTION 5: CONTRACT MANAGEMENT

### ~~20.19~~ MANAGING CONTRACTS

~~2019.1~~ Directors in sponsoring departments are to name contract managers for all new contracts. All contracts must have a named council contract manager for the entirety of the contract.

~~2019.2~~ Contract Managers must follow the procedures set out in the council's *Purchasing Guidance*.

### ~~21.20~~ RISK ASSESSMENT AND CONTINGENCY PLANNING

~~21.1~~ ~~20.1~~ A business case must be prepared for all procurements with a potential value over the *EU Threshold*. Provision for resources for the management of the contract, for its entirety, must be identified in the business case.

21.2 ~~20.2~~ For all contracts with a value of over £50,000, contract managers must:

- maintain a risk register during the contract period;
- undertake appropriate risk assessments and for identified risks;
- ensure contingency measures are in place.

### ~~22.21~~ CONTRACT MONITORING, EVALUATION AND REVIEW

~~2221.1~~ All contracts which have a value higher than the *EU Threshold* limits, or which are *High Risk*, are to be subject to monthly formal review with the contractor. The review may be conducted quarterly if permitted by the *Director of Resources*.

~~2221.2~~ For all contracts with a value higher than the *EU Threshold* limits, or which are *High Risk*, an annual report must be submitted to the relevant Committee.

~~2221.3~~ The Council's approved *project management methodology* must be applied to all contracts deemed to be *High Risk*, *High Value*, or *High Profile*.

- | 2221.4 During the life of the contract, the *Officer* must monitor in respect of:
- performance;
  - compliance with specification and contract cost;
  - any *Value for Money* requirements;
  - user satisfaction and risk management.
- | 2221.5 Where the *Total Value* of the contract exceeds £250,000, the *Officer* must make a written report to the relevant Committee evaluating the extent to which the purchasing need and the contract objectives (as determined in accordance with Rule 5.2) were met by the contract. This should be done normally when the contract is completed. Where the contract is to be re-let, a provisional report should also be available early enough to inform the approach to re-letting of the subsequent contract.

## DEFINITIONS APPENDIX

<b>Agent</b>	A person or organisation acting on behalf of the council or on behalf of another organisation.
<b>Approved Buyer</b>	<i>Officer</i> Designated by a <i>Director</i> who is authorised to generate electronic orders on behalf of the Council.
<b>Approved List</b>	A list drawn up in accordance with Rule 7.2.
<b>Award Criteria</b>	The criteria by which the successful <i>Quotation</i> or <i>Tender</i> is to be selected (see further Rules 10 and 11.2e).
<b>Award Procedure</b>	The procedure for awarding a contract as specified in Rules 8, 10 and 15.
<b>Best Value</b>	The duty, which Part I of the Local Government Act 1999 places on local authorities, to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the council. This terminology has now in many instances been superseded by <i>Value for Money</i> .
<b>Bond</b>	An insurance policy: if the contractor does not do what it has promised under a contract with the council, the council can claim from the insurer the sum of money specified in the bond (often 10% of the contract value). A bond is intended to protect the council against a level of cost arising from the contractor's failure.
<b>Candidate</b>	Any person who asks or is invited to submit a <i>Quotation</i> or <i>Tender</i> .
<b>Chief Executive</b>	<del>The Council's Head of Paid Service has defined in the Constitution.</del>
<b>Chief Finance Officer</b>	The Officer Designated Chief Finance Officer (Section 151 Officer) by the Council.
<b>Code of Conduct</b>	The <u>respective eCodes</u> regulating <u>the</u> conduct of <u>Members and Officers</u> <del>issued by the Chief Executive.</del>
<b>Committee</b>	A Committee which has power to make decisions for the Council, for example a joint Committee with another local authority, but not the scrutiny Committee.
<b>Commissioning &amp; Procurement Strategy</b>	The document setting out the council's approach to commissioning and procurement, setting out key priorities for the next few years.
<b>Constitution</b>	The constitutional document approved by the council which: <ul style="list-style-type: none"> <li>• allocates powers and responsibility within the council and between it and others;</li> <li>• delegates authority to act to the <i>Committees</i>, and</li> </ul>



	<p><i>Officers;</i></p> <ul style="list-style-type: none"> <li>regulates the behaviour of individuals and groups through rules of procedure, codes and protocols.</li> </ul>
<b>Consultant</b>	Someone employed for a specific length of time to work to a defined project brief with clear outcomes to be delivered, who brings specialist skills or knowledge to the role, and where the council has no ready access to employees with the skills, experience or capacity to undertake the work.
<b>Contracting Decision</b>	<p>Any of the following decisions:</p> <ul style="list-style-type: none"> <li>composition of <i>Approved Lists</i>;</li> <li>withdrawal of <i>Invitation to Tender</i>;</li> <li>whom to invite to submit a <i>Quotation</i> or <i>Tender</i>;</li> <li><i>Shortlisting</i>;</li> <li>award of contract;</li> <li>any decision to terminate a contract.</li> </ul>
<b>Corporate Contract</b>	A contract let by the <i>Council</i> to support the council's aim of achieving <i>Value for Money</i> .
<b>Director</b>	One of three Directors responsible for operational delivery of services and designated as such in the <i>constitution</i>
<b>Director of Resources</b>	Director responsible for financial and procurement activities and internal audit
<b>Essex Procurement Hub</b>	<del>The council's central procurement partner charged with providing strategic direction and advice to secure <i>Value for Money</i> in the Council's procurement activities. The hub also has EU regulations legal expertise.</del>
<b>EU Procedure</b>	The procedure required by the EU where the <i>Total Value</i> exceeds the <i>EU Threshold</i> .
<b>EU Threshold</b>	The contract value at which the EU public procurement directives apply.
<b>European Economic Area</b>	The 27 of the 28 members of the European Union, and Norway, Iceland and Liechtenstein.
<b>Financial Officer</b>	The most senior <i>Officer</i> representing the <i>Director of Resources</i> or designated by him/her to provide financial advice to the <i>Director</i> .
<b>Financial Regulations and procedures</b>	The financial regulations and procedures outlining <i>Officer</i> responsibilities for financial matters issued by the <i>Chief Finance Officer</i> in accordance with the <i>Constitution</i> .

<b>Framework Agreement</b>	An agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
<b>Government Procurement Agreement</b>	The successor agreement to the General Agreement on Trade and Tariffs. The main signatories other than those in the <i>European Economic Area</i> are the USA, Canada, Japan, Israel, South Korea, Switzerland, Norway, Aruba, Hong Kong, China, Liechtenstein and Singapore.
<b>Head of Paid Service</b>	<del>The Council's Chief Executive.</del>
<b>High Profile</b>	A high-profile purchase is one that could have an impact on functions integral to council service delivery should it fail or go wrong.
<b>High Risk</b>	A high-risk purchase is one which presents the potential for substantial exposure on the council's part should it fail or go wrong.
<b>High Value</b>	A high-value purchase is where the value exceeds the <i>EU Threshold</i> values.
<b>Invitation to Tender</b>	Invitation to tender documents in the form required by these contract procedure rules.
<b>Key Decision</b>	Decisions that are defined as key decisions in the <i>Constitution</i> .
<b>Line Manager</b>	An <i>Officer</i> designated by a <i>Director</i> to exercise the role reserved to the Line Manager by the contract procedure rules, this will be a Level 2 Manager (i.e. managers that report directly to a Director).
<b>Members</b>	Persons currently elected to serve on the Council
<b>Monitoring Officer</b>	The <i>Officer</i> defined as such in the <i>Constitution</i>
<b>Nominated Suppliers and Sub-contractors</b>	Those persons specified in a main contract for the discharge of any part of that contract.

<b>Non-commercial Considerations</b>	<ul style="list-style-type: none"> <li>a) The terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces ('workforce matters').</li> <li>b) Whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only.</li> <li>c) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy.</li> <li>d) The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons ('industrial disputes').</li> <li>e) The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors.</li> <li>f) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees.</li> <li>g) Financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support.</li> <li>h) Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984 or the Building (Scotland) Act 1959. Workforce matters and industrial disputes, as defined in paragraphs (a) and (d), cease to be non-commercial considerations to the extent necessary or expedient to comply with Best Value; or where there is a transfer of staff to which the Transfer of undertakings. (Protection of Employment) Regulations 1981 (<i>TUPE</i>) may apply.</li> </ul>
<b>Officer</b>	The Officer designated by the Director to deal with the contract in question.
<b>Parent Company Guarantee</b>	<p>A contract which binds the parent of a subsidiary company as follows:</p> <ul style="list-style-type: none"> <li>• if the subsidiary company fails to do what it has promised under a contract with the council, the council can require the parent company to do so instead.</li> </ul>
<b>Priority Services</b>	Those services required to be tendered as defined in the EU public procurement directives.
<b>Procurement Strategy</b>	The document setting out the council's approach to procurement and key priorities for the next few years.
<b>Project</b>	The process set up by the Council to ensure that a project is

<b>Management Methodology</b>	executed in a disciplined and structured manor
<b>Purchasing Guidance</b>	The suite of guidance documents, together with a number of standard documents and forms, which supports the implementation of these Contract Procedure Rules. The guidance is available on the council's intranet.
<b>Quotation</b>	A quotation of price and any other relevant matter (without the formal issue of an <i>Invitation to Tender</i> ).
<b>Relevant Contract</b>	Contracts to which these contract procedure rules apply (see Rule 4).
<b>Resources Directorate</b>	The directorate of the Council that includes responsibility for discharging the Council's procurement responsibilities
<b>Service</b>	The services provided by the Council are currently broken down into three directorates, each under the responsibility of a <i>Director</i> .
<b>Short-listing</b>	The process of selecting <i>Candidates</i> who are to be invited to quote or bid or to proceed to final evaluation.
<b>Solicitor</b>	Any Solicitor designated by the Council's Chief Executive or the Monitoring Officer.
<b>Standing Orders</b>	<del>Part of the Council's Constitution called Council and Committee Procedure Rules on specifying rules for how business shall be conducted at meetings.</del>
<b>Supervising Officer</b>	The <i>Line Manager's</i> immediate superior.
<b>Tender</b>	A <i>Candidate's</i> proposal submitted in response to an <i>Invitation to Tender</i> .
<b>Tender Record Log</b>	The log kept by the <i>Director of Resources</i> to record details of <i>Tenders</i> (see Rule 13.5).
<b>Total Value</b>	The whole of the value or estimated value (in money or equivalent value) for a single purchase or disposal calculated as follows: <ul style="list-style-type: none"> <li>(a) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period.</li> <li>(b) where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months.</li> <li>(c) where the contract is for an uncertain duration, by multiplying the monthly payment by 48.</li> <li>(d) for feasibility studies, the value of the scheme or</li> </ul>

**Commented [D2]:** Maldon calls them Contract Procedure Rules not standing orders they are the same thing

contracts which may be awarded as a result.

- (e) for *Nominated Suppliers and Sub-contractors*, the total value shall be the value of that part of the main contract to be fulfilled by the *Nominated Supplier or Sub-contractor*.

#### **TUPE**

**(Transfer of  
Undertakings  
(Protection of  
Employment)  
Regulations 2006)  
(SI 2006 No.246)**

Subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the authority is transferred from one organisation (e.g. private contractor, local authority in-house team) to another (e.g. following a contracting out or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers, enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.

#### **Value for Money**

Value for money is not the lowest possible price; it combines goods or services that fully meet your needs, with the level of quality required, delivery at the time you need it, and at an appropriate price.

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## Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

<b>Title</b> Council Tax Support scheme for 2021 / 22	<b>Date</b> January 2021	<b>Officer Preparing</b> Sue Green
<b>1. Background</b>		
<p><b>1.1 Description of proposal / policy / service</b> (Including aims, outcomes and in the case of an existing service how long it has been delivered in its current format)</p> <p>Council Tax Support aims to help people with low incomes to meet their Council Tax obligations, covering payment of Council Tax and Discounting of Council Tax</p> <p>The aim of Council Tax Support is</p> <ul style="list-style-type: none"> <li>• To have a fair and equitable scheme</li> <li>• To maintain support for particularly vulnerable people within the constraints imposed by Government policy</li> </ul> <p>The service areas or partner agencies involved are</p> <ul style="list-style-type: none"> <li>• Maldon District Council</li> <li>• Any authority that can levy a charge to contribute to Council tax</li> <li>• Essex authorities who are sharing the scheme</li> <li>• All Essex precepting authorities</li> <li>• Department for Work and Pensions</li> <li>• Department for Communities and Local Government</li> </ul> <p><b><i>There are no proposals to change the current scheme, other than to mirror national scheme changes.</i></b></p>		
<p><b>1.2 Who are the users of the proposal / policy / service</b> (Refer to data held about the users of the service i.e. numbers of users, demographic breakdown. Having this information is important to understand which sectors of the community might be affected. If that is not available refer to the demographic data held on the intranet.)</p> <p>Broadly, this affects those liable for Council Tax within the District and adults on a low income with low savings</p> <p>There are 3512 Council Tax Support Claimants</p>		
<b>1.3 Have users been consulted with?</b> (Have you carried out consultation with users or stakeholders while drawing up the proposal / policy / service? For example,		

**Maldon District Council Equality Analysis**

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have you carried out a formal consultation, discussed the issue with a Friends/User Group or consulted with stakeholders? If so, outline the results and how it has informed your plans. It's also important to show whether the target audience was reached during the consultation.)

There are no changes proposed to existing policy.

**1.4 If the analysis is regarding an existing Service, what are users' views of that Service?** (Base your view on evidence such as satisfaction surveys, levels of compliments and levels of complaints).

The Revenues and Benefits team is a good performing team that historically has met locally set performance targets. For the current financial year (2020-21) the team is striving to meet those targets, but as a result of high demands from the impact of the pandemic coupled with the impact of organisational change and resource challenges those targets are likely to remain a challenge,

The service is making good progress, and ensures that claims are prioritised to reduce impact on our most vulnerable customers.

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## Maldon District Council Equality Analysis

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### 2. Equality Aims – consider how the proposal / policy / service meets the three Equality Aims listed in the Equality Act.

Aim	How does the proposal / policy / service meet the equality aim?	Action or addition needed in order that the proposal / policy / service meets the aim?
2.1 To eliminate unlawful discrimination, harassment and victimisation	<ul style="list-style-type: none"> <li>Higher Rate Disability benefits will continue to be disregarded thereby protecting those with specific long term conditions who fall within this group. Without such action to protect this group the policy could potentially be discriminatory. There is also an Exceptional Hardship Scheme which can assist customers with specific circumstances.</li> </ul>	None required
2.2 To advance equality of opportunity between people who share a protected characteristic and those who do not	<ul style="list-style-type: none"> <li>Older people are protected in the policy, which follows specific Government Regulations.</li> <li>Parents who receive a child benefit will continue to have this disregarded as part of the CTS calculation, which is consistent with the Council's duty to safeguard and promote the welfare of children.</li> <li>Higher rate Disability Benefits will continue to be disregarded thereby protecting those with specific long term conditions who fall within this group.</li> <li>In 2014 it was also agreed that Lone Parents receive a disregard of £15 per week from Child Maintenance payments</li> <li>A hardship fund exists to ensure provision for those residents who have exceptional circumstances.</li> </ul>	

## Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

<b>2.3 To foster good relations between those who share a protected characteristic and those who do not</b>	<ul style="list-style-type: none"> <li>The scheme remains means tested so the scope for discrimination is limited. All working age customers</li> </ul>				
<b>3. Equality Impacts – examine how the proposal / policy / service impacts on the community. Base the analysis on evidence. Attach additional documents if necessary.</b>					
Impacts	Positive impact (X)	Could adversely impact (X)	No impact (X)	How different groups could be affected: Summary of impacts	Actions to reduce negative or increase positive impact
<b>3.1 Age</b> (What will the impact be on different age groups such as younger or older people?)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Older People (60+) are specifically protected under Government Regulations	
<b>3.1 Age</b> (What will the impact be on different age groups such as younger or older people?)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Due to the protection afforded to those of pensionable age, customers of working age are impacted directly by any changes to the scheme.  People over 18 of working age will potentially be required to pay more.	Parents will continue to have Child Benefit disregarded in the CTS calculation which is consistent with the Council's duty to safeguard and promote the welfare of children.  The Council will continue to provide information and advice on income maximisation and a contracted Independent Advice Service to support residents
<b>3.2 Disability</b> (Consider all disabilities such as hearing loss, dyslexia etc as well as access issues for wheelchair users where appropriate)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	People with disabilities who are below pensionable age may need to pay more.	Higher Rate Disability Benefits continue to be disregarded (i.e. Disability Living Allowance) thereby protecting those with specific long term conditions.  A hardship fund exists to ensure

# **Maldon District Council Equality Analysis**

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					provision for those residents who have exceptional circumstances.
<b>Impacts</b>	<b>Positive impact (X)</b>	<b>Could adversely impact (X)</b>	<b>No impact (X)</b>	<b>How different groups could be affected: Summary of impacts</b>	<b>Actions to reduce negative or increase positive impact</b>
3.3 Pregnancy and Maternity (Think about pregnancy, new and breastfeeding Mums)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
3.4 Sex (is the service used more by one gender and are the sexes given equal opportunity?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CTS is means tested and therefore gender is not a factor in the calculation of support.	
<b>Impacts</b>	<b>Positive impact (X)</b>	<b>Could adversely impact (X)</b>	<b>No impact (X)</b>	<b>How different groups could be affected: Summary of impacts</b>	<b>Actions to reduce negative or increase positive impact</b>
3.5 Gender Reassignment (Is there an impact on people who are going through or who have completed Gender Reassignment?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CTS is means tested and therefore gender is not a factor in the calculation of support	
3.6 Religion or belief (Includes not having a religion or belief)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CTS is means tested and therefore religion is not a factor in the calculation of support	
3.7 Sexual Orientation (What is the impact on heterosexual, lesbian, gay or bisexual people?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CTS is means tested and therefore this characteristic is not a factor in the calculation of support	
3.8 Race (Includes ethnic or national origins including Gypsies and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CTS is means tested and therefore this characteristic is not a factor in the calculation of support.	

### Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

Travellers)					
3.9 Socio-Economic Group (Will people of any particular socio-economic group be particularly affected?)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Council Tax Support is designed to help people who have restricted incomes. Any additional changes to the proposed scheme will therefore have an impact on those who claim support – particularly those of working age.	A hardship fund exists to ensure provision for those residents who have exceptional circumstances.
<p><b>4. Is there a Cumulative Impact?</b> (If the same group is the subject of many changes or reductions the overall impact is much greater. Consider what else is happening within Maldon District Council that may have an impact and also what we know is happening elsewhere (such as Essex County Council). See Guidance for further advice.)</p> <p>The requirement to introduce a local Council Tax scheme and to make savings has been introduced via Government policy so each year our scheme must be reviewed and a proposal must be pursued following a public consultation.</p> <p>Whilst the authority may choose to allocate funding to ensure full protection for all customers, to date this has not been considered to be financially sustainable. Furthermore, the results from public consultations would appear to agree that customers claiming support should pay towards their Council Tax.</p>					
<b>5. Outcome</b>					
<p><b>5.1 Consider all the analysis and evidence above and indicate</b></p> <p>(1) No change needed <input checked="" type="checkbox"/> (2) Adjust <input type="checkbox"/> (3) Adverse impact but continue <input type="checkbox"/> (4) Stop, remove the proposal / policy / service <input type="checkbox"/></p>					
<p><b>5.2 Adjustments</b></p> <p>If option (2) above is selected please detail what adjustments are needed, who is responsible and how that will be reviewed. Also outline how that will be agreed (i.e. Committee, CMT).</p>					
<p><b>5.3 Decision Making</b> (How will this equality analysis be taken into account during the decision making process? For example will it be included with a report to</p>					

### Maldon District Council Equality Analysis

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Committee/CMT? Will it be considered at department level or by a Head of Service? How will community/stakeholders views be taken into account?)

The Equality analysis will be included within the decision making process which includes consideration at

- Strategy and Resources Committee on 28 January 2021
- Full Council on 23 February 2021

#### 6.0 Next Steps

##### 6.1 If there was a lack of evidence or data held on which to base this assessment, how will that gap be addressed for the future?

Not applicable

##### 6.2 Summary of actions highlighted within this analysis (Include how this will be picked up within service/work plans)

None

##### 6.3 Arrangements for future monitoring of equality impact of this proposal / policy / service

To be reviewed at least annually, or where relevant changes occur which may have an impact.

##### 6.4 Approved by (Manager or Head of Service signature and date)

Sue Green (Customer, Community and Casework Manager)

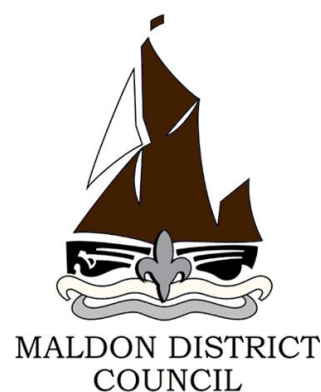
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## Document Control Sheet

<b>Document title</b>	Pay Policy Statement
<b>Summary of purpose</b>	Compliance with Localism Act
<b>Prepared by</b>	Senior Specialist- HR
<b>Status</b>	Final
<b>Version number</b>	9 November 2020
<b>Approved by</b>	
<b>Approval date</b>	
<b>Date of implementation</b>	Immediate
<b>Review frequency</b>	Annual (or as necessary before then)
<b>Next review date</b>	November 2021
<b>Circulation</b>	
<b>Published on the Council's website</b>	Yes

**Validity Statement**

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.



## Pay Policy Statement

Note: This Statement has been written to meet the statutory requirements of the Localism Act 2011 and to aid transparency in respect of Maldon District Council's policy regarding pay to the highest and lowest paid staff.

### 1. General policy

- 1.1 During 2018 the Council initiated a transformation programme. As part of this a Council wide Job Evaluation exercise was carried out on all posts based on a uniform set of criteria and placing all roles within a single unified pay scale. The pay scale was benchmarked and designed to be consistent with best practice. In accordance with the Council's constitution, the remuneration of the Director posts are set by the Appointments Committee made up of elected Members of the authority and based upon the above principles.
- 1.2 The Job Evaluation process was designed to achieve compliance with Equal Pay legislation and to standardise the contractual terms and conditions of staff. Remuneration of all Council employees is now governed by a single set of policies and procedures.
- 1.3 The Pay Multiple is the ratio between the highest taxable earnings and the median earnings figure for the whole authority in accordance with the Transparency Code 2014. For Maldon for 2020.21 the ratio between the Director salary and the median of all staff is 3.66. The Government has considered setting twenty to one as a maximum. As Maldon District's Council's rate is currently below this amount it is not considered necessary to have a specific policy concerning the pay multiple. If the multiple starts to rise, for example above five to one, this could be reconsidered.

### 2. Policy regarding pay to "Chief Officers"

#### 2.1 Definition of "Chief Officers" for the purposes of this statement

- 2.1.1 The term "Chief Officer" as employed in the Localism Act has a different meaning to the use made of it at Maldon District Council. For the purposes of this Pay Policy Statement only, the relevant posts are considered to be as listed below. To note; there is no Chief Executive post in the Maldon structure.

- The three Director posts
- The Monitoring Officer

#### 2.2 Pay

- 2.2.1 Pay for the post of Directors is set by the Appointments Committee and approved by the Council. The role of Director was introduced following the 2014 Senior Management Review and pay set by the Job Evaluation process in 2018. The pay line of Directors is subject to the same factors as the rest of staff pay, for example any annual pay award granted.



2.2.2 Any exception to this, such as a proposal to change the pay of senior staff out of line with normal pay awards would be subject to a report to the Council and approval being given.

2.2.3 Directors have delegated powers to award discretionary points on an officer's salary scale within approved budgetary limits where they deem it to be in the interests of the Authority. This only applies to points up to the maximum of the salary band for that post.

### 2.3 Performance related pay and bonuses

2.3.1 Maldon District Council does not have performance related pay or bonus payments for any staff. As there is no mechanism for linking pay and performance in this way 'earn back' arrangements are not appropriate.

### 2.4 Fees, allowances, benefits in kind and expenses

2.4.1 The Director of Strategy, Performance and Governance is also the Returning Officer for the District, meaning that the post holder has specific responsibilities in respect of all elections and national referenda held in the District. These duties attract fees that are variable depending on the election. For Parliamentary, Police, Fire and Crime Commissioner, European elections and national referenda these are set by the Government, for County elections by Essex County Council and for District and Parish elections these are set locally.

2.4.2 Apart from this no fees, allowances, benefits in kind or expenses are available to the posts listed in 2.1, other than those available to all staff and on the same basis.

### 2.5 Pension

2.5.1 All staff are eligible to join the Local Government Pension Scheme in accordance with the terms of that scheme. No special considerations apply to the posts listed in 2.1.

### 2.6 Severance payments

2.6.1 Where senior staff leave in the normal course of business (resignation, retirement, etc.) the same procedures would be applied as for any other staff member and no additional payments would arise as a result.

2.6.2 Should a staff member be made redundant the post holder would receive redundancy payments in accordance with the Council's Managing Organisational Change policy and the Public Sector Exit Payment Cap legislation introduced in 2020. This restricts exit payments to 95K including any pension strain. The Council's policy is not to award any additional compensatory payments to staff.

2.6.3 Should a staff member leave as a result of a settlement agreement these, by their nature, are subject to negotiation with the individual and their representatives and so are variable in their terms. Such agreements are formal legal arrangements and confidentiality binding on both parties is a key component, so any payment arising from such an agreement would not be published. Authorisation of the payment would be in accordance with the Council's terms of reference and scheme of delegation and it would need to represent value for money for the taxpayer in the circumstances.

2.6.4 Senior staff that were previously employed by the Authority and left with a severance or redundancy payment may be re-employed on a consultancy basis to cover short term staff pressures where it is considered appropriate and in the public interest to do so.

## 2.7 Recruitment of senior staff

2.7.1 When recruiting to a senior post the salary offered would be that applicable to the grade of the post, as determined by Job Evaluation, and within the established pay line. No additional payments would arise, unless a market supplement to enable recruitment was considered justified due to a recognised technical skill shortage in the job market.

2.7.2 In the event that a senior post was to be filled by a person who had retired from another Authority and was in receipt of a pension it would be arranged so that the person was not better off overall, through abatement of pension and/or pay as applicable.

2.7.3 In accordance with the guidance set out in the Localism Act, The Strategy and Resources Committee should be given the opportunity to vote before large salary packages (£100k or above) are offered in respect of a new appointment.

## 2.8 Monitoring Officer

2.8.1 The Monitoring Officer is not subject to any additional payment.

## 2.9 Publication of remuneration of senior staff

2.9.1 This Pay Policy Statement, once approved by the Council, will be published on the Council's website.

2.9.2 The remuneration and pension contributions of the Directors are published annually in the Financial Statements of the Authority, along with the numbers of employees whose remuneration and pension contributions are £50,000 and over. A copy of the Financial Statement is placed on the Council's website.

### **\*3. Lowest paid staff and Real Living Wage**

#### **3.1 Definition**

- 3.1.1 Maldon District Council are committed to paying the Real Living Wage currently this is £9.50 per hour. Staff in Pay Bands A and B, spinal points 1 to 8 are paid the real living wage rate which is currently £9.50 per hour from 9<sup>th</sup> November 2020 or £18,327.21 per annum for full time equivalent earnings.

#### **3.2 Pay Policy in respect of lowest paid staff**

- 3.2.1 No special considerations apply to the lowest paid staff. They are subject to identical terms and conditions, procedures and policies as all other staff. In some cases, these policies give slightly different benefits to different levels of staff. For example, the lowest five pay bands (A to E) an enhanced pay rates for overtime is paid. No enhancement above grade E is paid. In contrast the basic amount of annual leave increases with pay. Overtime is only paid in exceptional circumstances to staff.

The Council employs Apprentices but these are not included within the definition of 'lowest paid employees' and are not subject to the living wage rate as they are paid the legal pay rate for Apprentices.

#### **3.3 Pay Award**

- 3.3.1 The National Joint Council (NJC) negotiates pay on behalf of Local Government and Maldon District Council are committed to paying its employees the nationally agreed pay award each year. The award for 2020.21 was 2.75%.
- 3.3.2 Employees who have left the Council's employment prior to their pay award being implemented may submit a written request for payment of monies owing to them.

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## REPORT of DIRECTOR OF RESOURCES

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to  
**STRATEGY AND RESOURCES COMMITTEE**  
**15 JUNE 2021**

### **INFORMATION COMMUNICATION TECHNOLOGY STRATEGY 2021 - 2026**

#### **1. PURPOSE OF THE REPORT**

- 1.1 The Approval of the renewed Maldon District Council ICT (Information Communication Technology) Strategy for 2021 - 2026 (the Strategy) (attached at **APPENDIX 1**) following the completion of the 2018 ICT Strategy.

#### **2. RECOMMENDATION**

##### To the Council:

That the new Maldon District Council ICT Strategy 2021 – 2026 (**APPENDIX 1**) for distribution to all staff giving support and guidance to Management on future ICT projects and planning be agreed.

#### **3. SUMMARY OF KEY ISSUES**

- 3.1 Having completed the 2018 to 2020 ICT Strategy a new Strategy has been written to support the future model and strategic goals of Maldon District Council, this is aligned to the corporate strategy and promoted Maldon District Councils future ways of working.
- 3.2 As technology has changed since 2018, new avenues and approaches have become available to Maldon District Council linked to the available hardware and software including projects such as SharePoint and Dynamics 365. This new ICT Strategy looks at the end goals and the best possible routes to achieving them through technology.
- 3.3 Prior to 2020 there was no budget forecast for the ICT within Maldon District Council. This ICT strategy now provides a base model and Forecasting for the next five years allowing for better preparation and costing of project work.

#### **4. CONCLUSION**

- 4.1 This Strategy is setup for Members approval and once in place provides the building blocks to the ICT approach for Maldon District Council as well as guidance and support to Management.

## 5. IMPACT ON STRATEGIC THEMES

- 5.1 This ICT Strategy forms the bases for the next five years of ICT planning and project work building on the performance and value theme.

## 6. IMPLICATIONS

- (i) **Impact on Customers** – Improving our technology driven future and ways of working for staff.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – Lowering risk by building a structure into the ICT planning of the council and support to its staff.
- (iv) **Impact on Resources (financial)** – Lowering cost by providing a forecast of the next five years and prioritising project work based on need.
- (v) **Impact on Resources (human)** – Allowing resource to be allocated to appropriate tasks to best achieve the councils needs.
- (vi) **Impact on the Environment** – None.
- (vii) **Impact on Strengthening Communities** – Providing new and upcoming technology to staff and the community to better interact and support each other.

Background Papers: 2018 ICT Strategy.

Enquiries to: Grant Hulley, Lead Specialist: ICT Infrastructure.



# Maldon District Council High Level ICT Strategy 2021-26

**Document Version:** 1.1

**Written By:** Lead ICT Specialist, Grant C Hulley

**Reviewed By:** Recourses Specialist, Manager Annette Cardy

**Next Review Date:** 01/10/2026



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## Introduction

The 2018 Maldon District Council (MDC) embarked on a Transformation Programme. A significant part of this relied on the improvement of the ICT infrastructure to support the required changes and cost savings the Council needed to achieve.

Some of the key improvements are listed below:

- The installation and completion of the new infrastructure project, including the replacements of the antiquated firewalls, switches, and networks on site
- Upgraded the internet line to site from 50MBPS over 100MBPS to 1GBPS over 1GBPS with a redundant line in place.
- Upgraded and improved the Wi-Fi coverage on site, including a link to Govroam through our partnership with Thurrock Council.
- Replaced all the desktops on site with laptops and completed the phase three roll out to staff.
- All computers are now image built onsite – which means the process of setting up new devices for staff takes around 10 minutes rather than 3 hours of resource and build time.
- The new Mitel softphone solution is near completion, which replaces the old Alcatel phone system.
- There are new efficiencies within the ICT teams and the way staff use technology and software to complete their work. The team has reduced from 14 ICT staff within Specialist ICT alone to five ICT staff over Specialist and 4 within the Caseworker ICT team, this shows a staff saving for the council whilst still achieving the same working level.
- We have installed upgrades to all our software on site. Civicare, Uniform, TLC, Xpress, Sage and Office 365 are all on the latest builds as of October 2020 and are now hosted on our virtual infrastructure.
- We have released a new website with a new design and layout, integrating with firmstep and as a final step to the transformation project the council upgraded its front office to back office communication helping the public communicate with the correct department using digital communication.
- The release of Microsoft Teams to all staff, facilitated by one-to-one and small group training sessions has enabled better internal communication and collaborative working between departments.

Following the above successes within ICT, this document will now seek to outline the following five year period 2021 to 2026 and the steps needed to realise the councils Corporate Plan of Performance and Efficiency by leading in the community through the use of technology and continuing to achieve our excellent services with value for money. This document will include upgrade paths and costs to achieve a flexible workforce able to deliver collaboratively on its objectives to the public and its stakeholders. It will also provide digital solutions to service delivery for faster, easier and more flexible access for residents with value for money.



### Where are we now

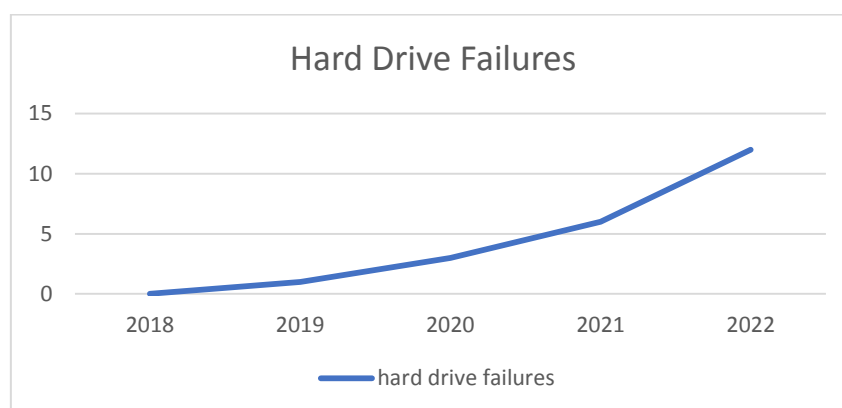
The use of technology is at the centre of MDC's service delivery assisting staff and the public. This can be seen in the day to day running within the council and its District. This will be outlined in each of the areas below. At a high-level overview MDC is benefiting from the new IT infrastructure, which was fully replaced and upgraded to the latest technology in July 2019.

The council has seen more rapid implementation times when making network changes, for example the work completed for the Always On VPN. There is also greater cyber security in terms of access prevention, due to the new firewalls and segregated layer 3 network as well as training and set up of the internal network for officers. Microsoft Teams has also allowed for better communication both on and off site which has been invaluable during the Covid-19 pandemic and has allowed for data and document sharing as well as facilitating the virtual committee meetings efficiently and securely. Finally, the move from desktops to laptops has seen the entire council move to the use of mobile devices, this allows for a more flexible work approach and has facilitated the councils aims of agile working and was key in enabling the Council to move quickly to remote working when the pandemic hit.

Following the successes of the transformation project It is now imperative that we maintain our lead on technology by continual improvement and upgrades. As a council we should have a commitment to making sure our offices hardware (such as laptops) stay up to date, as the older a laptop gets the slower, they will become. Best practice would mean that no device should be more than three years old. A renewal program is being prepared based on this document.

Whilst we have worked to improve the officer's IT equipment over the last 3 years and are now looking to continue that improvement, the data centre urgently requires upgrading. There are 10 hosts in total, all of which are now four or more years old and urgently need replacing as there are risks with hardware failing. This can be seen in the below predicted hard drive failure rate.

We have seen one hard drive fail in 2019 and three in 2020, following this curve we will potentially have up to six additional hard drive failures in 2021. Whilst we do have backups in place, we will hit critical system issues by 2022 unless we start a replacement program for the datacentre.



As hosts start to fail, the council will start to see slower data access alongside more space and resource restrictions.

Outside of hardware, the council would also benefit greatly from a reduction in the amount of software, which is being used across all departments. In order to amalgamate the current software to use fewer software programs, and improve efficiencies, research needs to start now to source a



package capable of running all of MDC's deliverables yet is sustainable with the current on-site resources. One such example would be Dynamics 365.

Whilst we are leading in the field of hardware, our software still requires some work to show the overall efficiencies required by the council.

### Current Council Systems

Below is a more detailed view of the current council systems. This has been broken down into Infrastructure (the internal hardware and systems of the council such as the network and datacentre), Hardware (such as Officer laptops and screens, used daily by staff to work), Software (applications used by offices to run the council) and then ICT business as usual (BAU) and project works which are currently actively being worked on.

#### Infrastructure

##### *Hosts*

MDC have 10, fit for purpose but nearing end of life Hosts. Each host runs several servers which in turn power the software for the council. Whilst these are being maintained they should be replaced as soon as possible. The current hosts are Generation 8 despite Generation 11 now being available, it is standard practice to upgrade hosts every three to four years based on age and performance.

##### *Switches*

MDC Switches are less than 12-month old Aruba HPE switches. In total there are eight, 48 port switches used to run the network at the MDC offices, these are all in warranty and should run for a minimum of another three years before a replacement is needed.

##### *Firewalls*

The firewalls are Palo Alto firewalls, this is one of the best brands in the world for firewall systems and are also brand new and in warranty. We have two firewalls split over a virtual pair for redundancy; these firewalls can be kept in place for up to six years without the need for replacement.

##### *Access points*

Again, based on Aruba HPE, the access points were installed in July 2019. There are 56 access points on site, all in warranty. We can expect these to last up to six years.

##### *Internet*

Following the recommendation of the 2018 ICT strategy the council now has a 1GBPS line into the building, this is a dedicated fibre line with resilience. The council is utilising around 750MBPS on average giving a lot of room for additional system usage.

##### *Disaster Recovery and Testing*

Not included in the 2018 ICT strategy, MDC have a testing environment which can be used within the current datacentre however this is not fit for purpose and is low on resource, with the upgrade of the hosts suggested above it would be advised that the old host system would be used to build a purpose built testing and DR system in the park offices. This would give us the option of an instant back up to the park offices in the event of a system failure at MDC offices.

##### *Backup system*

At this moment the backup system is based on 5 tape drives which have to be switched manually each day by a member of the ICT team. Going forward, it is proposed that the tape drives are removed, and we utilise the full capacity of our Veeam backup solution for offsite backups. This



would allow for faster restoration and safer data storage going forward. It would also remove the need for an officer to travel to site each day.

#### *Projects:*

- Upgrade the HPE fibre switches
- Upgrade the data centre hosts
- Set up the disaster recovery and testing in parks
- Move the entire data centre off site
- The data centre needs to be cleaned up – removing redundant equipment
- The backup tapes need to be removed completely
- Veeam Upgrade and setup for remote Backup solution
- The last 4 physical servers need to be virtualised
- Monitoring and logging needs to be sorted out for all the above
- Upgrade network to better support home working

#### *Hardware*

##### *Laptops*

Due to the transformation program, council laptops for officers and members are now under a year old and in full warranty, the laptops are set to standard office specification containing 8GB RAM and a modern gen7 or 8 CPU. The laptops themselves are Dell branded and of a robust design. The council have three sizes of laptops, the default being a 15inch model but there are 13inch and 14inch models available as well.

##### *Tablets*

Council Tablets are available for officers and members and are now coming up to three years in age. The council have two brands of tablet, iPad and Samsung Galaxy Tab A. These are on a three year renewal cycle based on warranty.

##### *Docks*

Due to the thunderbolt port on the council laptops a dock can be used to connect two monitors and expand the laptop with two additional UBS ports and a sound card. The docks were setup at each desk during the transformation to enable hot desking. Any officer could use their laptop at any desk by simply plugging in a single cable.

##### *Screens*

The council has one monitor available per officer in addition to their laptop screen giving all staff two screens to work from. For users who are considered advanced ICT users (also know as power users – i.e. the entire ICT Team) there is the option of a second monitor at their desk allowing for three monitors in total. The monitors are 22inch across and work on DVI and HDMI for active digital connections to either the laptops or docks. The monitors also have adjustable risers allowing officers to set the monitor to a preferred high for better posture.

##### *Keyboard and mice*

Keyboards and mice are bought on a per need basis. MDC currently uses a mix of HP and Dell keyboards and mice. The council keeps around 20 sets in storage and some of the current sets are nearly due for renewal.



### *Phones*

The council has now moved to a softphone solution based of Micollab which is installed on the officers Laptop and runs on the built-in mic and speaker system of the laptop. Each officer is also provided with a headset which can be used if needed with the laptop.

In order to maintain the stock of IT kit the following projects are being completed along with a 5-year cycle IT renewal programme

### *Projects:*

- Laptop Refresh program of renewal on a three-year cycle.
- Tablet refresh program of renewal on a three-year cycle.
- Members hardware Refresh program.
- Softphone upgrade to MS Team's integration to Mitel.
- Headset stock increase.
- Keyboard and Mouse stock check.

### *Software*

#### *Office 365 (Inc PowerBI, Forms, Teams, Word and Outlook)*

Used as our primary software in all day to day tasks the council is now fully integrated with office 365 and its business applications. Officers continue to use Word, PowerPoint, Excel and Outlook for all their day to day activities, however users have now started to work with additional software such as Forms and PowerBI helping them to improve and optimise their work and outputs. ICT have also started to work with Power Automation and Power Apps to build custom dynamic content for the council, again helping to achieve efficiencies. ICT continue to lead this through training, self-learning and testing of these new systems prior to staff taking them on board. This helps to enable a dynamic work force.

#### *Civica*

Civica was recently upgraded to the latest available version with the server Civica was stored on, upgraded at the same time, to Server 2012. This is the latest server version available. Civica is used to administer tax collection and public facing amenities, the software is a central point for viewing and updating this information.

#### *Uniform*

Uniform has been used by MDC to digitise its paper-based documentation for all public front office activities, this is a file management software used within the council.

#### *TLC*

Land Charges data, results and info required are stored. Anyone in the TLC group can check the status (search in progress, awaiting acceptance etc.). Notes if responses have been sent, if they're over their expected time.

#### *ArcGIS*

Used to run our mapping and planning departments, ArcGIS integrates with our website to allow the planning portal to show mapping data.

#### *Xpress*

Is used to run the Districts electoral register, whilst the software is old it has a tried and tested track record in running the electoral requirements.

#### *Sage*

Used for the internal accounts for MDC, Sage stores and runs the accounts for MDC.



### *Firmstep*

Firmstep is a front to back office ticketing tool, used by MDC to link our front office contact with the public to our back-office officers for triage and completion. An example of this is the FOI system which integrates with the MDC website and sends completed FOI's to the appropriate department.

This is still under development with forms going live each month.

### *Freshservice*

Is used for ticketing and triage of support requests across the council. All members, staff and officers can raise a ticket which is sent to the correct department to be dealt with, this has provided for greatly increased time efficiencies in resolving issues around the council.

The work requirements to maintain and improve the above software are listed below:

### *Projects:*

- Twice a year upgrade programme for each piece of software.
- Amalgamate the software by removing redundant software.
- Program of introducing new software which will improve council efficiencies such as power apps and MS Forms.
- Dynamics 365 test and project kick off.

### *Covid 19*

With the Covid 19 pandemic effecting business globally, and Government guidance for employers to ensure staff worked from home where possible, MDC had to work flexibly with officers to quickly move from working within the office buildings to remote off site working. For the majority of staff this was achieved within a few days and for all staff who are desk based within 10 days.

This was due to the time and effort of the ICT teams, the pro-active work of managers and staff and the investment that had been made to the infrastructure of the council. This put us ahead of many other Council's in the country. Focus is now on improving remote working. The Always ON VPN setup by ICT requires continue maintenance and monitoring and has now become key to the systems and functionality of the council and its staff.

The planned projects around the Always ON VPN are to move from the current split tunnelling setup into a more secure. faster forced tunnelling structure however due to the pandemic and the limitation of out of hours work progression is slow this is where projects such as the infrastructure DR and testing solution would come into play.

The Pandemic has also brought further requirements around the future of how business and the council will function to provide flexible options for working. For this we have devised the below project list in conjunction with the Always ON VPN to deliver improvements.

### *Future Remote working*

Due to the new way of working ICT are producing a list of projects-to help towards this new flexible working solution, this includes supporting officers with home internet connections or through the use of 4G dongles for the officer laptops.



Further development is then needed to give greater control of the now off-site hardware such as laptops through the implementation of MS Intune and an update which was needed to the council's hardware warranty as devices were originally designed not to leave the offices.

ICT are also now increasing stock for onsite hardware so that staff can work from the offices when needed, from specified desks.

Projects to maintain and improve flexible working for future service delivery are below.

#### Projects

- Stability of Always ON VPN
- 4G connection from laptops
- DR and Testing host setup
- Development of MS InTune

#### 2021 and 2022

ICT have three key roles:

#### Key roles

1. Continued support of current systems and staff
2. Project preparation for future changes to the system
3. The ICT department has an annual recurring budget of £534,300.00 for the projects and future projects proposed in this document, meaning that all current project works listed here are fully funded.

As a priority 4 main projects are to be completed for current systems in 2020 and 2021 as below.

#### Projects

- New softphone system
- SharePoint
- Host Datacentre upgrade

#### In Parallel

ICT will provide ongoing training and support to staff and Members to utilise the new hardware and software available and continue to provide the following.

- Continual software upgrades and improvements
- Hardware renewal program
- Laptop Refresh program of renewal
- Monitoring and logging
- Upgrade network to better support home working



## 2022-2026

Over the following four years there should be a clearer path to the future ways of working for MDC. The addition of Dynamics as a central point for all software and separately to this the migration of our datacentre into an offsite shared location will assist in enabling greater flexible working and cost savings

The planned project work will be:

### Projects

- Set up the disaster recovery and testing in parks
- Move the entire data centre off site
- The backup tapes to be removed completely
- Veeam Upgrade and setup for remote Backup solution
- The last 4 physical servers need to be virtualised
- Softphone upgrade to MS Team's integration to Mitel.
- Headset stock increase
- Keyboard and Mouse stock check
- Twice a year upgrade programme for each piece of software.
- Amalgamate the software by removing redundant software.
- Program of introducing new software which will improve council efficiencies such as power apps and MS Forms.
- Dynamics 365 test and project kick off.
- Stability of Always ON VPN
- DR and Testing host setup
- Development of MS InTune





## **REPORT of DIRECTOR OF RESOURCES**

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to  
**STRATEGY AND RESOURCES COMMITTEE**  
**15 JUNE 2021**

### **WORKFORCE AND COMMUNITY; EQUALITY, DIVERSITY AND INCLUSION STATEMENT OF POLICY**

#### **1. PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to provide for Committee approval the Council's 'Equality, Diversity and Inclusion (EDI) Statement of Policy'. This policy sets the Council objectives for both workforce, and community EDI objectives, describes the collaborative approach between officers and Members to achieve our objectives and will be a working document with regular annual reviews of our priority objectives. With this revision to our policy, we have recognised the importance of inclusion and also the focus on community engagement.

#### **2. RECOMMENDATIONS**

- (i) That the new Equality, Diversity and Inclusion Policy, attached at **APPENDIX 1**, be adopted;
- (ii) That a Member of the Strategy and Resources Committee is nominated to join the Equality, Diversity and Inclusion Officer Working Group.

#### **3. SUMMARY OF KEY ISSUES**

- 3.1 It is a requirement of the Council's Terms of Reference, Council and Committee Procedure rules that all policies and procedures are put before the Strategy and Resources Committee.
- 3.2 The Equality, Diversity and Inclusion Policy is a new Statement of Policy developed to support the Council's workforce and community EDI agenda as well as ensuring compliance with the Equality Act 2010. Incorporating inclusion will help to create a culture where employees and our community feel included and valued.
- 3.3 The Policy is intended to assist the Council in promoting EDI through its business functions and work to ensure that people are treated fairly, and everyone has the opportunity to live, learn and relax in the District in a fair and equitable community.
- 3.4 This is a corporate strategy which articulates the responsibilities of all including Councillors and employees.
- 3.5 Within the EDI policy there are objectives setting out the Council's priorities.
- 3.6 The EDI Policy and Procedure is linked to the Council's Corporate Plan and Community Thematic Strategy; available separately.

- 3.7 The Corporate Leadership Team approved the Policy and Procedure at their meeting of 25 February 2021. This has also been provided to Unison and to date no comments have been received for consideration.

## 4. CONCLUSION

- 4.1 All policies and procedures are statutory obligations to the Council and therefore need to be approved and or noted by the Committee as relevant. It is important to have an agreed EDI Policy to ensure our legal duties are met, our staff, Members and partners understand their responsibilities and that our goals on EDI align with the Corporate Plan.

## 5. IMPACT ON STRATEGIC THEMES

- 5.1 Supporting the Council's objective for improving performance and efficiency. This policy also helps to underpin the values of the emerging Corporate Plan.

## 6. IMPLICATIONS

- (i) **Impact on Customers** – The Council's internal and external customers are its employees and community; it has a legal obligation to uphold by doing what is statutorily required in terms of employment law and the Equality Act.
- (ii) **Impact on Equalities** (See **APPENDIX 2**) – All policies and procedures produced have an Equality Impact Assessment completed to ensure they do not greatly affect our workforce Members our community and all service users. This EDI policy has also been equality impact assessed with regard to the workforce and community.
- (iii) **Impact on Risk** – Without the continuous development and update of these policies and procedures ensuring compliance with legal responsibilities, the Council is at substantial risk of an employment claim from any given employee.
- (iv) **Impact on Resources (financial)** – External training may be necessary; budget would be considered within the corporate training budget. There may be costs in adapting or re-designing processes / services to external / internal if found to have adverse impact on certain group(s) as well as ensuring awareness training for Members and employees.
- (v) **Impact on Resources (human)** – To produce and administer this policy alongside the community engagement lead.
- (vi) **Impact on the Environment** – Ensuring the Council's obligations are met, impacts on the corporate branding for the Council.

- (vii) **Impact on Strengthening Communities** - The Council will work to build on the strengths and capabilities of the communities to find solutions that are right for and work for them. We will work collaboratively with our communities to promote Maldon District as an inclusive, diversity-friendly district and encourage active participation in civic life by all local people.

Background Papers: Internal Policies and Procedures available via the Intranet.

Enquiries to:

Natasha Brown, Specialist HR (Level 1),  
Luke Daley, Customer Solutions Coordinator, or  
Joshua Fulcher, Strategy Theme Lead- Community.

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# **Maldon District Council - Equality, Diversity and Inclusion Policy**

## **Sustainable Council – Prosperous Future**



## Document Control Sheet

<b>Document title</b>	<b>Equality, Diversity and Inclusion Policy</b>
<b>Summary of purpose</b>	<p>Maldon District Council is committed to enabling equal opportunity, diversity within our workforce and ensuring an inclusive culture where everyone feels they belong, are respected and can be themselves.</p> <p>This policy is intended to assist the Council to put this commitment into practice.</p> <p>Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.</p>
<b>Prepared by</b>	HR Specialist, EDI Champions and Strategy Theme Lead- Community
<b>Status</b>	Final
<b>Version number</b>	1
<b>Approved by</b>	
<b>Approval date</b>	TBC
<b>Date of implementation</b>	
<b>Review frequency</b>	
<b>Next review date</b>	As required by legislative changes – April 2022 (to be reviewed annually)
<b>Circulation</b>	All staff
<b>Published on the Council's website</b>	TBC

### Validity Statement

This document is due for review as and when relevant legislation changes. Users of the policy should ensure that they are consulting the currently valid version of the document.



MALDON DISTRICT  
COUNCIL

**If you would like this information in large print, Braille or another language, please contact HR.**

## Abbreviations

- Equality, Diversity and Inclusion -EDI



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## 1. Introduction

We recognise and value the diversity of all people that choose the District as a place to live or work and those who want to visit the district. The Council is committed to being an inclusive employer and providing inclusive services to our communities. This policy sets out:

- Our Equality, Diversity and Inclusion statement
- Our objectives
- Our role as an employer and in the community
- The values that will guide us in addressing challenges

The Council is committed to providing equal opportunities and to tackle inequality and unlawful discrimination. We take our responsibilities as an employer seriously and work hard to ensure that our employees are supported and able to deliver the best possible services for local people.

## 2. Policy Statement and Context

### Our Equality, Diversity and Inclusion Statement

Maldon District Council is committed to promoting EDI as a community leader, as a service provider and as an employer. This policy is intended to assist the Council in promoting EDI through its business functions and work to ensure that people are treated fairly, and that everyone has the opportunity to live, learn and relax in the District.

We will address inequality both in the workplace and in relation to access to services:

**In the workplace**, we will continuously strive to ensure that our workplace is free of harassment and bullying behaviours and to enable an inclusive work culture; we will make sure that everyone is treated with dignity and respect. If an employee feels that they have been subject to inappropriate behaviour whether this is harassment, bullying or something else they are encouraged to raise this so that this can be investigated, and action taken. The Council has a separate Grievance Policy, which describes how to raise issues.

**In the community, as officers and Members** we will use our position to work with partners and stakeholders to ensure that individuals and our communities have a sense of belonging and understanding.

### 3.1 Context

#### 3.11 Defining Equality

Equality is about creating a fairer society where everyone can participate, and everyone has the opportunity to fulfil their full potential. This means that everyone has a fair chance to achieve their aspirations and ambitions, whether that be at work or in their personal lives.

Equality is focused within a legislative framework, the main piece of legislation being the Equality Act 2010. The Act is designed to:

- Address unfair discrimination, harassment and victimisation
- Advance equality of opportunity and
- Foster good relations between people who share a protected characteristic and those who do not.

There are nine protected characteristics: age, disability, gender reassignment (transgender), marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex (gender) and sexual orientation.

All local authorities are required to work within the legislative requirements of the Equality Act 2010 and Public Sector Equality Duty. The Equality Duty is supported by general and specific duties.

The **Public Sector Equality Duty** (the **Equality Duty**) was created by the **Equality Act 2010** in order to harmonise the previous race, disability and gender **equality** duties and to extend protection to the new protected characteristics listed in the Act.

#### 3.12 Defining Equity

Equity involves distributing resources and support based on the needs of the recipients.

#### 3.13 Defining Diversity

Diversity is about recognising and valuing the full range of differences between people in the workplace and the community. Diversity is about 'harnessing, valuing and celebrating difference'. Whilst the legislation remains an important element, the scope of diversity goes further than the 'legal minimum' to allow for the exploration of differences in a safe, positive and nurturing environment. It means understanding one another by surpassing tolerance so that people's differences are truly valued.

#### 3.14 Defining Inclusion

Inclusion within the equality and diversity context is about ensuring no one is excluded when in employment or when receiving services. It is understanding exclusion and closing the gaps, so that all communities benefit. If communities are to be at the heart of what we do, inclusion must happen from the onset of designing services, developing policies, engaging communities, as well as when recruiting employees.

For employees, inclusion means that everyone can be respected, valued and able to 'be themselves' in the workplace.

## 4.Objectives

The Council will achieve its vision by delivering against the following objectives:

**Objective 1:** We will identify the ways to improve our workforce data collection which will be used to inform policy development and workforce strategy

**Objective 2:** We will provide learning opportunities for our workforce and our Members to develop a wider understanding of our communities and their diverse needs

**Objective 3: As officers and Members,** we will improve our knowledge of, and our contact with, all communities and ensure that communities can continue to be involved in decision making processes

## 5.Roles and Responsibilities

### 5.1 Equal Opportunities in Employment

The Council will enable equal opportunity in all aspects of employment including recruitment, promotion, opportunities for learning and development, pay and benefits, discipline and selection for redundancy.

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

Please refer to the Safer Recruitment Policy.

### 5.2 Grievances

5.21 Where an employee considers that they have been unlawfully discriminated against, or if they have a complaint involving alleged bullying or harassment, they may use the Council's Grievance Policy to raise the issue.

Bullying at work is a behaviour that is:

- threatening, aggressive or intimidating;
- abusive, insulting or offensive;
- cruel or vindictive; or
- humiliating, degrading or demeaning

Harassment is behaviour that violates an individual's dignity at work or creates an intimidating hostile, degrading, humiliating or offensive working environment. It may be related to age, disability, gender, gender identity, sexual orientation, religion or belief, race, ethnic origin or national origin. The key in relation to harassment is that the actions or comments are viewed as unacceptable to the recipient.

5.22. The Council will take all complaints seriously and will seek to resolve any grievance that it upholds. Employees will not be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is made in bad faith or for some other malicious or inappropriate reason.

Please refer to Grievance Policy.

### **5.3 Employees**

5.31 The Council has introduced Core Values that are embedded into the way we work and all employees are expected to understand and uphold the Council Values. Our values are embedded into the [Corporate Plan](#).

5.32 Employees are required to assist the Council to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination and to report incidents of discrimination or harassment or bullying behaviour to their manager

5.33 Employees can be held personally liable as well as, or instead of, the Council for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

5.34 Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the Council's Disciplinary Policy (attached in Section 9). Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

### **5.4 HR Specialists**

HR Specialists co-ordinate the corporate approach, helping to create a workplace culture where diversity is valued and celebrated. The Specialists will assist in the delivery of the Council's objectives related to the workforce.

### **5.5 Managers**

Managers have a responsibility to consider EDI in the design, commissioning and delivery of their services, in the development of policies and procedures, learning and nurturing working environments, as well as in managing teams and individuals.

Managers are expected to lead by example and address any harassment and bullying behaviour or other behaviour which does not meet the Council's values and expected standards

Managers are expected to take responsibility for the Equality Impact Assessment of new or revised policy, activity or strategy for which they are responsible in their area of work.

### **5.6 Corporate Leadership Team**

The Corporate Leadership Team champions the EDI Framework, promotes EDI throughout the Council and act as leaders across the organisation.

## 5.7 Elected Members

Elected Members are encouraged to champion and promote EDI and our Core Values in all their areas of responsibility and in all decision making and to work with officers to enable our equality objectives to be achieved.

## 6 Our role within the community

### 6.1 Engaging with partners and stakeholders

The Council recognises that we cannot work in isolation. We believe that by working together with our partners and stakeholders we can achieve more for the benefit of the community. We will work with public services and our thriving voluntary and community sector to continuously raise the profile of the EDI agenda. Improving the lives of our residents will require us to share information and resources. We will also continue to engage with the business sector to allow us to jointly address education, employment and skills and therefore economic prosperity, all of which help to make Maldon district a good place to live and work.

### 6.2 Building resilience and cohesive communities

The Council aims to build resilient and cohesive communities. By 'resilient', we mean people and communities that can cope with changes in their lives and communities. By 'cohesive', we mean that people from different backgrounds will enjoy good relations and live and work comfortably together. The Council will support our local communities by:

- Building on the strengths and capabilities of our communities to find solutions that are right for and which work for them. We will capitalise on the District's existing assets, both in terms of facilities and people, and explore opportunities to connect these together to form innovative solutions.
- Working collaboratively with public, voluntary, faith and community groups to deliver events that celebrate integration and cohesion
- Welcoming newer communities to encourage participation in civic life and increase interaction between different community groups
- Promoting Maldon District as an inclusive, diversity-friendly district, and encourage active participation in civic life by all local people
- Facilitating constructive engagement with all community groups on policies and procedures
- Working with partners and our communities to tackle hate crime in our District

### 6.3 Our role as a service provider

The Council is committed to equality of access and equality of opportunity for all those people living and working in the District. It is committed to understanding the composition of its communities and enabling access.

All employees and service users will be treated with fairness and respect, and without discrimination. Appropriate monitoring of service usage will take place in order to understand our customers and ensure that any barriers to accessing services are removed.

The Council is committed to carrying out the actions needed to meet its EDI objectives and will ensure that an action plan is followed to achieve them.

Employees should report any bullying or harassment by customers, suppliers, visitors or others to their manager who will take appropriate action.

## **7. Monitoring and Measuring Success**

### **7.1 Surveys**

The purpose of EDI surveys is to support the Council to capture the service user needs and what we need to consider ensuring our systems, services and processes support our workforce and community.

### **7.2 Data Collection**

- We will collect data to ensure the Council is meeting the data requirements for the following:
- Meeting the legal requirements to publish information as required in the Equality Act
- New telephone system to capture and monitor our service user needs

### **7.3 Reviewing Objectives and Priorities**

We will commit to reviewing our objectives and our priorities annually.

## **8. EDI Champions**

EDI Champions have been introduced to act as ambassadors for the Council. The value and benefits of EDI Champions are as follows:

- Seek feedback on diversity and inclusion
- Encourage two-way communication channels
- Help to foster open, understanding, tolerant and clear communication
- Making sure our EDI policies, guidance, training and any other relevant communications are up to date

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## Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

Title <b>Equality, Diversity and Inclusion State of Policy</b>	Date April 2021	Officer Preparing Natasha Brown HR Specialist Level 1, Luke Daley, Joshua Fulcher Strategic Theme Lead – Community
<b>1. Background</b>		
<p><b>1.1 Description of proposal / policy / service</b> (Including aims, outcomes and in the case of an existing service how long it has been delivered in its current format)</p> <p>Maldon District Council is committed to promoting Equality, Diversity and Inclusion (EDI) as a community leader, as a service provider and as an employer. The policy is intended to assist the Council in promoting EDI through its business functions and work to ensure that people are treated fairly, and that everyone has an opportunity to live, learn and relax in the District.</p> <p>The policy is intended to the assist the Council in embedding EDI into decision-making, policies and to help tackle unlawful discrimination. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.</p>		
<p><b>1.2 Who are the users of the proposal / policy / service</b> (Refer to data held about the users of the service i.e. numbers of users, demographic breakdown. Having this information is important to understand which sectors of the community might be affected. If that is not available refer to the demographic data held on the intranet.)</p> <p>The policy refers to our workforce, Members, customers, suppliers, and our community.</p> <p><a href="#">Equality Act 2010   Equality and Diversity   Maldon District Council</a></p>		
<p><b>1.3 Have users been consulted with?</b> (Have you carried out consultation with users or stakeholders while drawing up the proposal / policy / service? For example, have you carried out a formal consultation, discussed the issue with a Friends/User Group or consulted with stakeholders? If so, outline the results and how it has informed your plans. It's also important to show whether the target audience was reached during the consultation.)</p> <p>We have undertaken consultations with both Unison and the Corporate Leadership Team.</p>		
<p><b>1.4 If the analysis is regarding an existing Service, what are users' views of that Service?</b> (Base your view on evidence such as satisfaction surveys, levels of compliments and levels of complaints).</p> <p><b>Not applicable</b></p>		

**Maldon District Council Equality Analysis**

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

**2. Equality Aims – consider how the proposal / policy / service meets the three Equality Aims listed in the Equality Act.**

Aim	How does the proposal / policy / service meet the equality aim?	Action or addition needed in order that the proposal / policy / service meets the aim?
<b>2.1 To eliminate unlawful discrimination, harassment and victimisation</b>	<p>The policy states: <i>“Maldon District Council is committed to promoting EDI as a community leader, as a service provider and as an employer. This strategy is intended to assist the Council in promoting EDI through its business functions and work to ensure that people are treated fairly, and that everyone has the opportunity to live, learn and relax in the District.</i></p> <p><i>We will address inequality both in the workplace and in relation to access to services:</i></p> <p><i>In the workplace, we will continuously strive to ensure that our workplace is free of harassment and bullying; we will make sure that everyone is treated with dignity and respect. The Council has a separate Grievance Policy which deals with these issues.</i></p> <p><i>In the community, we will use our position to work with partners and stakeholders to eliminate barriers and ensure that individuals and our communities have a sense of belonging and understanding.”</i></p> <p><i>It also states that the reader should refer to the Council’s Equality Act 2010 Guidance for additional information on protected characteristics and types of discrimination, as covered by the Equality Act 2010’</i></p>	
<b>2.2 To advance equality of opportunity between people who share a protected characteristic and those who do not</b>	<p>The Policy states that the Council will tackle unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy. It also makes particular reference to equal opportunities in employment and states that candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable</p>	

## Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

	<p>adjustments that may be required from candidates with a disability and that disability and personal or home commitments will not form the basis of employment decisions except where necessary.</p> <p>Managing these in an appropriate and fair way ensures that equality of opportunity is advanced.</p> <p>The Council recognises that we cannot work in isolation to advance equality of opportunity across the District. Therefore, we are committed to working and engaging with partners, stakeholders and businesses to address this issue to ensure Maldon District a good place to live and to work.</p>	
<p><b>2.3 To foster good relations between those who share a protected characteristic and those who do not</b></p>	<p>The policy aims to ensure that employees and Members are aware of the Equality Act 2010 and should comply with the act.</p> <p>Also, the Council will work with communities to build resilience and cohesion. The Council will build on the strengths and capabilities of our communities; we will work collaboratively with public, voluntary, faith and community groups to promote integration; provide platforms to engage for those who share a protected characteristic and those who do not; facilitate constructive engagement with all community groups on policies and procedures and work with partners and communities to tackle hate crime in the District.</p>	

### 3. Equality Impacts – examine how the proposal / policy / service impacts on the community. Base the analysis on evidence. Attach additional documents if necessary.

Impacts	Positive impact (X)	Could adversely impact (X)	No impact (X)	How different groups could be affected: Summary of impacts	Actions to reduce negative or increase positive impact
<p><b>3.1 Age</b> (What will the impact be on different age groups such as younger or older people?)</p>	<input checked="" type="checkbox"/> x	<input type="checkbox"/>	<input type="checkbox"/>	<p>The policy clearly states that the Council is committed to providing equal opportunities in employment and avoiding unlawful discrimination in all aspects of employment including recruitment, promotion, training</p>	

# **Maldon District Council Equality Analysis**

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

				<p>opportunities, pay and benefits, discipline and selection for redundancy.</p> <p>It clearly states that it is unlawful to discriminate directly or indirectly in recruitment or employment because of age.</p> <p>The policy states that the Council recognises that it cannot work in isolation and that we will work with our partners and communities for the benefit of the community. We will work to engage with all ages to ensure that the District is an inclusive and diversity-friendly district.</p>	
<b>3.2 Disability</b> (Consider all disabilities such as hearing loss, dyslexia etc as well as access issues for wheelchair users where appropriate)	<b>x</b> <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The Policy clearly states that the Council is committed to providing equal opportunities in employment and avoiding unlawful discrimination in all aspects of employment including recruitment, promotion, training opportunities, pay and benefits, discipline and selection for redundancy.</p> <p>It clearly states that it is unlawful to discriminate directly or indirectly in recruitment or employment because of disability.</p> <p>The policy states that the Council recognises that it cannot work in isolation and that we will work with our partners and communities for the benefit of the community. We will work to engage with people with disabilities to ensure that the District is an inclusive and diversity-friendly district.</p>	The policy also refers to the document 'Employing People with Disabilities'.
<b>3.3 Pregnancy and Maternity</b> (Think about pregnancy, new and breastfeeding Mums)	<b>x</b> <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The Policy clearly states that the Council is committed to providing equal opportunities in employment and avoiding unlawful discrimination in all aspects of employment including recruitment, promotion, training opportunities, pay and benefits, discipline and selection for redundancy.</p> <p>It clearly states that it is unlawful to discriminate directly or indirectly in recruitment or employment because of pregnancy and maternity.</p>	

### Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

				The policy states that the Council recognises that it cannot work in isolation and that we will work with our partners and communities for the benefit of the community. We will work to engage with all communities to ensure that the District is an inclusive and diversity-friendly district.	
<b>3.4 Sex</b> (is the service used more by one gender and are the sexes given equal opportunity?)	x <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Policy clearly states that the Council is committed to providing equal opportunities in employment and avoiding unlawful discrimination in all aspects of employment including recruitment, promotion, training opportunities, pay and benefits, discipline and selection for redundancy.  It clearly states that it is unlawful to discriminate directly or indirectly in recruitment or employment because of sex.  The policy states that the Council recognises that it cannot work in isolation and that we will work with our partners and communities for the benefit of the community. We will work to engage with all communities to ensure that the District is an inclusive and diversity-friendly district.	
<b>Impacts</b>	<b>Positive impact (X)</b>	<b>Could adversely impact (X)</b>	<b>No impact (X)</b>		
<b>3.5 Gender Reassignment</b> (Is there an impact on people who are going through or who have completed Gender Reassignment?)	x <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The policy clearly states that the Council is committed to providing equal opportunities in employment and tackle unlawful discrimination in all aspects of employment including recruitment, promotion, training opportunities, pay and benefits, discipline and selection for redundancy.  It clearly states that it is unlawful to	

### Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

				<p>discriminate directly or indirectly in recruitment or employment because of gender re-assignment.</p> <p>The policy states that the Council recognises that it cannot work in isolation and that we will work with our partners and communities for the benefit of the community. We will work to engage with all communities to ensure that the District is an inclusive and diversity-friendly district.</p>	
<p><b>3.6 Religion or belief</b> (Includes not having a religion or belief)</p>	<p><b>x</b> <input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The policy clearly states that the Council is committed to providing equal opportunities in employment and tackling unlawful discrimination in all aspects of employment including recruitment, promotion, training opportunities, pay and benefits, discipline and selection for redundancy.</p> <p>It clearly states that it is unlawful to discriminate directly or indirectly in recruitment or employment because of religion or belief.</p> <p>The policy states that the Council recognises that it cannot work in isolation and that we will work with our partners and communities for the benefit of the community. We will work to engage with faith communities to ensure that the District is an inclusive and diversity-friendly district.</p>	
<p><b>3.7 Sexual Orientation</b> (What is the impact on heterosexual, lesbian, gay or bisexual people?)</p>	<p><b>x</b> <input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The policy clearly states that the Council is committed to providing equal opportunities in employment and tackling unlawful discrimination in all aspects of employment including recruitment, promotion, training opportunities, pay and benefits, discipline and selection for redundancy.</p> <p>It clearly states that it is unlawful to discriminate directly or indirectly in recruitment or employment because of sexual orientation.</p>	

### Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

				The policy states that the Council recognises that it cannot work in isolation and that we will work with our partners and communities for the benefit of the community. We will work to engage with all communities to ensure that the District is an inclusive and diversity-friendly district.	
3.8 Race (Includes ethnic or national origins including Gypsies and Travellers)	x <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The policy clearly states that the Council is committed to providing equal opportunities in employment and tackle unlawful discrimination in all aspects of employment including recruitment, promotion, training opportunities, pay and benefits, discipline and selection for redundancy.</p> <p>It clearly states that it is unlawful to discriminate directly or indirectly in recruitment or employment because of race.</p> <p>The policy states that the Council recognises that it cannot work in isolation and that we will work with our partners and communities for the benefit of the community. We will work to engage with all communities to ensure that the District is an inclusive and diversity-friendly district.</p>	
3.9 Socio-Economic Group (Will people of any particular socio-economic group be particularly affected?)	x <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Whilst socio-economic group is not a protected characteristic, the nature of the policy seeks to ensure that there is equality of opportunity for all.	
<p><b>4. Is there a Cumulative Impact?</b> (If the same group is the subject of many changes or reductions the overall impact is much greater. Consider what else is happening within Maldon District Council that may have an impact and also what we know is happening elsewhere (such as Essex County Council). See Guidance for further advice.)</p> <p>None</p>					
<p><b>5. Outcome</b></p>					

**Maldon District Council Equality Analysis**

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

**5.1 Consider all the analysis and evidence above and indicate**

**(1) No change needed** ☐

**5.2 Adjustments**

**If option (2) above is selected please detail what adjustments are needed, who is responsible and how that will be reviewed. Also outline how that will be agreed (ie Committee, CMT).**

None required

**5.3 Decision Making** (How will this equality analysis be taken into account during the decision making process? For example will it be included with a report to Committee/CMT? Will it be considered at department level or by a Head of Service? How will community/stakeholders views be taken into account?)

This will be included in the report for S&R committee on the 15 June 2021

**6.0 Next Steps**

**6.1 If there was a lack of evidence or data held on which to base this assessment, how will that gap be addressed for the future?**

Not applicable

**6.2 Summary of actions highlighted within this analysis** (Include how this will be picked up within service/work plans)

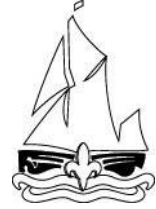
Not applicable

**6.3 Arrangements for future monitoring of equality impact of this proposal / policy / service**

The impact assessment will be reviewed annually in line with the EDI policy.

**6.4 Approved by (Manager or Head of Service signature and date)**





**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

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to  
**STRATEGY AND RESOURCES COMMITTEE**  
**15 JUNE 2021**

**STATEMENT OF COMMUNITY INVOLVEMENT**

**1. PURPOSE OF THE REPORT**

- 1.1 The Council's Statement of Community Involvement (SCI) sets out how the Council will consult with the community on planning matters. The SCI has been revised and updated. The Committee is requested to approve the revised version for public consultation.

**2. RECOMMENDATION**

That the Statement of Community Involvement (at **APPENDIX A**) is approved for consultation purposes.

**3. SUMMARY OF KEY ISSUES**

- 3.1 The Statement of Community Involvement (SCI) is a statutory document that provides a guideline framework for development management and planning policy consultations undertaken by the Council. The document sets out how the Council will consult with the community, residents and stakeholders. The previous Statement of Community Involvement was approved in November 2018. It is good practice to review SCIs on a regular basis and update them; as a minimum, reviews are required every five years. The Local Development Plan Review has provided the opportunity to update the SCI ahead of the statutory five-year review. This will ensure that the SCI lifespan will cover the whole of the LDP Review process.
- 3.2 The 2018 SCI was thorough but unwieldy and inflexible. The SCI has been edited and updated to make it more flexible, clearer and easier to understand.
- 3.3 The SCI is drafted to reflect the requirements of planning regulations, and provides the flexibility, if resources permit, to use methods of engagement that move beyond the regulatory requirements. It is important that the SCI does not commit the Council to actions that cannot be resourced in all cases, as this could then call into jeopardy decisions and actions taken. This does not, however, preclude the Council from choosing to use additional mechanisms to increase community engagement as and when it is considered appropriate to do so.
- 3.4 There is no requirement in legislation for local planning authorities to consult when updating their Statement of Community Involvement, although it is good practice for authorities to inform the public of their intentions to update this document and of the changes that have been made. This gives the community and stakeholders the opportunity to comment on it. The consultation period will be six weeks long.

## 4. CONCLUSION

- 4.1 The Statement of Community Involvement has been reviewed and updated. With this Committee's agreement, the SCI will be consulted upon for six weeks. Following the consultation, any comments received will inform the final version of the SCI, and will be reported back to Members, before the SCI is formally adopted by the Council.

## 5. IMPACT ON STRATEGIC THEMES

- 5.1 The SCI supports all the Place, Prosperity and Community outcomes (1 to 13) in the Corporate Plan, through the use of technology (outcome 17) and meaningful engagement (outcome 18).

## 6. IMPLICATIONS

- (i) **Impact on Customers** – SCI provides clear information on how customers will be consulted on planning matters and how to make comments. This will enable communities to better engage with the planning system.
- (ii) **Impact on Equalities** – The SCI is not intended to benefit any one particular group. As such, the SCI is relevant to everyone who will live, work and visit the District.
- (iii) **Impact on Risk** – The SCI reflects the statutory consultation requirements. Legislation requires that Local Plans are prepared in conformity with an adopted SCI, by reviewing and updating the SCI now, ensures that it reflects the current statutory consultation requirements, and provides a framework for future LDP consultations.
- (iv) **Impact on Resources (financial)** – There are no direct financial implications associated with the report.
- (v) **Impact on Resources (human)** – There are no direct human resources associated with the report.
- (vi) **Impact on the Environment** – Focusing on digital engagement may reduce natural resource use. However, no consultation process is without a degree of environmental impact.
- (vii) **Impact on Strengthening Communities** - SCI provides clear information on how customers will be consulted on planning matters and how to make comments. This will enable communities to better engage with the planning system. Strengthening the procedures for community involvement will help to enable thriving communities.

Background Papers: None.

Enquiries to: Leonie Alpin, Specialist Local Plan.



MALDON DISTRICT  
COUNCIL

# **MALDON DISTRICT COUNCIL**

## **STATEMENT OF COMMUNITY INVOLVEMENT**

### **2021**

## IMPORTANT

Due to the Covid-19 health emergency, the rules for publicity and availability of documents has temporarily changed.

### Local Development Documents:

Draft planning policy documents, such as a Local Plan, Neighbourhood Plan or Supplementary Planning Document will not be available for inspection at the Council's offices or other locations in the District. Neither will hard copies of documents be available. These temporary changes will apply until 31 December 2021, unless the regulations change.

### Development Management and Listed Building consents:

The Regulations provide temporary flexibilities for local planning authorities, the Secretary of State or inspector, applicants or appellants (as applicable) to use alternative methods if they are not able to comply with the usual requirements to publicise information or provide a physical address where documents can be inspected or copies obtained because it is not reasonably practicable to do so for reasons connected to the effects of coronavirus. Alternative methods of publicity can include use of social media and other forms of electronic communication and the documents may be made available on a website. These temporary changes will apply until 31 December 2021, unless the regulations change.

The regulations also extend temporary flexibilities in relation to publicity for planning applications (relating to site notices, the sending of notices to individuals and local newspaper notices) until 30 June 2021.

The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020  
<https://www.legislation.gov.uk/uksi/2020/505/contents/made>

Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020 available at:  
<https://www.legislation.gov.uk/uksi/2020/1398/contents/made>

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## Introduction

### Background

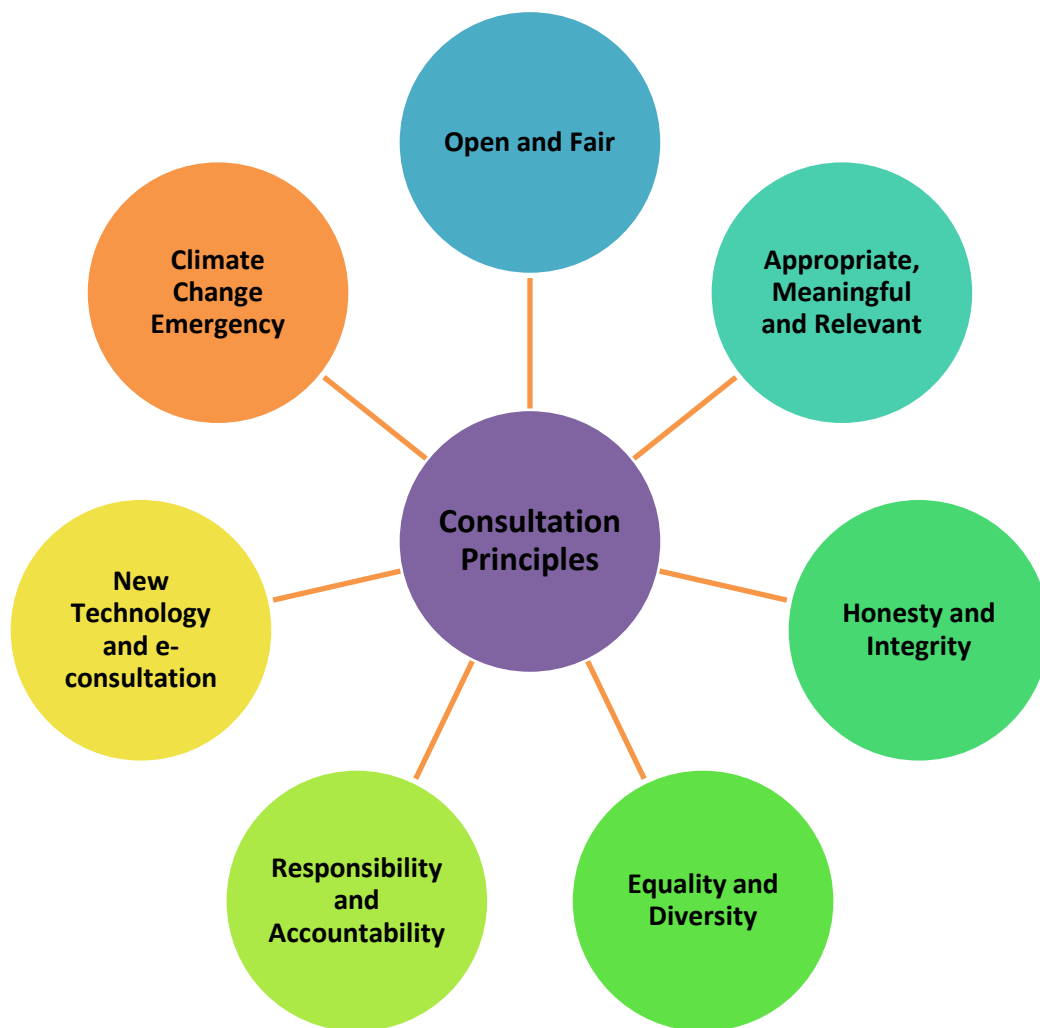
- 1.1 This Statement of Community Involvement (SCI) sets out what consultation will take place when we are developing and reviewing our planning documents and determining planning applications. It also provides information on the support the Council can give to communities preparing neighbourhood plans or neighbourhood development orders.
- 1.2 The planning system affects all communities and individuals in one way or another. It is therefore crucial that local people are given the ability to understand the planning process and the opportunity to participate in the Plan and decision making processes, offering their ideas and influencing future development in the District.
- 1.3 Local Authorities are required to update their SCI every five years. Therefore, the Council reviews the SCI on a regular basis to ensure its approach to community involvement remains both efficient and effective. Maldon District Council adopted its first Statement of Community Involvement in 2007; this 2021 SCI is the third update. The SCI complies with the Regulations and aligns with modern channels of communication between the Council, the residents and businesses of the District it serves. Once adopted, this SCI will replace the 2018 SCI and its 2020 addendum.
- 1.4 The community can get involved in local planning matters through the following:
  - Commenting on planning applications;
  - During consultation periods on Planning Policy documents;
  - Contributing towards the creation of a Neighbourhood Plan,
  - Notifying the Council about breaches of planning control.
- 1.5 The SCI will be used as a framework for consultation and engagement by the Council to help guide approaches to consultation for the production of planning policy documents and planning applications.

### Corporate Plan 2021-2023

- 1.6 The SCI supports the Council's Corporate Plan. This sets out the Council's core values; those most relevant to the SCI are:
  - Have a customer focus;
  - Be respectful to others;
  - Act ethically and with integrity;
  - Be open and transparent; and
  - Be accountable for our actions.
- 1.7 The Corporate Plan is focused on addressing the challenges faced by the District and its communities. The outcomes most relevant to the SCI are:
  - Governance – Delivering a robust corporate and political governance framework for sound decision-making
  - Technology – meeting the needs of our customers effectively and efficiently and reducing our carbon footprint by deploying appropriate technological solutions;
  - Meaningful Engagement – using engagement with our residents, businesses, partners and staff to inform our decision-making.

### Consultation Principles

- 1.8 The benefits of consultation and engagement are a better informed Council and community, leading to healthy and open relationships, and better decision making. The Council will seek to work to high standards of public consultation by committing to the following principles outlined below.



### **Open and Fair**

We will give enough information and reasoning to allow you to make an informed response and we will give sufficient time for responses to be made, taking into account any statutory time requirements.

### **Appropriate, Meaningful and Relevant**

We will deliver meaningful consultations, proportionate to their complexity, using Plain English and explaining technical terms.

### **Honesty and Integrity**

We will be clear about the scope of our consultations, so that those responding are aware of what they are able to influence. We will clearly show how public and stakeholder views have been considered.

### **Equality and Diversity**

We will ensure that all our consultations are fair and open, taking into account the needs of all sectors of the community relevant to the consultation.

### **Responsibility and Accountability**

We will ensure that all comments made in relation to our consultations are considered carefully when decisions are made, where appropriate publishing reports that explain key issues raised and how the consultation influenced the decision.

### **New Technology and e-consultation**

We will look to make best use of technology in the way we advertise consultations, provide information and collect comments from participants.

### **Climate Emergency**

The Council is working on measures relating to the climate change emergency and the SCI has considered how it can contribute to this through the use of technology and reducing resource use.

### **How to make your comments count**

1.9 When you make comments on policy consultations or planning applications, it is important to remember that the Council can only consider planning issues in their decisions. To make your comments count, focus on planning related issues. The list below is not exhaustive, but shows some common examples:

- Adequacy of parking/loading/turning
- Archaeology
- Conflict with planning policies
- Design, appearance and materials
- Disabled access
- Effect on Listed Buildings and Conservation Areas
- Hazardous materials
- Highway safety
- Impact on nature conservation / environment / climate change
- Landscaping
- Loss of light/overshadowing
- Loss of privacy/overlooking
- Loss of trees
- Noise and disturbance resulting from use, including comings and goings
- Previous planning decisions (including appeal decisions)
- Proposals/policies in the Development Plan
- Residential amenity
- Road access
- Smells (fumes/odour)
- Traffic generation
- Visual amenity (but not loss of private view)

1.10 The Council cannot consider matters which are not planning related, such as:

- Any representations which are libellous, racist or offensive
- The racial or ethnic origin of the applicant, their sexual orientation, religious beliefs, political views or affiliations or any other personal attributes
- Applicant's motives
- Boundary disputes
- Fence lines
- Impact during construction
- Loss of property value
- Loss of trade and competitors
- Loss of view (as opposed to obstruction impacting on amenity)
- Ownership disputes over rights of way
- Personal morals or views about the application
- Private disputes between neighbours
- Restrictive covenants
- Behaviour of the applicant



- Nuisance previously caused by the applicant (unless this relates to an existing development for which retrospective permission is being sought)
- Concerns about possible future development of the site, rather than the development being proposed

## Community Involvement in Planning Policy

- 2.1 The government is clear that councils should make Development Plans setting out the council's vision for the district and delivery objectives. The main Development Plan document for our district is the Maldon District Local Development Plan. Details can be found at: [www.maldon.gov.uk](http://www.maldon.gov.uk). The policies within the Local Plan are the legal tools with which the council can manage growth and change to ensure new development is sustainable.
- 2.2 The National Planning Policy Framework sets out the Government's planning policies for England and how they should be applied. The NPPF must be taken into account in preparing the Local Plan and is a material consideration in planning decisions. This section will set out how the Council involves the community in preparing planning policy documents, based on the vision and standards outlined above, and the statutory requirements for consultation.
- 2.3 Information on the Council's programme for preparing all future policy documents is contained within the approved Local Development Scheme (LDS) which is available online.
- 2.4 For all consultations on the Local Plan and Supplementary Planning Documents, the draft documents will be available on the Council's website [www.maldon.gov.uk](http://www.maldon.gov.uk). When it is legal and safe to do so, copies will be available at the Council's offices in Princes Road, Maldon CM9 5DL, and at other suitable 'deposit points' in the District (see notice on page 1).
- 2.5 If you need planning policy documents in other formats, please use the online contact form on the Council's website ([www.maldon.gov.uk](http://www.maldon.gov.uk)) or contact us by phone on 01621 854477 or email: [Policy@maldon.gov.uk](mailto:Policy@maldon.gov.uk) and we will try and help you.
- 2.6 How the Council involves the local community and statutory consultees will vary depending on the type of planning policy document being produced.
- 2.7 This section will outline the process of engagement and involvement used at each stage of the Local Plan process and how the participation of community stakeholders will help influence and shape policy documents.

## Local Plans/Development Plan Document

- 2.8 We will use the Council's website, social media and the local press to inform people of planning policy consultations. Consultees on the planning policy mailing list will be contacted directly. You will be able to respond online, by email to [policy@maldon.gov.uk](mailto:policy@maldon.gov.uk) or by post to Maldon District Council, Princes Road, Maldon, Essex CM9 5DL. For some community or business groups, who may be harder to reach using the above lines of communication, the Council can arrange group meetings or sessions. These will be considered on a case by case basis

### **Stage 1 'Preparation of Local Plan (Regulation 18)' or Development Plan Document (DPD)**

- 2.9 Community engagement is vitally important to the plan preparation process. Participation will be encouraged and consultation can help identify and understand the issues relating to the future of the District. At this stage the Council is required to invite representations on what the Local Plan or DPD ought to contain. This could be through an 'Issues and Options' style consultation and/or through a consultation on a 'Preferred Option' or draft Plan. The consultation will be at least 6 weeks long.

**Stage 2 'Publication of proposed Local Plan (Regulation 19)'**

- 2.10 The Council will undertake a final consultation (for at least 6 weeks<sup>1</sup>) on the draft Local Plan before submitting the Plan to the Government. (This is called the Pre-Submission Plan). A statement of representation procedure will be published, which will explain where the draft Plan can be inspected and how people can comment on it. At this stage, all the comments we receive will be submitted with the draft Local Plan and its supporting documents to the Government for Examination in Public by a Planning Inspector.
- 2.11 After this consultation a Statement of Consultation will also be published on the Council's website outlining the representations received and any potential modifications to the plan the Council wishes to propose to the Inspector.

**Stage 3 Independent Examination**

- 2.12 The Government will appoint a Planning Inspector to carry out the Independent Examination. This is also called an Examination in Public (EiP). For this Stage, the Council is a participant. A Programme Officer will be appointed to represent the Inspector and coordinate all correspondence relating to the Examination. The Inspector will decide who needs to be involved and they will be contacted by the Programme Officer. We will however keep our website updated with all relevant documents so they can be viewed, and we will use our website and social media to keep people informed of key stages during the Examination.
- 2.13 Once the Inspector has reviewed the submitted Plan, a series of matters, issues and questions (MIQs) in relation to the Plan will be put to the Council and sent to everyone who has made a representation. The Inspector will give all parties time to respond to the MIQs. All these responses will be published on the Council's website.
- 2.14 The Examination will take into account the submitted Local Development Plan, supporting evidence, representations and written statements. This enables the Inspector to judge if the Plan meets the legal requirements and is 'sound'.
- 2.15 The Inspector has the right to call people and organisations to give evidence at the Examination. Examinations are not subject to cross-examination by barristers and questions are asked by the Inspector to the Council and other representatives and discussions held. If you are invited to attend, advice on the Examination will be provided by the Programme Officer.

**Stage 4 Adoption**

- 2.16 The recommendations of the Inspector are set out in their Report to the Secretary of State. Provided that the Inspector finds the Plan sound, the Council will be able to adopt the Local Plan. However, the Inspector may make recommendations for further modifications to the Plan to make it 'sound'. If the raised matters have not previously been considered at the Examination, they will be subject to a 6 week consultation. Any representations made will be considered by the Inspector in their final Report.
- 2.17 Once the examination is finished and the Local Plan is adopted by the Council we will use the Council's website, social media and the press to notify people of its legal adoption.
- 2.18 Once adopted, all Local Plans must be reviewed every five years. The review will consider whether the Plan remains effective, or if a full or partial update is required.

<sup>1</sup> The consultation period is to be not less than six weeks from the day the Statement of Representations Procedure is published: Reg 17 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

## Supplementary Planning Documents (SPDs)

- 2.19 These documents provide more detailed advice and guidance on policies in the Local Plan, covering a range of issues, specific subjects or individual sites. SPDs are not subject to independent examination, but are subject to public consultation lasting a minimum of 4 weeks. Normally we will consult for 6 weeks on a draft SPD. Once the consultation exercise has finished, the Council will consider all responses and where appropriate amendments will be made to the document.
- 2.20 On adoption, the Council will make available an adoption statement and a consultation statement which sets out how the Council engaged stakeholders and the community on the SPD. All relevant documents will be available on the Council's website [www.maldon.gov.uk/SPD](http://www.maldon.gov.uk/SPD). Once adopted, SPDs will have material weight in decision-making on planning applications.
- 2.21 The Council may also prepare other planning guidance such as master plans, design codes, planning and development briefs. In some instances these may be prepared with the local community or be informed by public consultation, prior to adoption.

## Community Infrastructure Levy (CIL)

- 2.22 The Community Infrastructure Levy is a charge on new development in the District. Introducing CIL is optional. Should the Council introduce CIL it will need to prepare a Draft Charging Schedule supported by appropriate viability evidence and an Infrastructure Delivery Plan. There are two stages of consultation to be undertaken: Following the first stage of CIL consultation (the Preliminary Draft Charging Schedule) the Council will consider all representations made, and if required, amendments will be made to the charging schedule and/or its evidence-base. The second stage, (the Draft Charging Schedule), presents the CIL rates, the Council's response to the representations made during the first consultation and the evidence base. The outcome will then be submitted for Examination by a Planning Inspector. The Inspector will decide, in a report, whether the CIL rates are appropriate and can be introduced in the District.

## Duty to Co-operate

- 2.23 The Duty to Co-operate requires local planning authorities and other public bodies, such as Historic England, the Environment Agency and Natural England, to engage constructively, actively and on an on-going basis to maximise the effectiveness of strategic development. There are a number of strategic matters that have impacts that cross boundaries, including housing, transport, education, waste management, marine, estuary and other environmental matters.
- 2.24 The NPPF requires local planning authorities to produce and maintain one or more Statement(s) of Common Ground to demonstrate how they have co-operated effectively and agreed on cross-boundary planning policy issues through the Plan making process.

## Using the results of consultation and feedback

- 2.25 Representations made during formal consultation periods will be acknowledged, recorded and summarised in the Consultation Statement. All representations will be published on our website with your name/company name – all other personal information will be redacted, once the consultation exercise has ended. All representations made must include contact details. Representations that are marked confidential, anonymous, are received after the consultation has closed will not be accepted.
- 2.26 All consultation responses will be analysed carefully. Using the local knowledge, experiences and views of respondents will enable more effective and efficient policy to be put in place. All representations will be considered and used to inform decisions

and/or shape the documents, alongside Government legislation, national planning policy and guidance, and other evidence.

### Availability of Documents

- 2.27 Draft policy documents, adopted Development Plan Documents, Supplementary Planning Documents, Neighbourhood Plans and other documents such as the Local Development Scheme and the Statement of Community Involvement will be made available on the Council's website at [www.maldon.gov.uk](http://www.maldon.gov.uk).
- 2.28 Normally, consultation documents can be inspected at the Council's office and other suitable deposit point in the District (such as libraries), and hard copies would be available on request. However, due to the Covid- 19 pandemic, documents will not be available for inspection and hard copies are not available. This restriction applies until 31 December 2021, unless the regulations change during the year<sup>2</sup> (see notice on page 1)

### Community Involvement in Neighbourhood Planning

- 3.1 Neighbourhood planning gives communities another way to shape development in their local area. Neighbourhood Plans set out planning policies prepared by parish councils, or neighbourhood or business forums. We will support communities undertaking neighbourhood planning. This will include sharing information, providing guidance and making arrangements for any Examination and Referendum.
- 3.2 Communities can also prepare other documents such as town or village design statements, which can show how they see their area responding to change and provide design guidance. These can form part of a Neighbourhood Plan and carry statutory status or they can be prepared as stand-alone documents, which if endorsed by the District Council, will be used as material considerations in determining planning applications.

### Neighbourhood Area

- 3.3 Before a Neighbourhood Plan can be produced, the Parish Council proposing the production of a Plan must apply to the Council for designation as a Neighbourhood Area. If a Neighbourhood Area is the same area as the parish, the Neighbourhood Area will be designated. Local communities will be consulted on the designation of a Neighbourhood Area, where the boundary is different to that of the local parish council. In these cases, we will publicise the proposed Neighbourhood Area, consult the adjoining Parish/Town Councils and relevant stakeholders and use the Council's website to inform people of the consultation process for this and to encourage people to respond online. The District Council will publicise the decision made on the application.

### Preparation of a Neighbourhood Plan

- 3.4 The Parish Council will lead in putting together the Neighbourhood Plan and they will need to think about how best to involve the community. It is the parish/town council's responsibility to ensure that the local community is kept informed of progress on the Plan. Early engagement with relevant stakeholders, particularly the District Council, is important throughout the Plan's preparation, to ensure the plan meets the 'Basic Conditions' (a set of legal requirements which a Neighbourhood Plan must meet if it is to be successful at the Independent Examination).
- 3.5 Throughout the Plan's preparation, each consultation event or activity needs to be summarised and included in a 'Consultation Statement'. This is a key document for the

<sup>2</sup> Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020

Neighbourhood Plan and will demonstrate to the Examiner that the Plan has been prepared with a good degree of community involvement.

- 3.6 The neighbourhood planning group must undertake a six-week consultation on a draft Neighbourhood Plan with the local community, interested parties, and the Council (the Regulation 14 consultation).

### Submission and Examination

- 3.7 Once this formal consultation has finished, the Parish Council or forum will finalise the draft plan and submit the Neighbourhood Plan to the District Council. The Council will carry out its own formal consultation (the Regulation 16 consultation). We will publicise the consultation, directly notify relevant stakeholders, use the website and social media to inform the local community and key stakeholders of the consultation and you will be able to respond in the same way as for other planning policy consultations (see para 2.8). Where safe and legal to do so, copies of the draft Plan will be available at the Council's offices and at other relevant deposit points in the District (see notice on page 1).
- 3.8 All the comments we receive at this stage will be submitted with the draft Neighbourhood Plan and supporting documents to an Independent Examiner. The Examiner will decide who needs to be involved in the Examination. We will use the website to keep people informed during the Examination.

### Referendum

- 3.9 After the Examination, if the Council decides the Neighbourhood Plan should be put to a referendum we will publicise the decision and publish the Council's Decision Statement on the Council's website,. The Information Statement and referendum version of the Plan will also be published on the Council's website before the referendum. We will notify you if you are eligible to vote. You will then get the opportunity to vote on whether or not the plan should be accepted.
- 3.10 Where a Neighbourhood Plan has gained over 50% of the votes cast, the Council will immediately give it full weight in the determination of planning applications within the Neighbourhood Area. The District Council will formally 'make' the Plan following a positive referendum result. The document will then have statutory status and form part of the Maldon District Development Plan. The District Council will publicise the making of the Plan.

### Other support offered by the Council

- 3.11 In addition to the statutory requirements outlined above, the Council will provide support for each Neighbourhood Plan during its preparation. The level of support provided will vary depending on the types of proposals in a Plan, and the requirements of the community group. Support provided during the production of a Neighbourhood Plan may include:
- Advice and assistance on the process of producing Neighbourhood Plans;
  - Basic assessment and review of work produced by a neighbourhood group throughout the development of a Plan. This will include providing 'critical friend' assistance to ensure that the emerging work is in conformity with Council planning documents and the National Planning Policy Framework;
  - Written responses to community groups outlining assessment and review work undertaken on emerging Neighbourhood Plans; and
  - Attendance at meetings with neighbourhood groups to present the views of the Council on an emerging plan, and provide advice and assistance as required.
  - Arranging the Strategic Environmental Assessment / Habitats Regulations Assessment (HRA) screening opinion and the consultation with the statutory consultees.
  - Maldon District Council has produced a guidance note for parish and town councils ([https://www.maldon.gov.uk/info/20048/planning\\_policy/8112/community\\_led\\_plannin](https://www.maldon.gov.uk/info/20048/planning_policy/8112/community_led_plannin))

[g\\_and\\_neighbourhood\\_plans/2](#) ), outlining the process for undertaking a Neighbourhood Plan and the various stages which need to be completed for a Neighbourhood Plan to be effectively and efficiently created.

- Essex County Council's 'Neighbourhood Planning Guide: Information, Help and Support' signposts relevant County Council services and information sources for groups preparing Neighbourhood Plans (available at [www.essex.gov.uk](http://www.essex.gov.uk) ).

## Community Involvement in Development Management

- 4.1 As a Local Planning Authority, Maldon District Council is responsible for the management of development within the District. Therefore, this SCI identifies how we will involve the community in the consideration of planning applications, ranging from household proposals to major applications. This section will outline the existing procedures used by the Council, and specifically the Development Management team when advertising and consulting on planning applications.

### Pre-application

- 4.2 We are committed to providing an effective planning service which delivers good quality sustainable development within the District, in conformity with the policies and principles set out in the Local Development Plan and related policy. Early discussion between applicants and the planning authority is a valuable stage of the planning application process. All pre-application discussions will be held in private and therefore confidentiality will apply.
- 4.3 The NPPF stipulates at Para 39:  
*Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.*
- 4.4 The pre-application process between the applicant and the Council is confidential, and the Council will not undertake any public consultation at this stage. It may, however, consult with some of its partners, such as Essex County Council Highways team, for technical advice that feeds into the discussions with developers.
- 4.5 We will usually engage in pre-application discussions with developers through our Pre-Application Service. The purpose of such early discussion will be to inform, discuss, encourage agreement and aim to reach an early consensus on the type, design and form that schemes might take. This will benefit the local community by potentially influencing the design process and decisions made by applicants before they submit an application. It will also benefit developers, by ensuring local concerns are addressed at an early stage thereby saving time and expenditure later in the process.
- 4.6 The Council will provide a response identifying the primary planning issues for the proposal. The level of detail provided in the response will reflect the level of accuracy and detail of the information that is provided by the applicant; the more information you can provide about your proposal, the more accurate and in-depth our feedback will be. The response will also provide a clear position on relevant planning policy issues and any other documents the developer should refer to, such as Masterplans or Neighbourhood Plans.
- 4.7 All strategic proposals must be presented to a meeting of both members and officers in order to commence early Member engagement. Strategic development proposals include:
- Any application of 75 dwellings or more; or any outline residential development proposals whose site is 2 hectares or more.
  - Any residential proposal promoted as an allocated site within the LDP.



- Any 100% Affordable Housing proposals of six dwellings or 0.3ha or more in outline form.
  - Any non-residential development proposal, whose floor area is 1,500 square metres or more or whose site area is 2 hectares or more.
  - Any non-residential proposals relating to development proposals allocated in the LDP.
  - Any retail development 1,000 square meters or more or which of 250 square metres or more and is proposed to be beyond existing town centres as defined in the local plan or emerging LDP.
  - Any mixed use development proposals whose site area is 2 hectares or more, or is of 75 dwellings or 1,000 square metres commercial floor area or more.
  - Any wind energy proposals whose output capacity is 1Mw or more or which proposes three or more turbines of 30m or more.
  - Any Solar energy proposals whose output capacity is 1Mw or more or which proposes 4,000 or more solar panels.
  - Energy from Waste Scheme which is 1KW capacity or more.
- 4.8 Members that attend the meeting will have an opportunity to ask questions and seek clarification. Members may alert the developer to what they perceive as the likely view of their constituents, but this must be in the context of the LDP or alternative policy framework.
- 4.9 Fees are applied for the Pre-Application Service. These vary dependent on the application and type of advice being sought. The type of advice could be in the form of one or more meetings, with or without follow up letters. Details of the fees can be found at: [https://www.maldon.gov.uk/info/20046/development\\_management/9227/planning\\_advice\\_and\\_information](https://www.maldon.gov.uk/info/20046/development_management/9227/planning_advice_and_information)
- 4.10 The fee schedule for pre-application advice relates to Maldon District Council's services only. Essex County Council apply their own charges for attending pre-application meetings.
- 4.11 For the most significant major infrastructure projects which are of national importance, the Council is a statutory consultee rather than the Local Planning Authority. For these Nationally Significant Infrastructure Projects (NSIPs), the Government have an established infrastructure planning team within the Planning Inspectorate, who will be responsible for determining these applications. However, the pre-application process and planning application process remain vitally important to community engagement and consultation. Any individual wishing to participate in the examination of an application for development consent for a national infrastructure project (NSIP) is required to register with the Planning Inspectorate, and not the local planning authority, and make a relevant representation about the application. Further information can be found at: <http://infrastructure.planningportal.gov.uk/application-process/participating-in-the-process/>

### Planning Performance Agreements

- 4.12 As an alternative to a pre-application fee an applicant may enter into a Planning Performance Agreement (PPA) with the Council. These set out the level of service the applicant will receive from the Council, who they will deal with and how the assigned officer will coordinate all of the Council's and its partners' activities, the length that the PPA will apply and the fee. PPAs can allow for a wider range of meetings, often topic based, so that the Council can provide the appropriate response and engagement to the developer's scheme and ensure that it is, as far possible, policy compliant and deliverable.
- 4.13 PPAs are usually entered into before a planning application is submitted and last until the date of the applications submission. For strategic developments the Council will recommend that a long term PPA is entered into which takes into account not only the initial planning application, but any follow up applications such as reserved matters or discharge of conditions. See the pre-application section for the definition of 'strategic' developments.

- 4.14 In all instances PPAs are clear in that they are entered into without prejudice to the formal consideration of any application subsequently submitted.

### Planning Advice and Information

- 4.15 The Council offers householder application planning advice via a Duty Planning Officer. For times and availability, refer to the Council's website:  
[https://www.maldon.gov.uk/info/20046/development\\_management/9227/planning\\_advice\\_and\\_information/2](https://www.maldon.gov.uk/info/20046/development_management/9227/planning_advice_and_information/2)
- 4.16 The duty planning officer will be able to provide **informal** advice:
- whether planning permission is required
  - to assist you with understanding what an application is proposing and the type of application
  - to direct you to the appropriate service if your enquiry does not relate to planning (e.g. Highways, Building Control or Environmental Health).
- 4.17 They will not:
- provide an opinion on whether planning permission may or may not be supported by officers (this would be chargeable pre-application advice)
  - discuss the detail of current large or complex applications
  - discuss the technical merits (principle, design, submitted reports, consultee responses, neighbour comments) of any applications, refusals or appeals
  - agree to any minor amendments to planning permissions
  - grant immunity from enforcement
  - discharge any planning conditions on a decision notice
  - carry out searches; such as whether Permitted Development Rights exist for properties, planning history of sites
  - answer questions or offer advice on national and local planning policy and processes except for where these may be related to householder applications (extensions, alterations, and outbuildings to residential premises)

### Planning Application Stage

- 4.18 Details of all planning applications from approximately 2004 are available to view via the Council's planning application search facility at: <https://publicaccess.maldon.gov.uk/online-applications/>. This includes the application documents, planning decisions, important dates and contact details. Decision notices from approximately 1992 are also available to view via this facility. Decision notices dated pre-1992 can be viewed upon request to the Council (subject to the temporary restrictions outlined on page 1)
- 4.19 The Council's website also contains weekly lists of all planning applications and decisions made, committee agendas and reports, and a list of appeals and appeal decisions at: <https://publicaccess.maldon.gov.uk/online-applications/search.do?action=weeklyList>. Weekly lists of applications are provided for publicity purposes to:
- Amenity societies;
  - Local newspapers;
  - Local radio;
  - Parish and Town Councils
  - Other interested parties are consulted at the discretion of the LPA. Any interested parties can request to receive a weekly list of planning applications
- 4.20 Once an application has been received by the planning service, it will be checked for validation purposes. To make a valid application, there are statutory and local information requirements which apply to each application type. A valid application must consist of:
- Information requested on the standard application form;
  - Statutory national information requirements, including a design and access statement if required; and



- National and local application requirements.

- 4.21 Upon receipt of an application, the Local Planning Authority is obliged to undertake a public consultation process (it should be noted that not all application types are subject to notification or consultations procedures). Statutory and specialist bodies are consulted as set out in Schedule 4 of [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#). Such statutory consultees include neighbouring authorities, Natural England (<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>), and Historic England (<https://historicengland.org.uk>) and other organisations.
- 4.22 The Town and Country Planning (Development Management Procedure) Order 2015, including the amendments set out in Part 2 of the Town and Country Planning (Local Authority Consultations etc) (England) Order 2018, sets out the publicity and notification requirements for planning applications and is supplemented by other legislation in some cases.
- 4.23 Statutory and local publicity requirements for planning and heritage applications include the following. Due to the current health emergency, Regulations have relaxed the publicity requirements for planning applications. Please see page 1):

Type of development	Site notice	Site notice or neighbour notification letter	Newspaper advertisement	Website
Applications for major development as defined in Article 2 of the Development Management Procedure Order	-	X	X	X
Nationally Significant Infrastructure Projects (NSIPs) (to be determined at a Central Government level by the Planning Inspectorate)	-	-	X	X
Application subject to Environmental Impact Assessment which are accompanied by an Environmental Statement	X	-	X	X
Applications which do not accord with the Local Development Plan	X	-	X	X
Applications which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 applied	X	-	X	X
Applications for planning permission not covered in the entries above e.g. non-major development	X	-	X	X
Certain prior notification for telecommunication installations under the terms of Part 16 of the Town and Country (General Permitted Development) Order 2015 (as amended)	-	X	X (Only if Article 8 applies e.g. affects a public right of way or development exceeding 1 hectare)	X
Prior notification for larger householder extensions under the terms of Class A Part 1 of the Town and Country (General	-	X	-	-

Type of development	Site notice	Site notice or neighbour notification letter	Newspaper advertisement	Website
Permitted Development) Order 2015 (as amended)				
Prior approval applications for the change of use of buildings under the terms of Part 3 of the Town and Country (General Permitted Development) Order 2015 (as amended)	-	X	-	-
Applications for listed building consent where works to the exterior of the building are proposed	-	X	X	X
Applications to vary or discharge conditions attached to a listed building consent or involving exterior works to a listed building	X	-	X	X
Applications for development which would affect the setting of a listed building, or affect the character or appearance of a conservation area.	X	-	X	X
Lawful Development Certificate, Works to Trees in Conservation Areas or covered by a Tree Preservation Order, Certificates of Appropriate Alternative Development, Hazardous Substances Consent, Prior Notifications for Agricultural Works and Buildings, Demolitions or Railways and County Matters	-	-	-	-

Table 5.1 Statutory and Local Notification Requirements for Planning Applications (In 2021, these are subject to changes through Coronavirus related regulations).

- 4.29. The Council will arrange for site notices to be erected in a clearly visible and accessible location at or near the site subject of the application, outlining the address of the site, a description of the proposed development, information on how to make a representation and the contact information and name of the planning officer who is responsible for the application. Representations will be accepted for 21 days after the date on which notice is given, (discounting Public Holidays from those 21 days, in most cases) although any representation received after this date will usually be accepted if received before the application is determined.
- 4.30. There are 3 ways you can comment on a planning application:
- Online: <https://publicaccess.maldon.gov.uk/online-applications>
  - Email: [planning@maldon.gov.uk](mailto:planning@maldon.gov.uk)
  - Post: Planning Services, Maldon District Council, Princes Road, Maldon CM9 5DL;
- 4.31. The use of the online facility is the preferred and most direct method of receiving representations with respect to planning applications. To be accepted, all representations made to the Council must include contact details of the respondent.
- 4.32. For representations to be given the appropriate legal weight when an application is being assessed, they must relate directly to the planning matters relevant to the application; these are known as 'material considerations'. For example, these might include (further details can be found on page 6):
- Any potential harm to the amenities of existing or future residents caused by noise, smell, loss of light and overlooking likely to result in a significant loss of privacy.
  - The visual impact of the proposed development
  - The effect of the proposal upon the enjoyment of your home or garden

- The impact on the appearance of the surrounding area and upon highway safety
- 4.33. It should be noted that comments made in relation to impact on existing property values are not given weight and that the Local Planning Authority has no ability to act in relation to neighbour disputes or The Party Wall Act 1996 (as amended).
- 4.34. All representations submitted will be kept as part of the public record and will be made available to view by any person on request. The Local Planning Authority may use its discretion to make representations available to view on the Council's website, either in full, redacted or summarised. The Council reserves the right not to publish or take into account any letters of representation which are openly offensive or defamatory.
- 4.35. Under delegated powers, the Director of Service Delivery is able to make decisions on certain categories of planning application. Additionally, Members can ask for particular applications affecting their Ward to be referred to a committee for decision.
- 4.36. Members of the public have the opportunity to put their views on planning applications direct to meetings of the District Planning Committee and the three Area Planning Committees. There are alternative arrangements for giving your views to virtual planning meetings during the Covid-19 pandemic. For more information see:  
[https://www.maldon.gov.uk/info/20046/development\\_management/9562/can\\_i\\_speak\\_at\\_a\\_planning\\_committee\\_meeting](https://www.maldon.gov.uk/info/20046/development_management/9562/can_i_speak_at_a_planning_committee_meeting).

### Notification of a Decision

- 4.37. Unless agreed in writing between the Local Planning Authority and the applicant/agent, all non-major planning applications are to be decided within eight weeks, whilst major applications have an increased time frame of up to 13 weeks. Applications that are accompanied by an Environmental Statement as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 should be decided within 16 weeks.
- 4.38. Once a decision has been made on a planning application, an Officer's report will be published. The report will provide information on the following:
- A description of the application and site;
  - A review of local and national planning policies, which the application has been considered against;
  - An account and assessment of representations made through public consultation and responses from internal and statutory consultees; and
  - The Officer's recommendation for approval or refusal.
- 4.39. When a decision is reached, those making representations are advised of the decision within 10 days by letter or email. This will state whether the application has been approved or refused and will advise that the full decision, including the officer's report, may be viewed on the Council's website.

### Appeals

- 4.40. Only applicants may appeal against a decision made by the Local Planning Authority. Appeals can relate to a decision to refuse a planning application or against the non-determination of any application within 8 weeks (for minor applications) and 13 weeks for major applications. It is not possible for 'third party' observers to appeal a decision. Should an appeal be made against the decision, all representations are forwarded to the Planning Inspectorate.

- 4.41. All those making representations are advised of the appeal and that further representation may be made direct to the Planning Inspectorate. For further details, please consult the Council's website ([https://www.maldon.gov.uk/info/20046/development\\_management](https://www.maldon.gov.uk/info/20046/development_management)).

### Permission in Principle

- 4.42. Permission in principle is an alternative two stage process for obtaining planning permission for housing-led development. It separates the first 'permission in principle' stage - which establishes whether a site is suitable in-principle - and the second 'technical details consent' stage when the detailed development proposals are assessed. Permission in principle only applies to the types of development set out in the national guidance (see <https://www.gov.uk/guidance/permission-in-principle>).
- 4.43. Local planning authorities can grant permission in principle to a site upon receipt of a valid application or by entering a site in Part 2 of its brownfield land register which will trigger a grant of permission in principle for that land providing the statutory requirements set out in Town and Country Planning (Permission in Principle) Order 2017 (as amended) and the Town and Country Planning (Brownfield Land Register) Regulations 2017 are met.
- 4.44. Permission in principle covers the location, land use and amount of development. A technical details consent (which covers all other matters) must still be approved, before development can begin. The Local Planning Authority will consider all applications for technical details consent in accordance with the permission in principle granted for that site.
- 4.45. Once a valid application for permission in principle has been received, the local planning authority should make a decision on the proposal within 5 weeks. Technical details decisions must be made within 10 weeks for major development and 5 weeks for other forms of development (unless the application is subject to an Environmental Impact Assessment, when a 16 week limit applies)
- 4.46. Where the Council decides not to enter a site in Part 2 of the Brownfield Land Register, the applicant is unable to appeal. But an applicant can appeal the refusal of permission in principle sought via a valid application. An application for technical details consent may also be appealed on grounds of non-determination, refusal or against any condition imposed. The same process for appeals against other types of planning application will be used.

### S106 agreements

- 4.47. Although we will not consult the public on the preparation of our s106 legal agreements they play an important role in making a development proposal acceptable in planning terms, that would not otherwise be acceptable. They are focused on site specific mitigation of the impact of development. The Council's Infrastructure Funding Statement and the the list of S106 agreements are now available on the Council's website: [www.maldon.gov.uk](http://www.maldon.gov.uk). These records enable the public and our partners to see the controls that we are exerting over the infrastructure which should attend the planned development.

### Making us aware of unauthorised development in your area

- 4.48. The council has discretionary powers to take action against development that has been carried out without planning permission where harm is caused to the local area and we conclude that it is expedient and in the public interest to seek to rectify the breach. If you are concerned that development has been carried out without planning permission or have concerns in relation to any other matter for which the team is responsible, please put these matters to us in writing. You can notify the council via the online form, available at: [https://www.maldon.gov.uk/info/20051/planning\\_enforcement/9571/make\\_an\\_enforcement\\_complaint](https://www.maldon.gov.uk/info/20051/planning_enforcement/9571/make_an_enforcement_complaint)

## Monitoring and Review

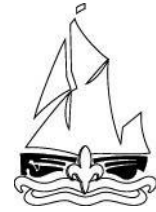
- 5.2. The Town and County Planning (Local Planning) (England) (Amendments) Regulations 2017 requires the Council to undertake an assessment of the SCI every five years, starting from the date of adoption, to see whether it is being effective. This could result in a partial or full review of the SCI. Changes in national legislation or guidance, and/or a review of the LDP may also trigger a review of the SCI.
- 5.2. Should a review be required stakeholder and community engagement will take place on the draft SCI.

## Data Protection

- 6.1. Maldon District Council takes data protection seriously and takes all appropriate measures to protect your personal information and comply with data protection law, including the General Data Protection Regulations (GDPR). We do not share any personal data with marketing companies.
- 6.2. When we collect your data, we will provide you with a Privacy Notice which details the lawful basis that we will use to collect your data, who we will share it with (if appropriate), your rights, and how you can contact us about your data.
- 6.3. If you have any questions about how we use personal data, please contact our Data Protection Officer, [dpo@maldon.gov.uk](mailto:dpo@maldon.gov.uk) or see our website [www.maldon.gov.uk/terms](http://www.maldon.gov.uk/terms).







**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

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**to  
STRATEGY AND RESOURCES COMMITTEE  
15 JUNE 2021**

**DUTY TO CO-OPERATE STRATEGY – APPROVAL TO CONSULT**

**1. PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to recommend a new Duty to Co-Operate Strategy be approved for targeted consultation, to establish a firm foundation for the Local Development Plan (LDP) Review's engagement other Duty to Co-Operate bodies.

**2. RECOMMENDATIONS**

- (i) That the Draft Duty to Co-Operate Strategy as set out in **APPENDIX A** for a targeted consultation with all other Duty to Co-Operate bodies be approved;
- (ii) That following consultation, an updated Duty to Co-Operate Strategy be brought back to the Strategy and Resources Committee, with appropriate amendments for final approval.

**3. SUMMARY OF KEY ISSUES**

**3.1 Background**

- 3.1.1 At its meeting on 23 February 2021, the Council resolved to update its statutory Local Development Scheme 2021-2024 and bring forward a review of the Local Development Plan (LDP).
- 3.1.2 Section 110 of the Localism Act 2011, inserted S33A into the Planning and Compulsory Purchase Act 2004 establishing a legal duty on all local authorities and other specific prescribed bodies to co-operate with each other to address matters relevant to their areas.
- 3.1.3 To help meet this obligation, this Strategy establishes the Maldon District Council's commitment, as a 'strategic policy-making authority' to implement the Duty to Co-Operate (DTC) for its LDP Review. It sets out a framework of who it will make every effort to co-operate with, how it will seek to co-operate with them, when it will co-operate and what mechanisms it will put in place to record and ensure that co-operation occurs 'constructively, actively and on an on-going basis'.
- 3.1.4 Although the DTC is not a duty to agree, the Council understands the value to the District's communities and the wider geographic area of seeking co-operation on strategic and cross-boundary planning matters in a focused, positive and structured way.

### **3.2 Strategic and Cross Boundary Matters**

3.2.1 The National Planning Policy Framework (NPPF) identifies strategic policies (and therefore strategic issues) as those which set the overall strategy for the pattern, scale and quality of development and make sufficient provision for:

- a) Housing, including affordable, employment, retail, leisure and other commercial development;
- b) Infrastructure for transport, telecommunications, security, waste management, water supply, waste water, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- c) Community facilities, such as health, education and cultural; and
- d) Conservation and enhancement of the natural, built and historic environment including landscapes and green infrastructure and planning measures to address climate change mitigation and adaptation.

3.2.2 Strategic or cross-boundary matters are therefore those of the above, which are larger than local issues and that cannot be dealt with effectively by one local planning authority alone.

### **3.3 Duty to Cooperate Bodies**

3.3.1 The Town and Country Planning (Local Development) (England) Regulations 2012 (as amended) establish the following bodies as being subject to the DTC. These would be the bodies the Council would consult on the Draft DTC Strategy and upon adoption, co-operate with:

- a) Essex County Council;
- b) Neighbouring and other Essex local planning authorities – Braintree, Chelmsford, Colchester, Rochford, Tendring, Uttlesford, Basildon, Castle Point, Harlow, Southend on Sea, Thurrock, Brentwood and Epping Forest;
- c) Civil Aviation Authority;
- d) Mid and South Essex Clinical Commissioning Group;
- e) Environment Agency;
- f) Essex County Highways Authority;
- g) Highways England;
- h) Historic England;
- i) Homes England;
- j) Local Nature Partnership (led by Essex Wildlife Trust);
- k) Natural England;
- l) NHS England;
- m) Marine Management Organisation;
- n) Mayor of London;
- o) Office of Road and Rail;
- p) South East Local Enterprise Partnership; and
- q) Transport for London.



### **3.4 Relationship with Corporate Plan**

- 3.4.1 The Council's Corporate Plan 2021-2023 agreed in March 2021 provides a renewed framework of council priorities. It sets out 19 outcomes that focus the council's work across four strategic themes – Place, Prosperity, Community and Performance & Value.
- 3.4.2 Given its cross-cutting nature, many of the outcomes can be connected to the work of the LDP Review. Outcome 18: Meaningful Engagement however, establishes that the council will *“use engagement with our residents, businesses, partners and staff to inform our decision-making”*.
- 3.4.3 The Corporate Plan also adopted new Core Values for the council to use at all times to deliver its outcomes, including “Collaborate to Deliver”. This demonstrates that by co-operating with others, we already recognise the difference it can make to our communities.

### **3.5 Member Engagement**

- 3.5.1 The Planning Policy Working Group considered the Draft DTC Strategy on 27 May 2021.
- 3.5.2 It noted in its discussion that:
- It was not a duty to agree, but the council needed to demonstrate that it had tried its hardest to find a way forward with partners, or the LDP could fail;
  - Issues in the District to do with education places would be a DTC matter with Essex County Council and members would also be engaged in those conversations;
  - It is not a legal requirement for us to have a DTC Strategy, but it does provide us with clarity in how we intend to approach the duty, including to a future LDP Planning Inspector;
  - Consulting on the strategy will help ensure it remains fit for purpose and affected partners are given the opportunity to refine it further so that it can work for them too;
  - The new Planning Bill could impact on the council by removing the Duty, however it remains the law at present and the council needs to continue to meet it until that changes;
  - The duty is regarded by the Government as a Member and Officer activity and sometimes the engagement of both representative groups of the council will be needed to seek to resolve issues otherwise faced by the DTC.

### **3.6 Consultation and Adoption**

- 3.6.1 Should the Strategy be approved for consultation, it will be sent to the Duty to Co-Operate bodies listed above for a six-week targeted consultation. Any comments received would, in turn, be considered and changes made to the Strategy as appropriate before seeking the final Strategy's approval at a later date.

## **4. CONCLUSION**

- 4.1 The Draft DTC Strategy 2021 is considered to be a clear, robust and effective approach to define how the council will manage its legal duty for co-operation with

other DTC bodies during the LDP Review and it is recommended to the Committee for approval to consult.

## **5. IMPACT ON STRATEGIC THEMES**

- 5.1 The Strategic Themes of Place, Prosperity and Community seek to manage the council's response to strategic issues facing the District and the DTC Strategy will help ensure that Maldon District Council is better prepared to engage constructively and on an on-going basis with public bodies also subject to the Duty.

## **6. IMPLICATIONS**

- (i) **Impact on Customers** – The DTC Strategy will assist in the engagement with specific bodies also subject to the same legal duty.
- (ii) **Impact on Equalities** – None itself. The LDP Review will however include an Equalities Impact Assessment (EQIA) as part of its evidence base to inform preparation of policies that meet the requirements of the Equality Act 2010.
- (iii) **Impact on Risk** – The DTC Strategy will help to reduce the risk that the LDP Review will fail legal duties that are not resolvable at Examination in Public and would result in the Plan being withdrawn.
- (iv) **Impact on Resources (financial)** – The LDP Review and Local Development Scheme had a programme budget agreed at Council on 23 February 2021. The DTC Strategy does not increase the need for resources.
- (v) **Impact on Resources (human)** – The DTC Strategy will not cause a negative impact on human resources, but it will be supported and delivered by officers and members.
- (vi) **Impact on the Environment** – The DTC Strategy should help to ensure any environmental benefits from the LDP Review are maximised where engagement with other DTC bodies is required.
- (vii) **Impact on Strengthening Communities** - The DTC Strategy should help to ensure any community benefits from the LDP Review are maximised where engagement with other DTC bodies is required.

Background Papers: None.

Enquiries to: Matthew Winslow, Strategy, Policy and Communications Manager.

# **Maldon District Council**

## **Local Development Plan Review**

Draft Duty to Co-operate Strategy

Temporary Cover

June 2021

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## 1. Our Strategy

- 1.1. The Localism Act 2011 established a legal duty on all local authorities and prescribed bodies as defined in Town and Country Planning (Local Development) (England) Regulations 2012) to co-operate with each other to address strategic matters relevant to their areas.
- 1.2. This Strategy establishes MDC's commitment, as a 'strategic policy-making authority' to implement the Duty to Co-operate (DTC) for its Local Development Plan Review (LDP Review).
- 1.3. It sets out a framework of who we will make every effort to co-operate with, how we will seek to cooperate with them, when we will co-operate and what mechanisms we will put in place to record and ensure that co-operation occurs 'constructively, actively and on an on-going basis' as required by Section 110 of the Localism Act 2011.
- 1.4. Although the DTC is not a duty to agree, the Council understands the value to the District and the wider geographic area of seeking co-operation on strategic and cross-boundary planning matters in a focused, positive and structured way.
- 1.5. Concurrently, MDC will continue to work 'constructively, actively and on an on-going basis' with nearby strategic policy-making authorities on their own statutory Local Plan preparation or reviews, as well as other prescribed bodies.

### Impact of Planning Reform

- 1.6. The Government's Planning White Paper: Planning for the Future was published in 2020 setting out a series of proposals to reform the planning system in England, with the intention on streamlining and modernising the planning process. Proposal 3 included removing the Duty to Co-Operate test, albeit that the Government announced that it would giving further consideration to the way in which strategic, cross boundary issues can be adequately planned for. A new Planning Bill was announced in the Queen's Speech 2021.
- 1.7. For as long as there remains a legal duty to co-operate with other prescribes bodies, this Strategy will be the approach used to deliver those obligations so as not to delay plan-making in Maldon District. Any changes to legislation or national policy that follows as a result of planning reforms will be considered at a later date.

### Consultation

- 1.8. This Draft Strategy will be subject to a 6-week targeted consultation with all other bodies subject to the legal duty and the feedback received will be used to shape the final strategy.

Responding to the consultation can be done by XX July 2021. Details to be inserted.

## 2. Our Approach

### Maldon District Corporate Plan

- 2.1. Maldon District Council's Corporate Plan 2021-2023 provides a renewed framework of council priorities. It sets out 19 outcomes that focus the council's work across four strategic themes – Place, Prosperity, Community and Performance & Value. Given its cross-cutting nature, many of the outcomes can be connected to the work of the LDP Review. Outcome 18: Meaningful Engagement establishes that MDC will “*use engagement with our residents, businesses, partners and staff to inform our decision-making*”.
- 2.2. The Corporate Plan also sets out Core Values which MDC will use at all times to deliver its outcomes, including “Collaborate to Deliver”. This demonstrates that by co-operating with others we already recognise the difference it can make to our communities.

### National Policy & Guidance

- 2.3. The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) set out specific requirements or advice for how the DTC can be effectively discharged.
- 2.4. The DTC seeks to ensure that councils deliver effective strategic planning through their local plans by working with other councils beyond their administrative boundaries. This is to help to ensure that social, environmental and economic issues are addressed having considered the most relevant spatial scale, rather than just administrative boundaries. There is also recognition that the outcomes of the DTC for these issues require positive, constructive and continuous partnership working between councils.
- 2.5. MDC has taken the NPPF and PPG into account in preparing this Strategy including:
  - As a strategic policy-making authority, MDC will collaborate to identify relevant strategic matters to address in the LDP Review;
  - Recognising that effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy, determining where additional infrastructure is necessary and how development needs will be planned for;
  - Preparing, maintaining and publishing Statements of Common Ground, documenting the cross-boundary matters being addressed and progress in co-operating between bodies to address them.
- 2.6. The timetable for preparing the LDP Review and other policy and guidance is set out in the latest [Local Development Scheme](#) (LDS).

- 2.7. The NPPF identifies strategic policies (and therefore strategic issues) as those which set the overall strategy for the pattern, scale and quality of development and make sufficient provision for:
- a. Housing (including affordable), employment, retail, leisure and other commercial development;
  - b. Infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
  - c. Community facilities (such as health, education and cultural infrastructure); and
  - d. Conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure and planning measures to address climate change mitigation and adaptation.
- 2.8. Strategic matters are therefore those which are larger than local issues that cannot be dealt with by one local planning authority alone.

### Purpose of Strategy

- 2.9. The Strategy therefore describes to neighbouring and nearby local planning authorities (See Map in **Appendix 2**) and prescribed bodies what co-operation and engagement arrangement they can expect from MDC on any strategic planning matters identified and how they can participate in ensuring they are adequately considered to ensure that they can positively influence the evolution of the LDP Review and shape the proposals as they emerge.

## 3. Our Audience

- 3.1. The Strategy is aimed at neighbouring and nearby local planning authorities, Essex County Council and a range of other prescribed bodies as defined in legislation and guidance. These are listed in **Appendix 1** and these bodies are reciprocally required to co-operate with MDC on strategic, cross-boundary planning matters of concern.
- 3.2. The Strategy should be helpful to other relevant bodies that MDC might need to co-operate with when preparing the LDP Review. These include the Local Enterprise Partnership, NHS Clinical Commissioning Group and private sector utility and infrastructure providers as set out in **Appendix 1**. These other bodies could have a key role in supporting the Council in its LDP Review, developing the evidence base, testing development options and commenting on draft policies.
- 3.3. The Strategy is not aimed at other important LDP Review consultees such as statutory consultees (that are not Duty to Cooperate bodies) such as local residents, community groups, Parish & Town Councils, landowners, developers, utility providers or emergency services as these are not specifically listed as DTC bodies by Regulations. However, MDC will engage and consult these people and organisations on its LDP Review, Supplementary Planning Documents and when considering planning applications, it receives. How this will take place is set out in a separate statutory document called the [Statement of Community Involvement](#) (SCI). The Council will be consulting on a revised SCI in Summer 2021.

## 4. Our Approach to Duty to Cooperate

- 4.1. Co-operation on preparing the LDP Review will be a two-way process between different authorities and bodies. Our timetables for strategic documents will not always be aligned and we must respect the differences in each other's organisation's responsibilities.

### Scoping Strategic & Cross-Boundary Issues

- 4.2. We will seek to scope out the strategic issues facing the District as early as possible in the plan-making process. We will engage the Duty to Cooperate bodies individually and at existing forums as frequently as is necessary through formal meetings, informal meetings (virtual where possible), in writing and by commenting on plans and strategies developed by each other, so we can help shape each other's direction.
- 4.3. Throughout the LDP Review process, the list of strategic matters and opportunities for joint working between prescribed bodies will be kept under review by MDC and influence the engagement and cooperation activities promoted.

### Engagement Arrangements

- 4.4. MDC will build-on existing and established joint working mechanisms that exist at an officer/member level (or both), as set out in **Appendix 3** and will only seek to establish a new engagement approach where there is a gap to ensure strategic issues are not disjointed from other strategic conversations.
- 4.5. Co-operation arrangements MDC propose to consider using include:
- Joint Member Meetings, Committees and Working Groups;
  - Joint Officer Meetings, Boards and Associations;
  - Commissioning of joint evidence base studies and reports;
  - Joint or aligned plans across Council areas;
  - Joint mechanisms for considering unmet housing or Gypsy & Traveller needs;
  - Memorandums of Understanding as a framework for co-operation;
  - Getting key decisions in writing from other authorities/ bodies;
  - Confirming understanding/ intentions in writing;
  - Partnership agreements or joint statements of policy/ strategy; and
  - Iteratively prepared Statements of Common Ground.
- 4.6. These arrangements will be undertaken in addition to statutory LDP Review and planning application consultations and any general correspondence issued by MDC.
- 4.7. MDC will seek to ensure that co-operation and engagement is undertaken by both Members and Officers. It will also ensure that arrangements for co-operation are fit for purpose and reasonable and will consider any feedback it receives from another prescribed body if they should feel that the co-operation is not being successful.



## Disagreement

- 4.8. MDC recognises that there may be future instances where an offer of co-operation from MDC to another party is declined, or agreement on a shared-policy outcomes/ approach cannot be achieved. Although the DTC is not a duty to agree, MDC will make every effort to ensure that cross-boundary strategic planning matters are properly identified and addressed as the LDP Review develops through its preparation stages and that any major disagreements are resolved, as far as practically possible, before submission to the Secretary of State for Examination in Public by the Planning Inspectorate.
- 4.9. Where it is considered necessary, MDC will use an independent arbitrator to try to reach a resolution with other parties.

## 5. Demonstrating Compliance

### Comprehensive & Robust Evidence

- 5.1. The DTC is a legal requirement and is the first thing the Planning Inspectorate will assess before considering whether the Plan is sound. To do this, the Planning Inspectorate will require comprehensive and robust evidence to demonstrate that the duty has been met, which will be considered at the Examination in Public in 2022/2023.

### Statements of Common Ground

- 5.2. The PPG expects councils to prepare a single Statement of Common Ground covering all strategic-plan making authorities. MDC consider that in practice this could become a complex process to manage given the different discussions strategic issues, vary authority to authority. To be pragmatic, where possible, MDC propose to have a common first section of the Statement of Common Ground (SOCG), which is shared between all strategic-plan making authorities. This would be supplemented with all detailed strategic or cross-boundary matters addressed issue by issue between individual authorities or groups of authorities.
- 5.3. For the remainder of the SOCG, MDC will seek to use an iterative, three-phased steps to a SOCG as illustrated in **Appendix 4** to record its engagement in co-operating. SOCGs will detail key information, provide clear signposting and links to evidence on websites where at all possible.
1. **Scoping SOCG** – these will set out the initial parties in discussion, the geographic area covered, the governance arrangements that are available, the strategic and cross-boundary matters that exist between the authorities and any existing cooperation arrangements that exist that could continue to apply. These would be developed during policy and evidence activities undertaken to support Regulation 18 of the Town and Country Planning (Local Development) (England) Regulations 2012.

2. **Draft SOCG** – these will be version-controlled documents building on the Scoping SOCG and establish the matters agreed, outstanding matters, the process that are proposed to be used to seek a resolution or reach an agreement where possible, any potential additional signatories whose help may be needed to address the strategic issue and when the review of the SOCG can be expected. These would be developed during policy and evidence activities undertaken to support Regulation 18 and 19 of the Town and Country Planning (Local Development) (England) Regulations 2012.

3. **Final SOCG** – these will be the version which sets out the matters agreed, any matters which cannot be agreed, the governance arrangements to manage them into the future and all signatories party to them. These would be developed during policy activities undertaken to support Regulation 22 and 24 of the Town and Country Planning (Local Development) (England) Regulations 2012.

5.4. It is proposed that the final versions of SOCG will:

- Describe and show on a map the geographical areas the statement applies to;
- Set out the key strategic matters addressed;
- Set out the plan-making authorities and signatories responsible for joint-working arrangements;
- Detail the governance arrangements for the cooperation process and how it will be kept up to date;
- Set out how strategic/ cross boundary issues concerned with development needs of the District, the capacity of the area to meet those needs and the proposed distribution. If there is any unmet need, it will set out the extent and what agreement has been reached (or not) about how needs could be redistributed;
- Set out how the strategic/cross boundary issues which relate to environmental or infrastructure assets regulated, owned or maintained by other public bodies subject to the DTC have been considered in the context of development needs and whether any agreements have been reached on the principles of mitigation or long-term management;
- Include a record of where agreement have or have not been reached on key strategic matters, including the process used to reach them; and
- Confirm whether each Statement relates to any other Statements covering the same or part of the same area.

5.5. SOCG will remain in draft form until they are signed by all signatories, which may mean they are not published until the submission of the Local Development Plan or its Examination in Public. Drafts will water-marked to aid clarity.

## Record Keeping & Reporting

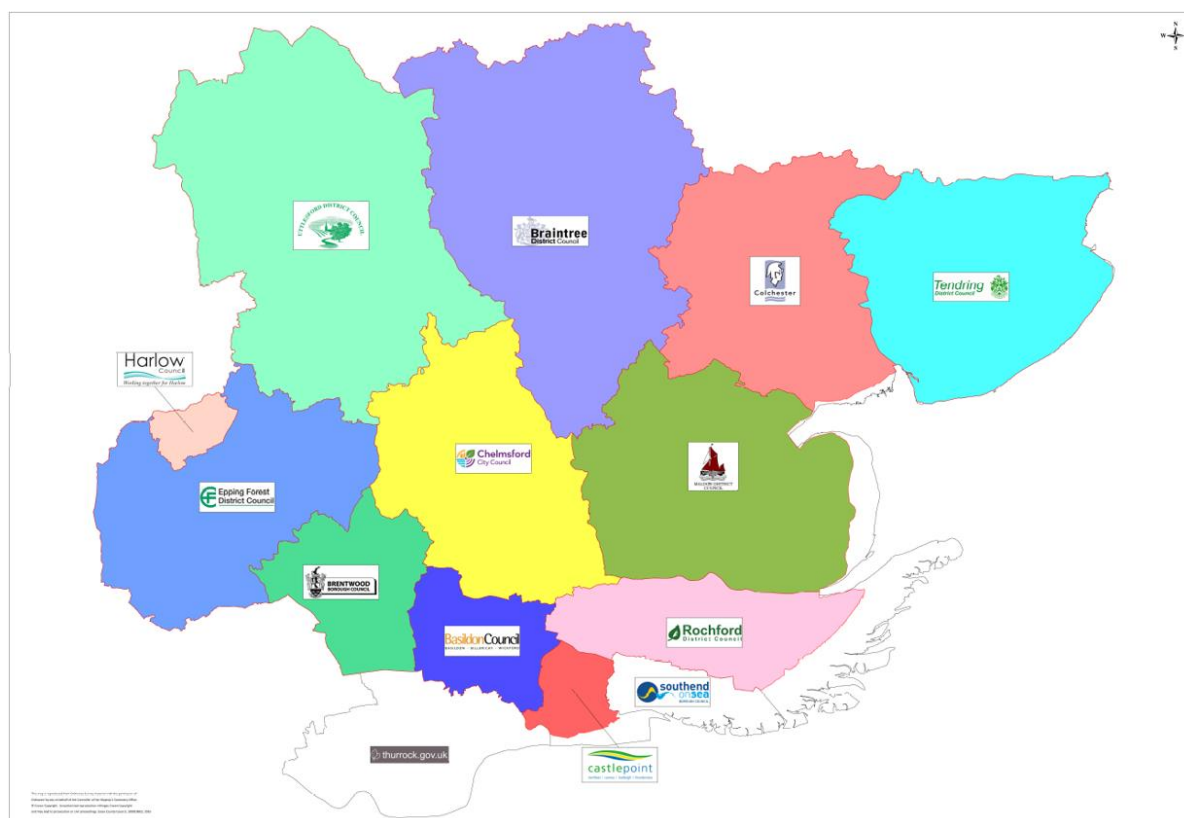
- 5.6. MDC will regularly record and report on co-operation and engagement activities, what decisions have been reached and why and what outcomes have been reached for LDP Review. These will be reported in summary form annually in the Authority Monitoring Report (AMR) and may be reported through other formal mechanisms, such as to through reports to the Strategy & Resources Committee or Council.
- 5.7. For the LDP Review, this evidence will be set out in a DTC Statement of Compliance submitted to the Secretary of State alongside the LDP Review. This will highlight to the Planning Inspector how preferred strategic approaches and policies have resulted from effective cooperation and joint-working.

## Appendix 1 – Relevant Duty to Cooperate Bodies

1.1. The following 'Duty to Cooperate' bodies as set out in the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended) are relevant to the preparation and implementation of the Maldon District Local Development Plan Review:

- Essex County Council
- Neighbouring and Essex local planning authorities including Braintree, Chelmsford, Colchester, Rochford, Tendring, Uttlesford, Basildon, Castle Point, Harlow, Southend-on-Sea, Thurrock, Brentwood and Epping Forest;
- Civil Aviation Authority;
- Mid & South Essex Clinical Commissioning Group;
- Environment Agency;
- Essex County Highways Authority;
- Highways England;
- Historic England (as the Historic Buildings and Monuments Commission for England)
- Homes England;
- Local Nature Partnership (led by Essex Wildlife Trust)
- Natural England;
- NHS England (as the National Health Service Commissioning Board);
- Marine Management Organisation;
- Mayor of London (Greater London Authority);
- Office of Road and Rail;
- South East Local Enterprise Partnership; and
- Transport for London.

## Appendix 2 – Strategic Policy Authorities Context Map



(Source: Essex County Council)

## Appendix 3 – Existing Co-Operation Governance Mapping

Public Body	Name of Existing Cooperation Arrangements	Level (Member/Officer)	Strategic/Cross Boundary Theme <sup>1</sup>
<b>Essex County Council</b>	MDC & ECC LDP Review Strategic Liaison Group	Officer	ECC statutory functions relating to highways, public transport, minerals and waste planning, flood risk, education, public health & adult social care.
	MDC & ECC Transport Coordination Group	Officer	Highways and Public Transport project coordination and delivery
<b>Neighbouring and other Essex Local Authorities</b>	Essex Partnership Board	Member & Officer	Local Government Administration
	Essex Chief Executives & Leaders Group (15 LAs)	Member & Officer	Local Government Administration (including Planning, Housing, Economy, Transport, Regeneration) etc.
	Essex Planning Policy Portfolio Holder & Chairman's (14 LPAs and ECC)	Member	Planning, Growth, Design, Infrastructure, Housing
	Essex Planning Officers Association (14LPAs and ECC)	Officer	Planning, Growth, Design, Infrastructure, Housing
	North Essex Economic Board (Uttlesford, Chelmsford, Maldon, Braintree, Tendring and Colchester)	Member & Officer	Economy
	Transport East (LGA)	Member & Officer	Strategic Road and Rail Connections & Investment
	Essex Coastal Forum	Member & Officer	Coastline Management & Essex RAMS
	Essex Flood Partnership Board	Member	Flood Risk, Drainage & Investment
	Essex Air Quality and Pollution Group	Officer	Environmental Pollution
	Superfast Essex Steering Board	Member	Broadband Investment
	Health & Wellbeing Forum	Member & Officer	Public Health

<sup>1</sup> Not intended to be exhaustive – all strategic & cross boundary issues relevant to MDC will be set out in Statements of Common Ground

Public Body	Name of Existing Cooperation Arrangements	Level (Member/Officer)	Strategic/Cross Boundary Theme <sup>1</sup>
<b>Civil Aviation Authority</b>	n/a	n/a	Airport Regulation & Airspace Management
<b>Environment Agency</b>	Essex Flood Partnership Board Maldon District Strategic Flooding Projects Group	Member Officer	River Catchment Management, Shoreline Management, Water, Flood Risk Mitigation
<b>Essex Highways Authority</b>	Local Area Highways Panel	Member	Highways
<b>Highways England</b>	A12 Chelmsford to A120 Widening Scheme Regional Delivery Partnership	Member & Officer	A12/A120 Strategic Routes
<b>Homes England</b>	MDC & Homes England Liaison Meeting	Officer	Housing, Regeneration, Development, Investment
<b>Historic England</b>	None		
<b>Local Nature Partnership</b>			
<b>Natural England</b>	None		
<b>NHS England</b>	None		
<b>Mid &amp; South Essex NHS Clinical Commissioning Group</b>	Maldon Operational Group	Member & Officer	
<b>Marine Management Organisation</b>	None		
<b>Mayor of London (Greater London Authority)</b>	Wider South East Political Steering Group (LGA)	Member	
<b>Office for Road and Rail</b>	None		
<b>SELEP</b>	Essex Business Board	Member	
	Coastal Communities Working Group	Officer	
	Rural Working Group	Officer	
<b>Transport for London</b>	Wider South East Political Steering Group (LGA)	Member	

## Appendix 4 – Model Final Statement of Common Ground

<p><b>Front Cover</b></p> <p>Maldon District Local Development Plan Review Statement of Common Ground</p> <p>Signatories Logos</p>
<p><b>1. Main Parties:</b> <i>A list of bodies which have engaged in the SOCG – short summary of each body to aid contextual understanding)</i></p>
<p><b>2. Applicable Strategic Geography</b> <i>including a map, short description and justification for the strategic planning area that covers the SOCG.</i></p>
<p><b>3. Strategic Matters Considered</b> <i>Define and agree on the strategic/ cross boundary issues</i></p> <p><i>Establish the matters where a policy approach has been <u>agreed</u>, including any support for evidence or complimentary projects or initiatives, or additional partners.</i></p> <p><i>Establish any matters that are <u>outstanding</u>, noting the implications for strategic/cross boundary context and what process will happen to seek to resolve them before the SOCG is finalised, including any arbitration.</i></p>
<p><b>4. Governance Arrangements</b> <i>Define any specific governance arrangements that will be used to make decisions on delivering activities set out in the SOCG</i></p>
<p><b>5. Timetable for review and ongoing cooperation</b> <i>Establish a target date for agreeing the SOCG or when a review may need to be considered.</i></p> <p><i>Establish how strategic issues will be managed on an ongoing basis after plan adoption, any specific mechanisms or partnerships that will be used and how it will be monitored by all signatories.</i></p>
<p><b>6. Signatories</b></p> <p><b><i>Name of Lead Officer and Lead Committee/ Cabinet Member/ Board Member of each Organisation.</i></b></p>





## REPORT of DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE

to  
STRATEGY AND RESOURCES COMMITTEE  
15 JUNE 2021

### APPOINTMENT OF REPRESENTATIVES ON LIAISON COMMITTEES / PANELS

#### 1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to remind Members of the existing representatives on Liaison Committees / Panels and for new appointments to be made for 2021 / 22.

#### 2. RECOMMENDATION

That the Committee appoints representatives to the bodies detailed below, for the ensuing municipal year.

#### 3. SUMMARY OF KEY ISSUES

- 3.1 Members are asked to nominate representatives to serve on the following Liaison Committees / Panels, aligned to the Strategy and Resources Committee, for the ensuing municipal year.

Body	Current Representative(s)
Car Parking Task and Finish Working Group (Minute 588 – 17/11/15)	Councillors R H Siddall, C Swain, Mrs M E Thompson and Miss S White
Places for People Liaison Committee	Councillors M F L Durham CC, and C Swain
River Crouch Coastal Community Team (Management Team)	Chairmen and Vice-Chairmen of the Performance, Governance & Audit and Strategy & Resources Committee.
Waste Member Task and Finish Working Group (Minute 945 – 27/03/18)	Councillors M F L Durham CC, K M H Lagan, R H Siddall and Miss S White

- 3.2 The following Working Groups have been removed from the above list:

- Maldon Market Member Task and Finish Working Group – The work of this Group has been incorporated into the Covid-19 Reset and Recovery Working Group.
- Recreational Avoidance and Mitigation Strategy Member Forum – It has been superseded by the Essex Coastal Forum.

Background Papers: None.

Enquiries to: Committee Services.

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