

Public Document Pack



Supplementary Agenda 1

Dear Councillor

ORDINARY COUNCIL - WEDNESDAY, 25TH JANUARY, 2017

I am now able to enclose, for consideration on Wednesday, 25th January, 2017 meeting of the Ordinary Council, the following reports that were unavailable when the agenda was printed.

Agenda No	Item
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| 4. | <u>Public Questions</u> (Pages 3 - 4) |
| 6. | <u>Committee Chairs Reports and Members Questions</u> (Pages 5 - 24) |
| 7. | <u>Appointment of Monitoring Officer</u> (Pages 25 - 28) |
| 8. | <u>Partnership Policy and Procedures</u> (Pages 29 - 56) |
| 10. | <u>Pay Policy 2017/18</u> (Pages 57 - 68) |
| 11. | <u>Arrangements for appointment of External Auditors</u> (Pages 69 - 72) |

12. **Local Council Tax Support Scheme** (Pages 73 - 90)
14. **Review of the Council's Constitution 2016/17** (Pages 91 - 162)
15. **Notices of Motion** (Pages 163 - 164)

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. L. R. B. J.' with a large, stylized flourish underneath.

Chief Executive

Encs

17/01/17

25 January 2017

Ordinary Council

Public Questions

Report of: Philip Ruck – Head of Paid Service

Wards Affected: All Wards

This report is: Public

1. Executive Summary

- 1.1 In accordance with the Council's Constitution, a member of the public resident within the Borough may ask a maximum of two questions relating to the business of the Council providing notice has been received by 10.00am two working days before the relevant meeting.
- 1.2 If the person wishing to ask the question is not present at the meeting when the item is called the question(s) will be deleted from the list of questions to be asked.
- 1.3 Every question asked pursuant to rule 11.1 of the Constitution shall be put and answered without discussion but the Member to whom the question has been put may decline to answer. An answer may take the form of a direct oral answer at the Council meeting or where there has been insufficient time to research an answer, a written answer will be sent to the questioner.
- 1.4 At the time of publication of the agenda two questions had been received which were allowed by the Mayor, as follows:
- 1.5 Mrs Gearon-Simm's question:

'A private company, Essex Cares, enables adults with learning disabilities to learn in a work-place environment, from which place they can then move on to the commercial sector such as Costa, McDonalds and care homes.

Will the café facility, which is, at present, in the library in Brentwood shopping centre and which provides opportunities for such training to happen, be transferred to the town hall if the library is moved there?'

1.6 Ms Smith's question:

'What is an acceptable level of public engagement with Brentwood council concerning local issues and how is this currently measured / judged, and what is the council doing to try to improve local public engagement?'

I ask this because of the very poor attendance at local council meetings, and because if asked why they do not attend council meetings, local people have been heard to say "there is no point".'

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25 January 2017

Ordinary Council

Members' Questions on Chairs' Reports

Report of: *Philip Ruck – Chief Executive*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 In accordance with the Council's Constitution a brief written report by each committee Chair covering their area of responsibility is provided for Members' information at each Ordinary Council meeting.
- 1.2 Any Member may ask a Chair a written or oral question on
 - (a) any matter included in a Chair's written report; or
 - (b) any matter in relation to which the Council has powers or duties or which affects the Council's area and which falls within the area of responsibility of the Chair's committee.
- 1.3 The period allowed for Chairs' reports, written and oral questions and answers will not exceed 60 minutes without leave of the Mayor.

2. Appendices to this report

Appendix A – Chairs' reports

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Report to the Council – 25 January 2017

Committee: Audit and Scrutiny

Chair: Councillor Jan Pound

Audit & Scrutiny Committee 12th December 2016

Audit Results Report 2015/16

The Committee was presented with the Annual Audit Letter issued by the External Auditors following the completion of the audit of the 2015/16 accounts. The report was a positive one and there were relatively few issues to address.

Internal Audit Progress Report

Internal audit provided a report which detailed the progress to date against the 2016/17 internal audit plan that had been agreed by the Committee in March 2016. The audits completed since the last Committee were Local Development Plan, Affordable Housing, Commercialisation and cost savings and Contract Management and Cost Savings and a summary of the findings were also included in the report.

Strategic & Operational Risk Review

This report updated members of the Audit & Scrutiny Committee on new, closed or changes to risks. The Committee also agreed to add to the Strategic Risk Register, monitoring of Council operations and Democratic Services, with particular noting of outsourcing arrangements.

Review of Appointment of Representatives on Outside Organisations

The Committee received a report of a Members Working Group who had considered the current process and possible future options. The Committee agreed to recommend to the Councils Constitutional Working Group that the Constitution was amended so that the appointment of outside representatives was undertaken by Ordinary Council in June each year.

Work Programme 2016/17

The Committee considered its work programme for the coming year and following discussions a revised programme was agreed.

Report to the Council - 25 January 2017

Committee: Community, Health and Leisure Committee

Chair: Councillor Keith Parker

Community Services Update

Leisure Strategy

4Global, the consultants appointed to undertake the Value for Money review and options appraisal of the Council Leisure and Cultural services will present a report to a special Community, Health and Leisure Committee on 27 February 2017.

Youth Essex Assembly

Local elections were held across Essex to elect members to the Young Essex Assembly. The Young Essex Assembly (YEA) was established in 2003, it is an elected body for young people aged between 11-19 years old who live, study or work in Essex. This forum gives a voice to young people on both a local and national level to influence decision making and lobby on issues that impact on the whole community of Youth across the county.

In Brentwood there were 6 candidates contesting four seats, this mirrors the number of adult ECC elected councillors. The winning candidates who will be representing Brentwood are Adam Chinnery, Jonta McConnaughie, Ursula Moncrieff and Thomas Higgins. They will start their term of office in January and complete on a training programme during February Half Term.

They will be invited to become a member of the Brentwood Youth Strategy group which will give the the opportunity to work directly with County and District Councillors who will encourage and support them in their work. They will work with the other 71 YEA members from across Essex to develop a strategy for the next 2 years and also vote to elect their United Kingdom Youth Parliament representatives.

Active Brentwood

There is also a networking event at Orsett Hall on 3 March 2017 from 9am – 1pm which provides an opportunity to network with other sports and health organisations. The main focus of the event will be on health and the links to the Clinical Commissioning Group for Brentwood and Basildon and the Health and Wellbeing Board priorities.

There is also a programme of club workshops which will be running up to April 2017. A new six week walking football programme will be launched on 12 January at the Brentwood Centre between 1 and 2pm for older people getting back into fitness. This will be followed by a six week walking netball programme. Work is also starting on a new Sport and Health Strategy for Active Brentwood to be published by 1 April 2017.

A new Active Brentwood apprentice, Michael Cox started in October who is supporting Active Brentwood initiatives over the next year.

North East London Foundation Trust Meeting

An update was provided by NELFT regarding the children and young people's mental health service in Essex in November 2016. Representatives from Essex County Council Commissioners, NELFT, the voluntary sector and local schools discussed the current position of the service, the issues and its future direction.

South Essex Children's Partnership Board

A presentation was delivered by Dan Stoten, current chair of the South Essex Children's Partnership Board. The purpose of the LCPB is for partners to work together to locally determine needs, identify priorities and develop action plans to secure better outcomes for children and young people in the [district/borough] through multi-agency collaborative working. There are six key objectives: Protect the most vulnerable; close the gap for the most vulnerable; promote resilience and positive choices; achieve better from the use of collective resources; maximise the use of community assets; development the system's workforce and culture.

Community Events

Lighting Up Brentwood and Shenfield Christmas Fayre were successfully delivered in November and December 2016. The draft event plan for 2017/18 was agreed at Community Health and Leisure Committee which is still subject to the budget setting process.

Community Safety Update

Community Safety Partnership Website – The new CSP website was launched towards the end of last year. This new website has been updated using a modern design. It is built using the latest web technologies to provide a fresh look and feel. Its responsive framework has been built to be mobile friendly and available on all devices. It uses a sophisticated content management system that makes it very simple to add features and sections to the website. It also ensures that only dedicated users can alter information and data.

It has a site wide search facility so users can find what they need simply and quickly.

Senior Safety Roadshow – The roadshow continues to grow from strength to strength. It's a real partnership project involving Essex Police, Essex County Fire & Rescue Service, NHW, Home Instead and Age UK. The partnership delivered a road show to a nursery and a group with disabilities. The partnership will also be visiting victims of burglary and supplying information and advice.

Domestic Abuse Awareness – 16 Days of Domestic Abuse Campaign started on the 25 November. The campaign began a soft launch in June with a till roll campaign in Argos. The till roll contains messages on domestics abuse, Child Sexual Exploitation and elder abuse and signposts victims to the services available. An awareness day took place on Friday 2nd December in Brentwood High Street. The day saw agencies come together to talk to the public and advise what support services are available. Domestic Abuse training was provided to staff and partners in May.

Firebreak – A firebreak course for 12 students took place in October. The 12 students are from 4 different schools and the Pass Out Parade was on Friday 7 October from 1pm.

Child Sexual Exploitation (CSE) & Trafficking Conference – The Conference took place on Tuesday 25th October. The Deputy Police and Crime Commissioner Jayne Gardener opened the event. This short awareness session was developed in association with Brentwood Borough Council and Essex Police, specifically for taxi drivers, licensed premises and hotels/B&Bs. It raised awareness of CSE and trafficking, illustrated the key and vital role taxi drivers and licensed premises play in identifying CSE and trafficking, and promoted confidence and understanding in reporting concerns.

Staff Training - Staff received 2 days training on Anti-Social Behaviour and will be using the new Corporate ASB Policy to ensure consistency across the Council. Mallard Consultancy delivered training on neighbour nuisance which as hosts the Council received 10 free places.

Gang Prevention Work – We have successfully obtained money to deliver a bespoke gang awareness sessions in local secondary schools as well as a new young person intervention post who will provide 1-2-1 support to young people and their families as well as ensuring appropriate referrals are made and any gaps in service delivery are identified in order to allow for potential commissioning of services.

PREVENT - Online training will be available for staff in the new year. This will continue on from training received last year.

Local Assessment Process – LAPS were introduced by the Home Office as part of the toolkit for Ending Gang and Youth Violence (EGYV) the national strategy to tackle gangs and serious youth violence. The process took place last year and assisted us in terms of building a bigger picture of the problem locally and increase our intelligence. It will help us explore the issues in more detail, identify effective practice, highlight barriers to local understanding and implement an effective response.

Life Choices – Life Choices is set to take place by spring this year. Reach Every Generation has been funded to lead on the project seeing students from Brentwood schools taking part. The course tackles issues in relation to gangs, sexual health, ASB, drug and alcohol and more.

ASB issues – There has been some excellent work by the CSP and Essex Police to deter anti social behaviour and driving in Sainsbury's car park. There is more work going on to help deter this behaviour occurring in William Hunter Way car park as well. Various warning letters and notices have been sent out and will continue to be sent out if anyone else causes issues in these areas.

Drink Drive Campaign – A drink drive campaign took place in Brentwood High Street on Thursday 8 December. Partners took to the High Street with the Community Wheels vehicle and a Brentwood vehicle that was involved in a RTC. The partners involved were the CSP, Essex Police, NHW and Essex Fire and Rescue services

Health and Wellbeing Board - Basildon and Brentwood Public Health Partnership Strategic Plan

The updated Strategic plan has three main priorities: Aging Well, Tackling Obesity, Mental health and Wellbeing.

Progress continues to be made in a number of key areas for Brentwood as follows. Resources are now being allocated from Essex County Council to support a number of these.

The Brentwood Cycling Furtherance Group has now cycle grid mapped 2/3 of Brentwood Borough. The grid includes safe road and off-road sections. Essex County Council Highways and Rights of Way Officers, plus Planning Services are actively working together to make the grid a reality. Brentwood is currently submitting ten cycle routes to Essex County for feasibility studies where £70,000 has been allocated. Brentwood is intending to become part of the Dementia Action Alliance along with its partner Basildon. The Head of Paid Service has been requested to give approval to join. This would result in all front facing staff receiving training to recognise dementia and accommodate those with it more effectively.

Brentwood is to adopt Braintree's Live Well Branding which will direct residents to local activities and healthy lifestyle behaviours within the Borough.

Resources have also been allocated to support the wider Essex Mental Health Prevention Strategy which aims to increase access to mental health services, promote access to employment and physical activity which contribute to good mental health. The Great Outdoors Project currently being forwarded by Basildon Council will be adopted by Brentwood. This makes the most of existing community assets such as parks to provide additional physical activities and facilities for residents.

Resources have been allocated to the provision of Outdoor Gyms which can be used by the community within existing park areas.

Social prescribing is currently being piloted at the Tile House Surgery in Brentwood.

Health and Wellbeing

Progress continues to be made in a number of key areas for Brentwood as follows. Resources are now being allocated from Essex County Council to support a number of these.

The Brentwood Cycling Furtherance Group has now cycle grid mapped 2/3 of Brentwood Borough. The grid includes safe road and off-road sections. Essex County Council Highways and Rights of Way Officers, plus Planning Services are actively working together to make the grid a reality. Brentwood is currently submitting ten cycle routes to Essex County for feasibility studies where £70,000 has been allocated. Brentwood is intending to become part of the Dementia Action Alliance along with its partner Basildon. The Head of Paid Service has been requested to give approval to join. This would result in all front facing staff receiving training to recognise dementia and accommodate those with it more effectively.

Brentwood is to adopt Braintree's Live Well Branding which will direct residents to local activities and healthy lifestyle behaviours within the Borough.

Resources have been allocated to the Time to Change Hub which supports the wider Essex Mental Health Prevention Strategy which aims to increase access to mental health services, promote access to employment and physical activity which contribute to good mental health.

The Great Outdoors Project currently being forwarded by Basildon Council will be adopted by Brentwood. This makes the most of existing community assets such as parks to provide additional physical activities and facilities for residents. Resources have been allocated to the provision of Outdoor Gyms which can be used by the community within existing park areas.

CCTV Code of Practice

At the meeting of the Community, Health and Leisure Committee on 5th December Members approved the revised Brentwood CCTV Code of Practice. This now reflects the guidance issued by the Surveillance Camera Commissioner and the Information Commissioner to protect the privacy of individuals and ensure that surveillance cameras in the Borough are operated to meet the objectives to assist in the detection, and to reduce the level, of crime in the Borough in partnership with the Police and other stakeholders.

Report to the Council – 25 January 2016

Committee: Environment and Housing Management

Chair: Councillor Hossack

HOUSING MANAGEMENT

Development of Council Garage Sites

As you will be aware the Housing department has been working towards the development of affordable housing on two of our disused garage sites in Fawters Close and Magdalen Gardens, the first new properties built in many years. This will consist of 4 single storey one bedroom properties for residents over the age of 65, and 3 three bedroom family homes.

The garages at Fawters Close have been deconstructed and a new boundary wall between surrounding residents in Fawters Close and Cedar Road, and the garage site itself erected.

Site security was also put in place to ensure security for all residents whilst their boundaries were open. This work was completed on 31st October and the site was cleared, ready for the chosen contractor.

Magdalen Gardens is also ready to be handed over to the contractors after planning conditions were met to remove a stag beetle habitat from the site to a suitable location.

The tender for the construction of the new houses closed on 30th September, and we received eight returns from various building companies. These tenders were then evaluated by members of the development team, and the top three competitors were invited in for interview on 14th October.

The contract for the build was awarded to Borrás Limited, a construction company based in St Albans. Borrás demonstrated good value for money and the relevant expertise in their tender application, and have lots of experience in this type of project, working for other Local Authorities and Housing Associations to develop small garage sites. We are looking forward to working with them.

The two sites are due to be over to Borrás with a construction programme that is currently under review.

Stock Condition Survey

A list of non-access addresses has been received from Pennington's. A 2nd letter has been sent by BBC reinforcing the need to allow access and to arrange an appointment. In addition we have set up a dedicated project team within Housing to assist Pennington's to arrange appointments and also carry out an audit of the actual surveys carried out by

attending a percentage of appointments on site with Pennington's. The non-access is continuing to impact on the delivery date but will not prevent the collected data being analysed as we will be able to forecast data based on an 85% percent completion and a report of future works produced.

The results of the survey will inform the Council HRA business plan over the coming years.

Parking at Gibraltar House, Mayflower House & The Keys

Members and residents raised concerns over the lack of parking at the above schemes end of 2015 caused by parking spaces being used by workers of local businesses during the day.

Following a meeting held with residents and business owners on 5th July 2016 to consult them on proposed options, it was agreed by the Head of Housing and Chair of Housing Cllr Hossack that the below will be implemented once formal consultation has taken place.

	Type of Car park Measure to be implemented	Number of permits per resident	Cost per permit for residents	Number of Permits per business	Cost per permit for businesses
Gibraltar House	Resident only permit parking between 8am and 8pm	2 per household	Free for the first 12 months then £34 per permit per year *Lost/stolen/change of details that require a new permit will incur a £10 administration fee	N/A	N/A
Mayflower House	Resident only permit parking between 8am and 8pm	2 per household	Free for the first 12 months then £34 per permit per year *Lost/stolen/change of details that require a new permit will incur a £10 administration fee	N/A	N/A
The Keys	Limited stay 2 hours no return within 4 hours Permit holders all day	2 per household	Free for the first 12 months then £34 per permit per year *Lost/stolen/change of details that require a new permit will incur a £10 administration fee	Unlimited	Free for the first 12 months then £34 per permit per year *Lost/stolen/change of details that require a new permit will incur a £10 administration fee

The legal notice was advertised in the local paper on the 25th November 2016 and notices put up around the car parks at Gibraltar House, Mayflower House and The Keys.

No legal objections were received therefore the Parking Order will go live in early February 2017.

Signage arrangements have been specified and currently being reviewed and the Depot will erect the signage in all areas. Letters will be issued to all residents advising them of the new permit arrangements with effect from the 16th January 2017.

Drake House

The renewal of the heating, cold and hot water systems is now complete. All infrastructure pipework has been installed to all levels.

There is some minor works still ongoing which include boxing in, making good and wiring in energy meters in the individual flats.

The anticipated completion date is the 31st January 2017.

Three Arch Bridge Estate

The 8 blocks left unfinished by the previous contractor have been completed.

The majority of the work remaining to the 7 blocks is due to be finished by the 13th January 2017, there was a slight delay as some of the work required, such as Asphaltting and rendering had been affected by the low temperatures. The anticipated final completion date is the 20th January 2017, weather dependent.

ENVIRONMENT

Waste Strategy Group update

The Waste Strategy Group (WSG) last met on 4/10/16 – the next meeting is scheduled Thursday 2nd February 2017. The group in the past had concentrated on primarily on the waste side of the business but the next few meetings would concentrate on issues such as; enforcement matters, quality inspections, mobile camera strategy, impact on monitoring recycling centres changes, reducing the reactionary requests and possible staff rewards for innovation.

Christmas Recycling Road shows

Officers from The Depot run five “Recycling Road shows” during December advising and assisting residents with what could be recycled or reused after the Christmas festivities, helpful tips, information about hiring garden waste bins, and stocking up on free recycling sacks and food waste bags.

Further recycling events will be organised to hand out recycling sacks prior to the annual sack delivery due March/April time.

Recycling Sites

The recycling site in Warley had been enhanced and includes bins for recycling, glass, small WEE, textile books etc and has CCTV on site. The sites at the Town Hall and Rayleigh Road were open until after Christmas and closed week commencing 9th January 2017.

Environmental Health

Performance on environmental health investigations is reported to each Committee, with particular emphasis on the investigation and enforcement of flytipping incidents in the Borough, which has resulted in a 600% increase of prosecution and fixed penalty receipts compared to last year. We are also working closely in partnership with the Police, Environment Agency and other authorities in Essex to improve intelligence sharing and enforcement activities.

Work to improve our work on Empty Homes in the Borough is being promoted through the Committee, with a further report due to be taken to the next Committee to outline powers available and resource implications to reduce the number of long-term empty properties in the Borough.

Report to the Council - 25 January 2017

Committee: Planning and Licensing Committee

Chair: Councillor Roger McCheyne

Since the last report Brentwood staff have continued to work with the team from Thurrock to implement a number of modifications and improvements to work processes, focusing on efficiency and consistency. Performance against a range of key measures has improved in this period, for example relating to the speed of determining applications and the backlog of requests for preapplication advice service has been addressed. Engagement with members and agents will continue to be important in improving the deliverability of the service. Thurrock Council has been providing strategic management of Brentwood's planning development management team and day to day management and decisions on planning applications remain with Brentwood officers. The decisions of the Brentwood team have been well supported by the Planning Inspectorate in the appeal process – so far 77% of 62 appeals have been dismissed (national performance for the years 2010/16 averages 67%; Essex average for 2015/16 was also 67%). A second phase of actions is now being embarked upon and a restructure of the department will also be implemented.

The planning enforcement team has recorded its first successful prosecutions in a number of years, with the magistrate's court awarding damages and costs to the Council. Enforcement notices have also been upheld by the Planning Inspectorate demonstrating the team's commitment to thorough investigative processes and correct choice of enforcement tools. Planning enforcement continues to be a challenging area of work balancing the need to reinforce public confidence in the planning system while seeking a proportionate response to breaches of planning regulations. However, the number of historical enforcement complaints has been reduced to the lowest in the last 5 years, and the team are now in a strong position to go into 2017 with the confidence that they are able to investigate and resolve complaints within desired timeframes.

Strategic Planning & Local Development Plan

Dunton Hills Garden Village was selected by Government to receive support from the garden village, towns and cities programme. The announcement earlier this month that funding and technical support to be provided by the Homes and Communities Agency is welcomed as we progress towards the final stages of a new Local Development Plan for the borough. This follows our expression of interest made in Summer 2016, of which 14 Garden villages were selected from 51 total bids. Feedback received set out that the submission was impressive because of the genuine garden village potential that Dunton Hills presents. Dialogue is now ongoing with the Homes and Communities Agency to work through next steps as we look to take forward the proposal for to a new sustainable garden village community as part of the LDP.

Good progress is being made on the Brentwood Town Centre Design Plan project. The Council appointed urban design specialists Levitt Bernstein to assist prepare the plan. Several workshops have been held with the project team, including attendance from the cross-party steering group. Draft proposals are being prepared to consider key development opportunities as a whole rather than isolated sites. A development brief for William Hunter Way car park will soon inform the vision for redevelopment of the site. Stakeholder consultation is due to take place shortly presenting outputs so far.

The Council recently undertook public consultation on the first stage of the Community Infrastructure Levy process. Comments are now being considered and will inform one further stage of consultation before the document is submitted for examination alongside the LDP. At the same time significant work has gone into preparing an Infrastructure Delivery Plan, a key piece of technical evidence that will inform both the LDP and CIL. All this is essential as we are to identify Infrastructure needs and secure funding to mitigate the impacts of development.

Whilst all this shows great progress over the past few months it also means we have taken the opportunity to step back and consider the Local Development Plan programme. It is imperative that a project of this significance stands the best chance of being found sound at examination so it can be adopted by the Council. In light of this, and informed by technical and legal opinion, a revised LDP timetable is published as an agenda item this evening.

The LDP Member Working Group reconvened in late 2016 to again discuss elements of the plan and related work. This cross-party group plays an important part in steering the project and will be integral to delivering next stages according to an agreed programme.

Licensing

The Licensing Committee recently approved the increase in the Taxi Tariff, which is the charge applied by taxis on their meter when carrying passengers, this revised Tariff came into effect on the 1st December 2016. All hackney Carriage vehicles have had their meters tested and inspected by the licensing team to ensure that they are accurate in terms of distance and rate charged.

In October 2016 a large number of Brentwood taxi drivers attended the Child Sexual Exploitation (CSE) conference held in Brentwood. The conference provided information on how taxi drivers can spot signs of CSE, how nationally taxis are often unknowingly involved in cases of CSE, and how drivers can report concerns they may have. Further sessions are being planned for early 2017, with the view to ensure that all taxi drivers are trained.

A review of many of the Authorities Licensing Policies is planned for this year, which will include all the taxi policies and conditions, the Gambling statement of principles and the street trading policy.

Report to the Council - 25 January 2017

Committee: Policy, Finance and Resources

Chair: Councillor Louise McKinlay

Council Tax Support Scheme – 2017/18

The report reviewed Brentwood's Local Council Tax Support scheme for 2017/18 and recommended that no changes be made to it. It stated that People of pension age continue to be protected from any changes in Local Council Tax Support; therefore the scheme has to be devised for people of working age only.

Public consultation on revised scheme options was undertaken from 7th September 2016 to 19th October 2016. A total of 38 responses to Brentwood's consultation were received. Whilst this was a limited response, it was similar with the consultation held last year and mirrored the levels of most responses received across Essex. Of these responses there was general agreement to the main principles of the scheme and did not highlight any issues that would give cause to alter the proposed scheme.

The Brentwood Borough Council scheme continues to be prepared within the framework of an Essex-wide scheme with local variations. For the last three years Brentwood's scheme has remained virtually unchanged and the report was not proposing any changes to the 2017/18 scheme.

Transfer of Housing Revenue Account Shops (HRA) to General Fund (GF).

This report sought approval for the transfer of the shops portfolio, including any flats above the shops, from the HRA to the GF. The portfolio comprises of 28 shops which are no longer used for the housing purposes for which they were originally acquired.

The reason for the transfer was because International Financial Reporting Standards require that these properties are categorised according to the purposes for which the Council holds them. Where the purpose for holding a property is not related to the provision of housing under Part II of the Housing Act 1985, the property cannot be held within the HRA. If a property is currently held in the HRA, usually as a result of being originally acquired or constructed under Housing powers, it must be transferred to the GF.

The shops have remained in the HRA as a result of being acquired using housing powers. The shops were originally provided as part of neighbourhood development but no longer contribute to the achievement of a housing objective and are now let on a purely commercial basis. Some of the leases include the flats above the shops. The right to buy

policy means that an increasing proportion of properties on the Council's housing estate are occupied by leaseholders or private tenants of leaseholders rather than Council housing tenants which was the case when estates were originally built. This means that the shops are no longer supplied solely for the neighbourhood of the housing tenants.

The transfer of these assets from the HRA to the GF implies that the rental income will be accounted for in the GF. The approximate revenue impact to the GF could be a net gain of £54k.

Budget Monitoring Mid Year Review and Medium Term Financial Plan

The Medium Term Financial Plan (MTFP) set out the key financial management principles and budget assumptions. It was then used as the framework for the detailed budget setting process to ensure that the Council's resources are managed effectively in order to meet its statutory responsibilities and deliver the priorities of the Council, over the medium term.

The report provided the Committee with an update on the Council's:

- I. Revenue and capital projected outturn position as at the end of September 2016, including the review of the Treasury Management Strategy Statement and Annual Investment Strategy.
- II. Medium Term Financial Strategy for 2017/18 to 2019/20.

General Fund (GF) - Projected Revenue Outturn 2016/17. The 2016/17 GF budget was agreed at the Council Meeting on 2 March 2016 that it would need funding of £285k from reserves, as planned, in order to break even for the financial year. Table 1 of the report summarised the projected GF spending position as at 30 September 2016 which was that the outturn position was in line with the original budget agreed at Council on 2 March 2016. An analysis of the key variances by service with explanations were provided in Appendix A.

Housing Revenue Account (HRA) - Projected Revenue Outturn 2016/17. The HRA was currently forecasting to have a surplus of £207k in 2016/17. The budget was originally set with a projected surplus of £293k. This indicated that there is projected reduction in the surplus of £86k. The position was summarised in the Table 2 of the report and an analysis of the key variances by service with explanations was provided in Appendix B to the report.

Capital Programme - Projected Outturn 2016/17. The current projection for the capital programme was that it would spend £8,696m against the budget of £11,674m. An analysis of the capital programme with explanations for variances was provided in Appendix C to the report.

Treasury Management Strategy Statement and Annual Investment Strategy - 1 April 2016 to 31 October 2016. The Treasury Management Strategy Statement (TMSS) for 2016/17 was approved by Council on 2 March 2016. The Council has adopted the Code of Practice for Treasury Management issued by the Chartered Institute of Public Finance and

Accountancy (CIPFA). One of the requirements of the Code is that members should receive a mid year review report and this part of the report, which covered the first seven months of the 2016/17 financial year, was presented in accordance with this requirement.

Medium Term Financial Strategy 2017/18 to 2019/20. At the Council meeting on the 2 March 2016, Council approved the budgets for 2016/17 for the General Fund, HRA and Capital. The capital programme was amended for any carry forwards at the Council meeting on 21 June 2016. This part of the report discussed the impact of the 2016/17 finance settlement which showed a significant reduction in the Revenue Support Grant and the New Homes Bonus. The updated information identified through the Half Year Budget Review process identified a potential funding gap of around £5.7m over the next 3 years. As this was clearly not financially sustainable, the Council is currently considering a detailed medium and longer term strategy to reduce costs and generate significant income to the Council in order to bridge the funding gap. Additional details would be brought to the next P,F&R Committee, which will form part of the budget proposals.

Procurement Strategy - 2016 to 2019

This report asked Members to approve the Council's Procurement Strategy for 2016 to 2019 which was attached as Appendix A.

With the current economic climate constantly presenting challenges to officers responsible for undertaking and managing significant procurement exercises, it was felt that there was a need to think differently and develop new ideas and strategies in all stages of the commercial cycle in order to increase efficiency and maximize savings.

Therefore, as part of its commitment to obtaining best possible value the Council commissioned the East of England Local Government Association (EELGA) to conduct a review of all the Council's Procurement activities. EELGA's partner, SPS Consultancy Services Ltd, was brought in to conduct the review, which included a workshop where officers were able to discuss their views, and, in individual private interviews, highlight any issues they felt needed addressing. The results from this exercise of listening to those working in the field were coupled with modern thinking around procurement to produce a new, up-to-date, and forward-looking Procurement Strategy that will direct the Council's procurement activities over the next three years.

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25 January 2017

Ordinary Council

Appointment of Monitoring Officer

Report of: *Philip Ruck – Head of Paid Service*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 To appoint the Monitoring Officer for Brentwood Borough Council and by so doing cease the current interim appointment

2. Recommendation

- 2.1 That subject to the outcome of the Staff Appointments Committee Panel on the 19th January 2017, Daniel Toohey is appointed as the Council's Monitoring Officer in accordance with Section 5 of the Local Government & Housing Act 1989.**

3. Introduction and Background

- 3.1 The Staff Appointment Committee (SAC) met on Monday 11th January 2016 to discuss the interim arrangements for the Monitoring Officer post. Their decision was subsequently ratified by Ordinary Council (27th January 2016) and Mr Toohey has been in post as an interim since that date.
- 3.2 The Council is now in a position to make a permanent appointment to the position of Monitoring Officer
- 3.3 The SAC will therefore have considered the interim arrangements and performance of the Monitoring Officer.

4. Issue, Options and Analysis of Options

- 4.1 The Council has a duty to ensure that the statutory post of Monitoring Officer is occupied. The interim appointment of Mr Toohey fulfils that obligation whilst a more permanent solution is determined.

5. Reasons for Recommendation

5.1 The Monitoring Officer Role:

Part one article 9.3 of the constitution sets out the duties of the Monitoring Officer, which are in brief:

- a. Maintaining the constitution
- b. Ensuring lawfulness and fairness of decision making
- c. Proper officer for access to information
- d. Providing advice

5.2 Appointment Process:

Part 3.1 section 2.8(a) of the constitution allows for the Staff Appointments Committee to appoint the Monitoring Officer.

Under part 3.1 section 1.2(p) Ordinary Council must confirm the appointment.

6. Consultation

- 6.1 None

7. References to Corporate Plan

- 7.1 None

8. Implications

Financial Implications

Name & Title: John Chance Finance Director

Tel & Email: 01277 312 542 john.chance@brentwood.gov.uk

- 8.1 There is an existing budget to fund the cost of a Monitoring Officer.

Legal Implications

Name & Title: Steve Summers, Corporate Services Manager

Tel & Email: 01277 312 860 steve.summers@brentwood.gov.uk

It is a requirement under Section 5 of the Local Government and Housing Act 1989 (Section 5 as amended by Schedule 5 paragraph

24 of the Local Government Act 2000) that the Council has a statutory duty to appoint a Monitoring Officer.

The Monitoring Officer has a number of statutory duties and responsibilities to ensure that the Council, its officers and its elected members maintain the highest standard of conduct, and ensures that no decision or omission of the Council is likely to give rise to illegality or maladministration and promoting high standards of conduct.

The Monitoring Officer has three main roles:-

- 1) To report on matters the Monitoring Officer believes are, or are likely to be illegal or amount to maladministration and to ensure that no decision or omission of the Council is likely to give rise to illegality or maladministration.
- 2) To be responsible for matters relating to the conduct of councillors and officers and promoting high standards of conduct.
- 3) To be responsible for maintaining and operation of the Council's constitution.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

8.2 None

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

9.1 None

10. Appendices to this report

- None

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25 January 2017

Ordinary Council

Partnership Policy and Procedures

Report of: *Kim Anderson, Partnership, Leisure and Funding Manager*

Wards Affected: *All Brentwood Borough Wards*

This report is: *Public report*

1. Executive Summary

- 1.1.** The Council needs to ensure that any partnerships that it is involved in are both efficient, effective and that they can deliver value for money for our residents. A large amount of public money is invested in partnerships and therefore partnerships should be action and outcome focussed, whilst encouraging innovative solutions for change. Partnerships should also be monitored regularly to ensure any underperforming partnerships are highlighted and any appropriate action is taken
- 1.2.** The revised and updated Partnership Policy and Procedures will provide a framework for procedures for staff that will provide a consistent approach across the Council. This will ensure that any partnerships not only support the Council's priorities, but also strengthen the accountability amongst partners, minimize the risk to the Council and rationalize the Council's partnership working arrangements.

2. Recommendations

- 2.1 That Members agree to the revised Partnership Policy and Procedures as appended to this report.**

3. Introduction and Background

- 3.1** The Council underwent an internal audit of its partnership working arrangements in March 2015 which set out a number of recommendations. As a result of that audit and a subsequent review, the report before Members sets out the revised Partnership Policy and Procedures which will ensure that any partnership working that the

Council is involved in is efficient, delivers value for money for our residents and businesses and supports the Council's priorities.

- 3.2 The Partnership Policy and Procedures include a number of separate documents that will enable officers to have a standardised approach when involved in partnership working. This will include the following:
- A partnership checklist, which provides questions that need to be asked before entering into any partnership agreement
 - A Terms of Reference/Agreement template in order that officers have a standardised template to follow which will set out the aims, objectives and expected outcomes of the partnership
 - A self assessment tool so that officers can evaluate and review the effectiveness of any existing partnerships
- 3.3 These documents will be available to staff through the document library.
- 3.4 The Council's partnership arrangements will be published on the Council's Partnership Register. The Partnership Register will also be linked to the Council's Corporate Risk Register, which will identify any underperforming partnerships. The register will detail each of the partners involved in the partnerships and how each partnership supports the Council's priorities.
- 3.5 It is proposed to have a rolling programme of reporting the Council's partnership working to the Council's Audit, Scrutiny and Transformation Committee where appropriate.
- 3.6 It is important for officers to estimate the cost to the Council of partnership working, measured in officer time and financial commitment, in order to ensure that the benefits it receives from the partnership are sufficient to justify and formalise new partnership arrangements.

4. Issues, Options and Analysis of Options

- 4.1 When setting up a new partnership arrangement officers need to be confident that the partnership will contribute to the Council's priorities and objectives and whether it will deliver best value for money for Brentwood residents and businesses.
- 4.2 In principle Brentwood Borough Council will actively seek to work in partnership and make positive contributions where:
- a) It has statutory obligations to be a member of the partnership;

- b) It is considered that partnership working will provide a more efficient or effective way of achieving its aims and objectives, than by simply working alone
 - c) Partnership working will potentially increase opportunities for accessing or saving money or resources in line with the above, thus ensuring best value delivery for the residents of Brentwood.
- 4.3 Whilst the benefits of working in partnership are overwhelmingly positive, there are also risks which must be fully considered and mitigated against.
- 4.4 Officers need to question whether the Council needs to be involved in the proposed partnership in the first place or whether another working arrangement could deliver a similar objective and outcome.
- 4.5 This Partnership Policy and Procedure seeks to ensure that Brentwood Borough Council are able to recognise the full range of partnerships we are engaged with, and be satisfied that they are:-
 - a) Properly risk assessed and suitably managed;
 - b) Formally approved and registered on the Council's Partnership Register;
 - c) Monitored and reviewed on at least an annual basis in order that a focus on delivery can be maintained;
 - d) Have clear aims, objectives and outcomes;
 - e) Have a clear terms of reference;
 - f) Where appropriate, operate an information sharing protocol which partners have responsibility to adhere to;
 - g) Have clear governance in place to ensure accountability;
 - h) Establish a clear understanding between partners regarding their individual and collective responsibility and liability for the actions of the partnership;
 - i) Operating effectively in adding value to our efforts to achieve our priorities and as appropriate supporting the delivery of partnership priorities, or discharging our statutory responsibilities;
 - j) Providing Brentwood Borough Council, our partners and the public good value for money in relation to the level of investment being made;
 - k) Establish clear processes and procedures in place for the dissolving of partnership arrangements;
 - l) Delivering positive outcomes for the people of Brentwood.
- 4.6 The new Partnership Policy and Procedures should ensure that there is accountability within the partnership amongst the various partners and also that the partnership itself is accountable to another body for audit and

scrutiny purposes to ensure that it is still delivering on the partnership objectives and outcomes.

5. Reasons for Recommendation

- 5.1 The Internal Audit review of our partnership working recommended strengthening our partnership arrangements. The policy and Procedures have been revised that will ensure that the Council is only involved in partnership working which supports one or more of the Council's priorities to deliver the outcomes that will support Brentwood Borough residents and businesses.

6. References to Council Priorities

The revised Partnership Policy and Procedures sit under the transformation strand of the Council Vision document to provide quality services delivered by the commercial and community sector where it makes economic and strategic sense.

7. Implications

Financial Implications

Name & Title: John Chance

Tel & Email 01277 312542/ john.chance@brentwood.gov.uk

- 7.1 All partnership working will involve some resource from Brentwood Borough Council whether this is officer time, financial commitment or other in kind support. The Partnership Policy and Procedures should ensure that a consistent, transparent approach is in place when setting up, reviewing and monitoring partnership arrangements, which in turn should minimise any financial or reputational risk to the Council.

Legal Implications

Name & Title: Daniel Toohey

Tel & Email: 01277 312860 daniel.toohey@brentwood.gov.uk

A robust governance framework in place will ensure that the Council will only enter into partnership arrangements that will assist in the delivery of expected outcomes which support the Council's priorities.

It will also ensure that clear roles, responsibilities and accountabilities are identified prior to entering a partnership arrangement and that a regular review of partnership working is undertaken to ensure that the partnership is still delivering outcomes against Council priorities and that the partnership is still fit for purpose.

Risk management

By utilising the standardised checklist for entering into any new partnership, the Council will properly risk assess, manage and minimise the risk to the Council

Background documents:

Internal Audit Partnership review 2015

Appendices:

Appendix 1 – Partnership Policy and Procedures

Report Author Contact Details:

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Brentwood Borough Council

Partnership Policy and Procedures

Aims, Scope and Key Drivers

AIMS:

This policy and associated procedures are introduced to provide a framework for officers and staff who are engaged in, giving consideration to engagement in, or withdrawing from partnership activities.

Brentwood Borough Council recognises that the quality and cost effectiveness of services can be significantly improved when organisations work well together.

Working as a partnership is integral to the way that Brentwood Borough Council and many of our partners operate and seeks to achieve their ambitions. Collaboration with other agencies and the public is fundamental to Brentwood Borough Council's approach to achieving the shared priorities and outcomes desired by not only our partners and ourselves, but importantly the public of Brentwood.

This policy is one of inclusion. We aim to ensure that partnership working is supportive of the different communities within Brentwood. Our residents and businesses deserve us to be working within the very best partnerships, delivering positive outcomes, in the most cost effective way possible.

Supporting our staff to achieve this, Brentwood Borough Council's Partnership Policy and Procedures sets out the Council's broad approach to working in partnership and details how this important means of delivering services will be managed.

In principle, Brentwood Borough Council will actively seek to work in partnership and make positive contributions where:-

- It has statutory obligations to be a member of the partnership;
- It is considered that partnership working will provide a more efficient or effective way of achieving its aim of supporting our residents and businesses, or will deliver the commitments contained within the Council's Corporate Plan, more appropriately than would be possible by simply working alone;
- Partnership working will potentially increase opportunities for accessing or saving money or resources in line with the above, thus ensuring best value delivery for residents or businesses of Brentwood.

Whilst the benefits of working in partnership are overwhelmingly positive, there are risks which must be fully considered and mitigated against.

This Policy seeks to ensure that Brentwood Borough Council is able to recognise the full range of partnerships in which we have become engaged, and be satisfied that they are:-

- Properly risk assessed and suitably managed;
- Formally approved and registered on the Council's Partnerships Register;
- Monitored and reviewed on at least an annual basis in order that a focus on delivery can be maintained;
- Have clear aims, objectives and outcomes;
- Have clear terms of reference;
- Where appropriate, operate an information sharing protocol which partners have a responsibility to adhere to;
- Have clear governance arrangements in place to ensure accountability;
- Establish a clear understanding between partners regarding their individual and collective responsibility and liability for the actions of the partnership;
- Operating effectively in adding value to our efforts to achieve our priorities and as appropriate supporting the delivery of partnership priorities, or discharging our statutory responsibilities;
- Providing Brentwood Borough Council, our partners and the public good value for money in relation to the level of investment being made;
- Delivering positive outcomes for the people of Brentwood.

Brentwood Borough Council's view is that the partnerships it enters into should add significant value to the Council's priorities and desired outcomes. As such, where it is considered that the costs of being involved outweigh, or are likely to outweigh the benefits gained, then Brentwood Borough Council may challenge and potentially discontinue support for those arrangements.

This policy sets out the formal processes that will support Brentwood Borough Council in consistently, professionally and objectively making sound decisions when it considers whether to establish or enter into a partnership and reviews whether it should continue to support a partnership arrangement. It also aims to provide staff with clarity about the Council's approach to partnership working and help enable them to understand their personal responsibilities when developing or working in the partnership arena.

SCOPE:

The word partnership can mean different things to different people. To make partnerships work effectively, they need to be differentiated from other joint

arrangements such as funding regimes, contractual arrangements and informal relationships or networks.

Definition of a partnership

As such Brentwood Borough Council defines a partnership in relation to this policy as a joint working arrangement where two or more partners:

- Are otherwise independent bodies;
- Agree to co-operate to achieve a common goal, which supports the delivery of at least one Council priority or target;
- Create a new organisational structure or process to achieve a goal, separate from their own organisations; and
- Plan and implement a jointly agreed programme of work which may often result in joint staffing, shared use of resources or information and a perception that some element of risk and reward is also shared.

Independent bodies' would normally mean that partners are separate entities in a legal sense.

Partnership is a concept that is difficult to define precisely. A distinction can be made between establishing a formal partnership such as 'Multi-agency Licensing Group' and an informal way of working involving partners such as a localised Keep Safe initiative.

This policy is primarily concerned with defining the arrangements for managing formal partnerships.

Such arrangements will identify key responsibilities / accountabilities or liabilities that would be shared with members, formally recorded within a Terms of Reference or a Partnership Agreement.

It is also recognised that if Brentwood Borough Council leaves a partnership it does not automatically imply that the partnership itself should cease. It is felt to be good practice for a Terms of Reference to indicate how each individual organisation can leave a partnership.

Brentwood Borough Council also acknowledges that the 3rd sector (voluntary and community sector organisations) can be a key partner and play a prominent role in supporting the local community in Brentwood and across Essex.

Implementation of the Partnership Policy

Responsibility for the implementation of the Partnership Policy and its supporting procedures is held by:

- Elected Members;

- Head of Paid Service and Heads of Service;
- Partnership, Leisure and Funding Manager;
- Staff receiving an invitation to join a, or planning to develop a partnership;
- Staff engaged as the principle Brentwood Borough Council representative within a partnership;
- All staff working within a partnership focussed environment

Local and Operational Partnerships

There are two levels of partnership, 'local level' and 'operational'. The local level partnership is one where the financial commitment, resource and risk to the Council is minimal and therefore can be subject to approval by the Head of Service or the Head of Paid Service. Where the partnership is considered 'operational' then this needs approval from elected Members at the relevant Committee (unless delegated authority is given to officers) in order to ensure proper governance across all partnerships.

Brentwood Borough Council needs to ensure that any decision making in relation to partnership working is properly authorised and made by the relevant constituent bodies forming the particular partnership through agreed governance arrangements as partnerships are not usually separate legal entities. In the absence of Council officers having the delegated authority to take decisions on behalf of the Council, such matters have to be reported back to the Council or their Committee for decision. It is important for good governance that such decisions are 'scrutinised and challenged effectively'.

KEY DRIVERS:

Statutory requirement

The Council has a statutory responsibility for the delivery of certain services and a specific legal responsibility for working in certain statutory partnerships (i.e. Community Safety Partnerships).

Partnership working offers opportunities to deliver services in more efficient and effective ways and the Council's emphasis on providing value for money services that deliver positive outcomes for communities within Brentwood means that consideration about whether services could be delivered better, or more efficiently collaboratively with partners should be regularly explored by officers.

Financial and resource implications

Through collaborative working arrangements, Brentwood Borough Council aims to work with its partners to deliver effective, value for money, quality services to the residents and businesses of Brentwood.

Financial pressures will increase on all partner agencies in future years and may lead to requests being made to the Council to enter into partnerships and share

resources to address issues that may not be of sufficient priority to the organisation and these will need to be carefully considered.

Within any partnership arrangement there will be some resource implication for Brentwood Borough Council. This could be a financial commitment, officer support or other in kind support for the partnership. These will need to be fully identified before any formal decisions are agreed.

Before entering into financial arrangements with external bodies, guidance as appropriate will be sought from the Finance Director (Section 151 Officer) and the relevant account officer with regard to procurement or other related financial matters. Agreements/or arrangements entered into must not have an adverse effect on the services provided by the Council, or its financial position.

Data retention and disposal

Partnership procedures will involve sharing of information through formal meetings, to ensure multi-agency approach. It may require the signing of an information sharing protocol with partners. As such, there are a wide range of potential outcomes with regard to final disposal of information, and whilst many will involve Brentwood Borough Council, some may involve partner agencies. More detail is contained within the documented procedures which accompany this Council's Partnership Policy.

The partnership may involve the creation of further records such as meeting minutes, action records and it would not be practicable to detail the retention periods for the whole spectrum. Under normal circumstances, all partnership information will be held for a period of **36 months**. All records should therefore be retained, reviewed and disposed of in line with the Council's Data Retention Policies and within the partnership's own Terms of Reference.

Publicising Partnership working

The Policy seeks to formally record the benefit of formal collaborative working that supports the priorities of Brentwood Borough Council, its partners and deliver value for money quality services to local communities.

To provide the public with information about the partnerships that the Council is involved in, a dedicated webpage will be set up listing the Council's Partnership arrangements together with a Partnership Register which will give a brief description of each partnership, its aims and objectives and the relevant partners involved.

Partnership Policy - Procedures

There are a number of key drivers that support working together in partnership which are mentioned in the policy on page 4. The Council needs to ensure that it has a consistent, transparent approach that has been properly risk assessed, has been approved through the right level of governance, to deliver value for money and support the Council's priorities.

There are four stages of partnership working, Approval, Recording, Monitoring and Evaluation and the Termination of a partnership.

APPROVAL OF PARTNERSHIPS

To support officers when considering entering into a new partnership arrangement in the there is **Partnership Checklist** to complete (**Appendix 1**) which will help officers decide whether a formalised partnership route is the best way of working or whether another model is more suited when working together.

Officers should complete the partnership checklist which can then inform a draft **Terms of Reference (Appendix 2)** for the partnership which will need to be agreed by all those partners involved. Dependent on the type of partnership then approval is needed from either Elected Members via the relevant Committee or Head of Service/Head of Paid Service.

Before entering into financial arrangements with external bodies, guidance as appropriate will be sought from the Corporate Finance Department with regard to procurement or other related financial matters. Agreements and / or arrangements entered into must not have an adverse effect on the services provided by the Council.

Responsibilities of the Head of Paid Service, Head of Finance (Section 151 Officer) are outlined in Council's Financial Regulations and reference documents associated with the Partnerships Policy.

If the Council is acting as the banker for the partnership then the budget holder for partnership activities will, in accordance with procedures specified by the Head of Finance (Section 151 Officer), maintain income and expenditure to aid accounting processes managed and overseen by the Corporate Finance Department. Full details are provided to the Head of Finance (Section 151 Officer) to enable appropriate information to be entered into the Authority's Statement of Accounts.

Key controls have been established which must be in place before authorisation is given to the engagement in a Brentwood Borough Partnership. In every such case it must be possible to:

- Recognise the statutory context in which the proposed partnership is to be established;

- Identify the objectives the proposed partnership is designed to achieve/fulfil;
- Demonstrate how such objectives will support the Council's corporate vision and priorities as set out in the Council's Corporate Plan;
- Identify and assess all known risks associated with the proposed partnership and the extent to which those risks affect the viability of the proposals;
- Identify and assess through a robust project appraisal process the viability of the proposals in terms of resources, staffing and expertise;
- Identify and assess the contractual, legal and financial frameworks of the proposed partnership and to ensure that those arrangements comply with the Council's financial regulations and Contract Standing Orders;
- Identify and agree with other partners the roles and responsibilities of each of the other partners involved in the proposals and the lines of accountability from the proposed partnership to Brentwood Borough Council, and to other partners;
- Be satisfied that other partners have carried out similar assessments for their own purposes, so far as practicable, of the matters referred to in above;
- Ensure that the proposed partnership and its operation will not affect adversely any of the services provided by or for Brentwood Borough Council.

For further guidance refer to the Partnership Checklist Appendix 1.

Documentation in support of this will be captured on the Council's Partnership Register.

All Brentwood Borough Council Partnerships will be subject to routine monitoring and scrutiny by the Council. This will be at least annually, regardless of whether the Authority is the decision-making body or not.

Approval of local level and operational partnerships

A Head of Service can give 'fast track' approval for joining local level partnerships subject to adherence to the Council's Partnerships Policy and associated procedures and based upon a risk assessment of the information provided.

However, if any of the following criteria apply, then such local level partnership approval request must be escalated to the Head of Paid Service/Elected Members for sanction as it will be deemed to be 'operational' .

- All partnerships where personal information is to be shared;
- All partnerships where there is a requirement for financial investment in budget/cash terms;
- All partnerships where there is a requirement for 'in-kind' or human resource investment of above £5K;
- All partnerships where linkage with Council objectives/priorities is felt to be in question or is limited;

- Any partnership where for any other reason it is felt appropriate that a more formal or structured decision-making process be used by the Officers prior to any decision being taken.

The decision-making process will be broadly proportionate to the level of perceived risk and benefit and involve support from specialist staff as appropriate.

Conditional Partnership Support

It is recognised that the development of some partnerships can be a dynamic process and that some form of organisational support may be needed and appropriate at an early stage in order that staff with some expertise and experience in this area can potentially influence and help shape the further improvement and development of a particular partnership.

To delay engagement with a partnership under development may hinder its progression and as a consequence the effective delivery of services to the public. Therefore, under some circumstances, decision-makers are able to grant 'conditional support' to engage in the development of a partnership prior to being required to make a formal or long-term decision.

Conditional support will only be granted for a period up to 3 months at a time. This is to encourage the registering of prospective partnerships at the earliest point in time and provide managers and partnership workers sufficient opportunity to influence the creation of high quality partnerships which are well constructed and thought through prior to formal approval being granted.

Declining Partnership involvement

Where potential difficulties or risks from partnership working are clear from an early stage, an early decision to decline involvement may be prudent. Such cases would include:-

- Partnership with any organisations involved in the tobacco, gambling, or any other industry where the Council plays a role in supervision, licensing or enforcement activities which directly involve them;
- Partnerships where the support from Brentwood Borough Council cannot be readily or easily discontinued;
- Partnerships that would involve the Council in unbudgeted revenue costs, particularly on an on-going basis;
- Partnerships which involve potentially sensitive associations with companies already in contractual arrangements with the Council, which could be construed by competitors as preferential treatment;
- Partnerships with conditions attached that interfere with the Council's operational independence on how the Council's resources are used;

- Partnerships of unclear or unqualified benefits to core Council activities and the delivery of our key aims and objectives;

If the Council is requested to formally join partnerships where it is clear that it is against the interests of Brentwood Borough Council or the public of Brentwood, requests are registered on the Council's Partnerships Database and a recommendation made that they not be approved.

This decision will be taken by the appropriate person or body depending on the nature of the partnership and communicated sensitively to the interested parties at the earliest opportunity.

MONITORING AND EVALUATION OF A PARTNERSHIP

All partnerships that meet the Council's definition are recorded on the Council's Partnership Register by the Partnership Leisure and Funding Manager and will be reviewed on an annual basis.

This Register records information on the partnership and includes:

- Partnership name;
- Membership details;
- Aims and objectives of partnership;
- Link to Council priority(ies);
- Accountability;
- Brentwood Borough Council lead officer;
- Whether the partnership is a statutory or discretionary obligation;
- Terms of Reference;
- Frequency of meetings;
- Allocated budget;
- Risk register for the partnership;
- Information sharing protocols;
- Any Equality & Diversity considerations;
- Funding Arrangements for the partnership

If appropriate, any risks associated with the partnership will added to the Council's Corporate Risk Register where remedial action will be taken or supported.

Decision makers and partnership staff have a responsibility to ensure that the work of approved partnerships is properly monitored and to ensure that all partnership arrangements are formally reviewed on an annual basis, at which point a decision will be made about the continuance of Brentwood Borough Council's involvement.

A **Partnership Self Assessment tool (Appendix 3)** has been designed to assist officers when reviewing and assessing the effectiveness of current partnership arrangement and make a recommendation on completion of the self assessment to either:

- Continue to support engagement in the partnership (approval);
- Continue to support engagement in the partnership with a view to improving the partnership working arrangements (conditional approval); or
- Critically review the partnership with a view to considering Brentwood Borough Council's disengagement from it (termination) .

Monitoring and evaluation mechanisms will be pre-agreed by partners as appropriate in the Terms of Reference, and these should always be proportionate to the level of the partnership and the risks or benefits involved.

Documented Terms of Reference for a partnership, key responsibilities, accountabilities and liabilities of each agency should be recorded and maintained as part of the information on the partnership register.

For operational level partnerships, formal scrutiny will principally be undertaken through the work of the Audit, Scrutiny and Transformation Committee. For local level partnerships, scrutiny will be undertaken through the work of individual members, with activities recorded and documented on the Council's Partnership Register.

The Council's Partnership, Leisure and Funding Manager will maintain an overview of all partnerships across the Council and report, where appropriate, in relation to non-compliance with the partnership policy. This may necessitate some level of exception reporting where updates, monitoring or formal reviews have not been undertaken as required.

Managers will maintain an overview of the partnerships that operate within their service areas of responsibility and provide support for their effective monitoring and evaluation.

Communication

Within the Terms of Reference for each partnership arrangement, a pre-identified and agreed partner will take the lead for communication activity to ensure that a collaborative approach to ensure consistency, accuracy and transparency.

TERMINATING A PARTNERSHIP

Partnership arrangements inevitably may come to an end due to a number of reasons including:

- Achievement of objectives;
- Change in Council or partner priorities;
- Partnership replaced by alternative working arrangements;
- External funding sources/resources cease;
- After review, the Partnership is deemed to be not delivering the outputs and outcomes it was set up to do and new approaches need to be explored;
- After review, an unacceptable level of risk in continuing the Partnership is identified;
- The legal framework upon which the Partnership was founded changes.

The decision whether Brentwood Borough Council's involvement in a Partnership ceases will be made on a case by case basis, to recognise the full range of circumstances involved. The decision to withdraw will be made at the same level at which approval was given to engage.

In circumstances where withdrawn from local or low level partnerships is difficult due to political or reputational reasons, decisions regarding withdrawal will be escalated to the elected Members for consideration and decision.

It is acknowledged that Brentwood Borough Council leaving a Partnership does not automatically imply that the partnership itself should cease. Terms of Reference for each partnership will indicate how each individual organisation can leave a partnership and actions which might be necessary in such eventualities.

Where Brentwood Borough Council does decide to leave a Partnership, the reason for departure will be documented on the Council's Partnership Register.

Draft Partnership Checklist

Entering into/proposing a new partnership

Officers and/or Elected Members are required in the first instance to complete the Partnership Checklist when proposing the Council enter into or proposes a new partnership.

This checklist will detail all the information that Officers and/or Elected Members (if applicable) will need to decide on whether to enter into the proposed partnership.

1. INITIAL STAGE

Name of Proposed Partnership

--

Do the proposed objectives of the partnership fit with one or more of the following strategic priorities?

Delete as appropriate

Corporate Strategy	Yes/No
Environment Strategy	Yes/No
Community and Health	Yes/No
Economic Development	Yes/No
Planning and Licensing	Yes/No
Transformation	Yes/No

Please provide brief notes on how areas marked 'Yes' will benefit from the Partnership?

--

Main Contacts

Lead elected member (if applicable)	
Name	
Address	
Email	
Tel. numbers	
Lead Officer	
Name	
Address	

Email	
Tel numbers	
External Contacts	
Name	
Address	
Email	
Tel numbers	

2. DEVELOPMENTAL STAGE

What are the key objectives of the proposed partnership?

Is there a statutory requirement to establish the partnership? Yes/No

If yes please provide further details

What is the gap in service provision identified by Officers and/or Elected Members which this partnership will help to deliver?

Is the issue/need shared by other organisations? What other options have been explored other than partnership and are there any groups undertaking similar work?

Is there a clear agreed vision/purpose for the proposed partnership? (For example, to improve delivery of a specific service/to develop a strategy?)

Tick		
	Yes	Vision/purpose attached
	No	Please detail timetable for development of Vision/purpose. Please ensure copy is attached to Partnership checklist.

Is this vision realistic, i.e. in terms of resources and opportunities that are likely to be available?

Tick and provide brief explanation		
	Yes	
	No	

Are all the partners willing to devote the necessary time and effort to making the partnership succeed?

Tick and nominate representative		
	Yes	
	No	

Do the partners understand the following;

- a) all know what role they will play
- b) what resources they will contribute and how they will account for the success of the project?

This should identify what the roles are, resources being contributed £'s/people, outputs and outcomes)

	Tick
The role they will play within the partnership?	
The resources they will be contributing? (people)	
What the projected costs are (direct and indirect) of the partnership (£'s)	
What the expected outputs and outcomes are?	
How they will account for the success of the partnership? (outputs & outcomes)	
What the expected benefits are?	

What are the key objectives of the proposed partnership?

--

Are there any groups undertaking similar work? (If yes, reconsider the need for a new partnership – no new partnership should be formed if existing partnership covers aims and objectives).

Yes	No

Is there a defined lifetime of the partnership?

	Tick
Yes	
No	

Is there an exit strategy?

	Tick
Yes	
No	

Risk assessment – list what are the partnership liabilities?

Type of Risk
Financial
Reputational

3. IMPLEMENTATION STAGE

Does Partnership need to be signed off at Committee, if yes name and date of the relevant Committee?

--

If No, name and title of Head of Service and date signed.

--

4. MONITORING STAGE

Detail the frequency and the type of monitoring that will be undertaken of the partnership, please refer to the self assessment tool.

--

5. EXIT STAGE

If the partnership ends because it has achieved its objectives or the Council feels that its priorities have changed and does not need to be involved in the partnership then detail the authorisation in place to leave the partnership.

Does the exit from the Partnership need to be signed off at Committee, if yes, detail name and date of relevant Committee.

--

Does the exit from the Partnership need to signed by Head of Service, if yes, detail name, title and date signed.

--

If you or partner organisations cannot answer the questions above please get clarification before proceeding with the partnership.

[Name of partnership] DRAFT Terms of Reference	
Purpose	
Objectives of the partnership	
Agreed Values and Behaviours and principles of the partnership	•
Targets associated with the objectives	• Insert KPI's including volumes
Membership and administration	
Membership of partnership	• Insert membership list
Role of the Chair of the Executive Group	•
Role of Vice Chair of the Executive Group	•
Role of partners of the [partnership name]	•
Brentwood Borough Council Lead officer	•
Role of Lead Officer	
Frequency of meetings	
Rules on decision making and voting	
The partnership's conflict resolution protocol	
The partnership's complaints procedure	
The reporting methods of the partnership to its member organisations, other partnerships, and the public	
Partnerships that the [partnership name] report to	insert
Partnerships that report to the [partnership name]	insert
Communication	
How will the partnership communications be agreed	
Who will communicate the partnership working and activities	
Finances	
Funding arrangements of the partnership	
Partner financially responsible if the partnership breaks up	insert
Partner through which the partnership access legal advice	insert
Performance	
Performance management arrangements	
Risk management arrangements	
Equality management arrangements	
How the partnership will assess the extent to which it provides Value For Money	
Public accountability arrangements	

Scrutiny arrangements	
Partnership revision	
The methodology for revising the partnership's rules, including planned revision dates	
The procedure for individual members to leave the partnership	
The triggers and procedures for dissolving the partnership	

Partnership Self Assessment Tool

Name of Partnership	Officer undertaking review	Date of review

Name	1. Information Storage and Access			
Description	How the information is stored on the partnership and how accessible is it to those that need it?			
Requirement to be fully compliant	Information is shared with and accessed and updated by multiple users in the organisation and/or externally. All relevant documents such Terms of reference template, minutes of meetings, progress on action plans, review dates of partnership and KPIs all centrally stored.			
	Not at all	Partly initiated	Embedded	Action Plan
	No evidence of partnership register	On spreadsheet or partnership register, but static and not shared internally or externally	Partnership register is dynamic, up-to-date, available to internal and external stakeholders and used for management reporting, planning and partnership management	Identify actions that need to be in place to ensure that this will become fully compliant
Self Assessment level				

Name	2. Communication			
Description	How is the partnership communicating its activities and progress?			
Requirement to be fully compliant	Supporting documentation to link to partnership website, copies of newsletters, minutes of meeting, progress on action plan which is easily accessible to partners and regularly updated.			
	Not at all	Partly initiated	Embedded	Action Plan
	No evidence of communication	Some supporting documentation provided	All documents held electronically in a central point with dynamic updates and sharing or accessibility to other stakeholders	Identify issues if partnership is not properly resourced or supported.
Self Assessment level				

Name	3. Delivery and performance			
Description	Does the partnership have clear objectives and SMART outcomes?			
Requirement to be fully compliant	Supporting documentation to clear action plans with responsible lead partner for each action, arrangements in place for under performance, scrutiny arrangements, achievements that have been delivered in the last year.			
	Not at all	Partly initiated	Embedded	Action Plan
	No evidence of clear objectives and SMART outcomes	Some evidence of clear objectives and SMART outcomes	Clear action plans, arrangements for challenging under performance, evidence of achievements that have been delivered by the partnership in the last year.	Regular review of action plan.
Self Assessment level				

Name	4. Finance and Resources			
Description	Are financial monitoring arrangements robust, clear and understood?			
Requirement to be fully compliant	Supporting documentation to procedures for managing and monitoring pooled budgets and resources. Are partners clear where accountability lies for managing resources and the spending of funds?			
	Not at all	Partly initiated	Embedded	Action Plan
	No evidence of financial monitoring or accountability in place	Some evidence of financial monitoring procedures, but not clear to partners.	Clear financial monitoring arrangements in place that are understood by all partners.	Agreed financial monitoring arrangements in place.
Self Assessment level				

Name	5. Risk Assessment			
Description	Are risks identified, understood and assigned as part of the delivery of the partnership action plan.			
Requirement to be fully compliant	Supporting documentation to include risk register, mitigation controls and actions and business continuity plans in place.			
	Not at all	Partly initiated	Embedded	Action Plan
	No evidence joint risk register	Some evidence of risks being addressed	Clear joint risk register with mitigation controls and actions and business continuity plans.	Ensure risks are identified, assigned and updated on the joint risk register.
Self Assessment level				

Name	6. Review of partnership			
Description	Are plans in place for a regular review of the partnership, its membership and its performance			
Requirement to be fully compliant	Supporting documentation which indicates that a regular review of the partnership is undertaken – such as Terms of reference, membership, objectives and outcomes remain relevant.			
	Not at all	Partly initiated	Embedded	Action Plan
	No evidence of regular review of partnerships	Some evidence of review procedures in place	Clear process of regular review of partnerships with set timelines built into the Terms of Reference	Ensure that a regular review of partnerships is built into the Terms of Reference
Self Assessment level				

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25 January 2017

Council

Pay Policy 2017/18

Report of: *John Chance, Finance Director*

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

- 1.1 Council is asked to agree the Pay Policy 2017/18 as attached at Appendix A in accordance with Section 38(1) of the Localism Act 2011.

2. Recommendation(s)

- 2.1 That the 2017/18 Pay Policy Statement as set out in Appendix A is agreed.**

3. Introduction and Background

- 3.1 Section 38(1) of the Localism Act 2011 requires all English and Welsh Councils to produce a Pay Policy Statement for each financial year.
- 3.2 Regard is to be had, to any guidance from the Secretary of State in producing the statement.
- 3.3 The pay policy statement should be:
- approved by the Full Council
 - approved before the end of March each year
 - amended during the course of the financial year
 - published on the Council's website

4 Issue, Options and Analysis of Options

- 4.1 Guidance on the Pay Policy Statement also refers to accountability.

- 4.2 The existing guidance makes it clear that Full Council should be given the opportunity to vote before large salary packages offered in respect of a new appointment.
- 4.3 The guidance states that the Secretary of State considers that £100,000 is the right level for that threshold to be set and remains the same.
- 4.4 Full Council approved a motion in October 2013 that the final decision on the pay of a future Managing Director and all staff that are set to receive a package that totals above £100,000 per annum in basic salary and bonus provision rests with Full Council.
- 4.5 The guidance also requires authorities to offer Full Council the opportunity to vote before large severance packages beyond a particular threshold are approved for staff leaving the organisation.
- 4.6 As with salaries on appointment, the Secretary of State considers that £100,000 is the right level for that threshold to be set.
- 4.7 The Pay Policy Statement must include the Council's policy on the level and elements of remuneration of chief officers, the remuneration of the lowest paid employees and the relationship between chief officer's remuneration and that of other officers.
- 4.8 The Pay Policy Statement 2017/18 sets out the Council's current approach to pay and reward.

5 Reasons for Recommendation

- 5.1 To comply with the statutory requirement to annually approve the Council's Pay Policy.

6 References to Corporate Plan

- 6.1 Producing a Pay Policy Statement is a statutory requirement.

7 Implications

Financial Implications

Name & Title: Ramesh Prashar, Financial Services Manager

Tel & Email: 01277 312513 / ramesh.prashar@brentwood.gov.uk

- 7.1 There are no direct financial implications arising from the production of the Pay Policy Statement.

Legal Implications

Name & Title: Daniel Toohey, Monitoring

Tel & Email: 01277 312860 /daniel.toohey@brentwood.gov.uk

- 7.2 A Pay Policy Statement is required under Section 38(1) of the Localism Act 2011.

8 Appendices to this report

Appendix A - Pay Policy Statement 2017/18

Report Author Contact Details:

Name: Ramesh Prashar, Financial Services Manager

Telephone: 01277 312513

E-mail: ramesh.prashar@brentwood.gov.uk

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Brentwood Borough Council Pay Policy Statement 2017/18

Introduction

Section 38 (1) of the Localism Act 2011 required all English and Welsh Councils to produce a Pay Policy Statement for 2012/13 and for each financial year thereafter. Regard is to be had to any guidance from the Secretary of State in producing this statement.

The Pay Policy statement should be:

- approved formally by the Full Council.
- approved by the end of March each year.
- amended during the course of the financial year.
- published on the Council's website.

Nothing in this Pay Policy Statement enables unilateral changes to employees' terms and conditions of contract. Changes to terms and conditions of employment must follow consultation and negotiation with individuals and recognised trades unions as set out in agreements and in line with legislation.

Objectives of the Policy

Brentwood Borough Council provides a wide range of services to residents, businesses and visitors in the Borough. To be able to provide those services we depend on our employees. The 2017/18 Establishment has 341 employees budgeted for as full time equivalent staff.

In setting the Pay Policy the Council is mindful of the following objectives:

1. Recruit and retain appropriately experienced and qualified employees to ensure a capable and high performing workforce. In respect of all employees, the Council's policy is to set remuneration sufficient to attract and retain adequately experienced, trained and qualified individuals to deliver the Council's priorities.
2. Simplicity, clarity and fairness between employees and between the Council and the community. The Council aims to be transparent on pay to its staff, prospective staff and the wider community.
3. To differentiate between remuneration and other employee related expenses. The Council will meet or reimburse authorised travel, accommodation and subsistence costs for attendance at approved business meetings and training events. The Council does not regard such costs as remuneration but as non pay operational costs. This policy is applied consistently to all employees of the Council.

Scope

The statutory Pay Policy statement must include the Council's policy on:

- The level and elements of remuneration of chief officers.
- The remuneration of the lowest paid employees.
- The relationship between chief officers' remuneration and that of other officers.

The Act defines remuneration widely, to include not just basic pay but also:

- allowances including car allowances and training expenses, benefits in kind, increases in/enhancements of pension entitlements, and termination payments.

Chief officers for the purpose of this statement are all Executive General Managers, Director of Finance, Monitoring Officer and the Head of Paid Service.

Senior Management

The Head of Paid Service is on a salary of £92,500 per annum within a range of £90,000 to £99,000 plus a performance bonus of £5,000 subject to satisfactory performance. Performance of the Head of Paid Service is assessed through an appraisals system with the Leader of the Council.

All other employees are allocated a grade as set out in the attached Pay Scales.

The Finance Director is paid on a pay range between SCP66 – SCP70.

The pay Structure for the Monitoring Officer is Grade N.

The pay structure for the Executive General Managers is Grade M.

For the Finance Director, Monitoring Officer and Executive General Managers, annual progression within the grades is subject to annual performance reviews.

The remuneration of all Chief Officers and Senior Officers will be published in the Council's Annual Statement of Accounts which also includes a wide range of financial information.

Appointments with a salary over £100,000

The post of Head of Paid Service is the only post within the authority with a potential salary grade above £100,000, when including bonus. In accordance with government guidance and the motion agreed by Full Council in October 2013, any future intention to offer a salary for a new appointment above £100,000 will be at the vote of Full Council.

Returning/Acting Returning Officer

The Head of Paid Service undertakes the roles of Returning and Acting Returning Officer in respect of local, national and European elections. The Returning/Acting Returning Officer is an officer of the Borough Council who is appointed under the Representation of the People Act 1983.

Whilst appointed by the Borough Council, the role of the Returning Officer is one which involves and incurs personal responsibility and accountability and is statutorily separate from his/her duties as an employee of the Borough Council. As Returning Officer, he/she is paid a separate allowance for each election for which he/she is responsible.

Definition and Remuneration of Lowest paid Employees

The Council's lowest pay grade is A of which 10 employees are on this grade. All staff are paid the legal minimum or above.

Relationship between Chief Officers' pay and all other employees.

Negotiation and consultation is conducted at a local level in relation to levels of pay and benefits for all employees. The Council therefore is not part of any national terms and conditions for local government employees.

Local negotiations around a pay review are conducted on an annual basis, and any increase is agreed taking into account inflationary factors, local salary levels, affordability and any national award.

The idea of publishing the ratio of pay of an organisation's top earner to that of its median earner has been recommended to support the principles of Fair Pay (Will Hutton 2011) and transparency.

The Council does not currently explicitly set the remuneration of any individual or group of posts by reference to a simple multiple of another group of posts.

- The ratio of the Head of Paid Service (top earner) salary to the median salary, (£23,249), is 3.87:1.
- The ratio of the Head of Paid Service (top earner) salary to the lowest salary, (£15,139), is 5.94:1.

Expenses and Other Benefits

Employees covered by the scope of this policy are entitled to the following:

- Reimbursement of travel as per the approved Mileage and Car Allowance Policy.
- Reimbursement of subsistence as per the guidelines for travel and subsistence.
- Car allowance as per the approved Mileage and Car Allowance Policy.
- Payments under the eye test scheme.
- Participation in the Council's childcare voucher scheme in conjunction with KiddiVouchers childcare voucher scheme.
- Subject to the schemes' rules and conditions staff can participate in the car loan facility and season ticket loan facility.
- A salary deduction car leasing scheme.
- For those staff who are required to be a member of a professional association as a requirement of their employment the Council will meet the cost of subscription.

Redundancy payments and payments on termination

The Council has a single redundancy scheme which applies to all employees without differentiation which is set out in the *Organisational Change Policy*.

The Council does not provide any further payment to employees leaving the Council's employment other than in respect of accrued leave which by agreement is untaken at the date of leaving.

Where termination of employment is subject to a compromise agreement that agreement may include a negotiated payment in exchange for which the employee undertakes not to pursue claims against the Council.

Severance packages over £100,000

In line with guidance from government any severance packages over £100,000 would be subject to a vote of Full Council.

Government consultations have taken place relating to the recovery of termination payments for certain higher earners who are re-employed in the public sector within 12 months of having been made redundant, as well as introducing an overall cap on exit payments of £95,000. Legislative changes for these aspects are currently ongoing.

The Local Government Pension Scheme (LGPS) and policy with regard to the exercise of discretions

Pension provision is an important part of the remuneration package. Employees who are eligible may join the local government scheme. The scheme is a statutory scheme with contributions from employees and from employers.

New staff who are not already members of the LGPS are now subject to auto enrolment into the LGPS. Existing staff employed at 1 January 2014 are deferred until October 2017.

The LGPS provides for the exercise of discretion that allow for retirement benefits to be enhanced. The Council will consider each case on its merits but has determined that its usual policy is not to enhance benefits for any of its employees.

The pension scheme provides for flexible retirement. In applying the flexible retirement provision no distinction is made between Chief Officers and other employees.

Publication and access to information

The publication of and access to information relating to remuneration of chief officers will be set out in this document and published on the Council's website.

The Council will publish the salary ranges covering employees on the Council's website on an annual basis.

Where employees have been transferred into the Council under the Transfer of Undertakings (Protection of Employment) Regulations 2006 their remuneration packages reflect their protected rates of pay.

Review

The Localism Act 2011 requires relevant authorities to prepare a Pay Policy Statement for each subsequent financial year. If it should be necessary to amend this Statement during the year it applies, an appropriate resolution will be made by Full Council.

Pay Scales 2016/17

		NJC										HAY				
SCP	Salary	Grade A	Grade B	Grade C	Grade D	Grade E	Grade F	Grade G	Grade H	Grade I	Grade J	Grade K	Grade L	Grade M	Grade N	Hourly rate
8	15,139	309														£7.85
9	16,008															£8.30
10	16,661															£8.64
11	17,001		310													£8.81
12	17,341		359													£8.99
13	17,786															£9.22
14	18,111															£9.39
15	18,491			360												£9.58
16	18,926			409												£9.81
17	19,380															£10.05
18	19,773															£10.25
19	20,502				410											£10.63
20	21,250				459											£11.01
21	22,026															£11.42
22	22,599															£11.71
23	23,249					460 +										£12.05
24	23,998															£12.44
25	24,755															£12.83
26	25,546															£13.24
27	26,389															£13.68
28	27,251						175									£14.12
29	28,308															£14.67
30	29,240															£15.16
31	30,160															£15.63
32	31,043															£16.09
33	31,951							200								£16.56
34	32,852															£17.03
35	33,536															£17.38
36	34,407															£17.83
37	35,391								230							£18.34
38	36,415															£18.87
39	37,574															£19.48
40	38,570															£19.99
41	39,588									264						£20.52
42	40,579															£21.03
43	41,584															£21.55
44	42,605															£22.08
45	43,553										304					£22.57
46	44,610															£23.12
47	45,610															£23.64
48	46,625															£24.17
49	47,600															£24.67
50	48,047											350				£24.90
51	49,154															£25.48
52	50,255															£26.05
53	51,362												400			£26.62
54	52,468															£27.20
55	54,124															£28.05
56	55,780															£28.91
57	56,880													460		£29.48
58	57,984															£30.05
59	59,094															£30.63
60	60,198															£31.20
61	61,853															£32.06
62	63,509														528	£27.74
63	65,165															£33.78
64	66,823															£34.64
65	68,479															£35.49
66	70,135															£36.35
67	71,790															£37.21
68	73,449															£38.07
69	75,108															£38.93
70	76,763															£39.79
71	78,422															£40.65
72	80,078															£41.51
73	81,733															£42.36
74	83,392															£43.22
75	85,048															£44.08

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25 January 2017

Ordinary Council

Arrangements for the appointment of External Auditors

Report of: *John Chance, Finance Director*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 This report summarises the arrangements for appointing external auditors for 2018/19 onwards when the transitional arrangements end following the abolition of the Audit Commission end in 2017/18.

2. Recommendation(s)

It is recommended that Ordinary Council:

- 2.1 Opts in to the national scheme run by Public Sector Audit Appointments Ltd for the appointment of the Council's external auditor for the five financial years beginning from 2018/19.**

3. Introduction and Background

- 3.1 The Audit Commission was abolished in 2014, and transitional arrangements were put in place for the appointment of external auditors and the setting of audit fees for all local government and NHS bodies in England. These arrangements are being overseen by Public Sector Appointments Ltd (PSAA), set up by the Local Government Association.
- 3.2 The Council needs to make arrangements for the appointment of its external auditor for the year 2018/19 onwards. There are three broad options open to the Council:-
- a) Option 1 - to establish a stand-alone auditor panel to make the appointment.
 - b) Option 2 - to establish a joint auditor panel with other local authorities

- c) Option 3 - opt in to a sector-led body, which would appoint local auditors under a national scheme.
- 3.3 PSAA has been given the role of “appointing person” by the Secretary of State in accordance with The Local Audit and Accountability Act 2014 and the Local Audit (Appointing Person) Regulations 2015 (the Regulations). Its Chief Officer, wrote to the Council on 27 October 2016 inviting it to become an opted in Authority in accordance with the Regulations. The closing date for receipt of notices to 'Opt in' is 9 March 2017.
- 3.4 This would involve the Council joining a national scheme for the appointment of external auditors (option 3). There is a compulsory opt in period for this scheme which is the five consecutive financial years beginning from 1 April 2018.
- 3.5 Under the scheme, PSAA would negotiate contracts with the major external audit firms under a collective procurement process and would appoint an auditor to all opted-in authorities. It would manage the contract with the auditor, monitor the independence of the auditor and deal with the replacement of any auditor if required.
- 3.6 Officers consider that opting in to this scheme is the best option for the Council for the following reasons:
- a) The collective procurement process is highly likely to achieve much more competitive audit fees than the Council negotiating as a stand-alone authority.
 - b) It avoids the requirement for the Council to establish either its own or a joint audit panel.
 - c) It transfers the procurement and subsequent contract management processes to an established, sector-led body that has the support of the Local Government Association.
 - d) It is in step with other Essex Councils, who have indicated their intentions to 'opt in'.
- a) This matter has been brought to this meeting of the Council because under the regulations, a decision to become an opted-in authority must be taken by the members of an authority meeting as a whole.

4. Implications

Financial Implications

Name & Title: John Chance, Finance Director

Tel & Email: 01277 312 542 john.chance@brentwood.gov.uk

- 4.1 There are potential savings on the annual audit fee from joining the national scheme.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer

Tel & Email: 01277 312 860 daniel.toohey@brentwood.gov.uk

- 4.2 The statutory and regulatory background to this report is referred to in the body of the report.

5. **Background Papers**

- 5.1 Letter from PSAA dated 27 October 2016, inviting the Council to become an opted in authority held in the Finance department.

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E-mail: ramesh.prashar@brentwood.gov.uk

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25 January 2017

Ordinary Council

Council Tax Support scheme - 2017/18

Report of: *Rob Manser - Shared Services Revenues & Benefits Manager*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 This report recommends no changes to be made to Brentwood's Local Council Tax Support scheme for 2017/18.
- 1.2 People of pension age continue to be protected from any changes in Local Council Tax Support; therefore any scheme has to be devised for people of working age only.
- 1.3 Public consultation on revised scheme options was undertaken from 7th September 2016 to 19th October 2016.
- 1.4 The Brentwood Borough Council scheme continues to be prepared within the framework of an Essex-wide scheme with local variations. For the last three years Brentwood's scheme has remained virtually unchanged, we are again not proposing any changes to the 2017/18 scheme.
- 1.5 The proposals for the 2017/18 scheme were agreed by the Policy, Finance & Resources Committee in December 2015 and recommended to Full Council for adoption.

2. Recommendation(s)

- 2.1 To approve Brentwood's Council Tax Support Scheme with no changes to the levels of support for working age customers**

3. Introduction and Background

- 3.1 Council Tax Support (CTS) replaced Council Tax Benefit in April 2013. Each authority must adopt a Council Tax Scheme each year by the 31st January, or the previous year's scheme will continue.
- 3.2 Brentwood's Ordinary Council has approved and adopted a Council Tax Support scheme for each subsequent year.

4. Issue, Options and Analysis of Options

- 4.1 The Local Council Tax Support scheme is designed to ensure, as far as possible, stability and sustainability in the Council's finances.
- 4.2 Since 2014/15 the government have not published separate figures for LCTS within the annual LGF settlement. It is now deliberately a matter for local discretion by the Billing Authority, along with other general fund demand for services. The funding to local authorities in 2017/18 will also be affected by the Spending Review and at the time of writing this report, the Spending Review has yet to be determined.

Whatever funding is made available, it is important to note that it was never intended to be ring-fenced. Council Tax support was localised in 2013/14 deliberately to free authorities to set their own schemes having regard to the competing demands of other General Fund services within the totality of the funding resources available to them.

The elements of Brentwood's local scheme have been substantially unchanged since 2014/15. The reducing cost of the scheme is due to changes in the number of claimants and in the mix between pensioner and working age claimants. Such changes reflect local demographics, rates of unemployment and other factors. This is a demand-led service and demand – and costs – can go up as well as down. The above costs do not reflect the costs of non-collection (write-offs of uncollected council tax).

- 4.3 An analysis of the Revenues database shows that our current scheme has not adversely affected our levels of Council Tax collection, which remain as expected and on target when compare to previous years.
- 4.4 Whilst the 2016/17 scheme is having little to no effect on collection rates, the collection fund could suffer from 2017/18 onwards when Government initiatives such as Universal Credit and the Benefit Cap are rolled out further.

- 4.5 It is estimated that by the end of 2016/17, under the current scheme:
- 92% LCTS working aged customers will have paid in full or made an arrangement to pay
 - 8% LCTS working aged customers will not have paid in full and will be in arrears with their council tax.
- 4.6 If the Council decides not to adopt the proposed 2017/18 scheme then the scheme that is currently in place for 2016/17, our current scheme, becomes our default scheme.

5. Reasons for Recommendation

- 5.1 To agree and adopt the proposed Council Tax Support scheme for 2017/18 prior to the 31st January 2017.

6. Consultation

- 6.1 Consultation commenced on the 7th September 2015 and completed on the 19th October 2016.
- 6.2 With the other Essex billing authorities and ECC, it was agreed that, during the public consultation period, each billing authority would publish their draft scheme on their individual websites with a link for responses to ECC (who have the necessary consultation software). People who do not have access to the internet or who wished to give a more detailed response were able to do so directly to the relevant billing authority. In addition to information on the website 1,000 customers written to or sent text messages by the Service during the consultation period, explaining the reason for the consultation and how to respond.
- 6.3 A total of 38 responses to Brentwood's consultation were received, of which 24% were from current recipients of Council Tax Support. Whilst this was a limited response, it was similar with the consultation held last year and mirrored the levels of most responses received across Essex. Of these responses there was general agreement to the main principles of the scheme.
- 29% of customers agreed that any shortfall in Council funding should be met by an increase in Council Tax for all tax payers;
 - 23% of customers agreed that any shortfall in Council funding should be met by a reduction in funding to other services;

- 50% of those customers who responded agreed that any shortfall in Council funding should not be met from changing the maximum percentage of LCTS award
- 57% of customers agreed that every working aged person should have to make a payment towards their Council Tax;

Overall, the response to the consultation did not highlight any issues that would give cause to alter the proposed scheme.

7. LEGISLATION/POLICY

Schedule 1A of the Local Government Finance Act (LGFA) 1992 (as amended) states;

“For each financial year, each billing authority must consider whether to revise its scheme or to replace it with another scheme.”

Schedule 13A of the same Act gives billing authorities power to reduce the amount of Council Tax payable:

- 1) Where a person is liable to pay council tax in respect of any chargeable dwelling and any day, the billing authority for the area in which the dwelling is situated may reduce the amount which he is liable to pay as respects the dwelling and the day to such extent as it thinks fit.
- 2) The power under subsection (1) above includes power to reduce an amount to nil.
- 3) The power under subsection (1) may be exercised in relation to particular cases or by determining a class of case in which liability is to be reduced to an extent provided by the determination.

The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 determine the principles on which local schemes are to operate.

8. References to Corporate Plan

8.1 A Prosperous Borough

9. Implications

Financial Implications

Name & Title: Ramesh Prashar - Financial Services Manager

Tel & Email: 01277 312513, ramesh.prashar@brentwood.gov.uk

- 9.1 There are no financial implications from the introduction of the LCTS technical changes which will be funded from within existing scheme resources.

Legal Implications

Name & Title: Daniel Toohey – Head of Legal and Monitoring Officer

Tel & Email: 01277 312860, Daniel.toohey@brentwood.gov.uk

- 9.2 The CTS Scheme is subject to the Council's duties for local welfare support under primary and secondary legislation including The Welfare Reform Act 2012, the Council Tax Reduction Schemes(Prescribed Requirements) (England) Regulations 2012 (as amended) and the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012. In addition the Council takes account of guidance published by the Department of Communities and Local Government.
- 10 Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.
- 10.2 Equality Impact and Consultation response attached (Appendix A and B)
- 11 Background Papers** (include their location and identify whether any are exempt or protected by copyright)
- 11.2 Background papers are held by the Revenues & Benefits service

Report Author Contact Details:

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Council Tax Support - 2017/18

Brentwood Borough Councils Local Council Tax Reduction Scheme

Final Scheme Design

Consultation Response



**BRENTWOOD
BOROUGH COUNCIL**

This Equality Impact Assessment (EIA) is based on the financial models adopted for consultation by Brentwood Borough Council. An impact assessment of the change to local support for Council Tax nationwide can be found at <https://www.gov.uk/government/consultations/localising-support-for-council-tax>

Proposed changes

The Council proposes the following changes:

- None

Reason for the service change

Brentwood Borough Council's replacement to Council Tax Benefit is now established and will be entering its 4th year of operation. It is now at steady state and the Council is seeking to ensure our scheme meets the needs of taxpayers, recipients and partner organisations.

Section 13 of the Local Government Finance Act 1992 was amended by the Welfare Reform Act which allows for the development of a new Localised Council Tax Support scheme to be implemented.

Every billing authority in England must design a scheme specifying the reductions which are to apply to amounts of council tax payable in respect of dwellings in its area.

Council Tax Support is funded through reductions in the Council Tax base. As a result the costs of Council Tax Support are shared proportionately by the billing authority and the preceptors.

Essex County Council faces the largest share of the scheme cost. Agreement with Essex and the preceptors is that the scheme will cost the same or less than the grant allocated for 2013/14. This arrangement continues until 2016/17. In 2017/18 it was agreed with preceptors to maintain current scheme costs provided action is taken to control the costs of all discounts and exemptions, including CTR.

Information about the changes - locally

The Council is in a partnership with Essex County Council to control the costs of discounts and exemptions within the Council Tax collection Fund. This ensures that local taxpayers are not unduly burdened by excessive reductions in the Council Tax Base. Part of that agreement is to ensure that the Cost of Council Tax Support is "cost neutral" when compared the 2013/14 funding allocation for Council Tax Support.

Locally Brentwood Borough Council has delivered a Council Tax Support scheme that has:-

- Been seen to be fair
- Not impacted upon the collection of Council Tax.
- Not needed significant redesign
- Stood up well to appeal and national scrutiny

Information about the changes - nationally

The Department for Communities and Local Government (DCLG) have completed an Impact Assessment for the implementation of local support for Council Tax nationwide;

<https://www.gov.uk/government/consultations/localising-support-for-council-tax>

Nature of the consultation

The Council consulted staff in the Housing and Revenues & Benefits services. The Council has worked with other authorities throughout Essex and Essex County Council to monitor the costs and success of the scheme.

These proposals have been discussed with Essex County Council and other preceptors throughout the year. The Preceptors are finalising a sharing agreement that will prioritise income recovery and therefore there is a requirement that the scheme promotes prompt reporting of changes in circumstances and minimises Council Tax discount fraud, which directly impacts all Taxpayers.

Options

1. Do nothing

The County have proposed a revenue incentive scheme designed to minimise fraud and error across all Council Tax discounts and exemptions, including Council Tax Support. It is in the interest of Brentwood's taxpayers that the Borough participates.

2. Design a scheme that is compliant with the ECC partnership

The Council is already saving £1 million of public money now compared to Council Tax Benefit expenditure. The technical changes will allow the Council to review awards on a firm but fair basis to ensure that taxpayers are getting the support that they need, when they need it and get that support reduced or removed when they no longer need it.

3. Consider wider implications.

The scheme proposed by the Members Working Group complies with the Pan-Essex agreement to deliver schemes that are largely cost-neutral, with the savings impacting upon the claimants and not the preceptors and implicit in that is an acceptance of the Essex wide localised regulatory framework. It complies with the 4 principles of taxation:

1. **Efficient** – tax is primarily designed to raise revenue, it should not produce undue economic burdens..
2. **Understandable** – tax should not be unjust or unnecessary complex. The more complex tax is the more expensive it is to collect.
3. **Equitable** - Taxation should be governed by people's *ability to pay*
4. **Benefit Principle** - Those that use a publicly provided service should pay for it.

Our scheme also allows the Council to affect behavioural change. More support is provided to those who are vulnerable and to those taxpayers who are in work. Incentives exist within the scheme to promote increased hours. It therefore follows that the Council should consider whether any wider policy objectives can be included.

Consultation Considerations

Essex County Council wrote to Leaders and Finance Directors detailing their view that billing authorities should take action to reduce the cost of discounts and exemptions including Council Tax Support.

- Thirty eight taxpayers responded to the Council consultation.

Impact on Families

On 18 August 2014 the Prime Minister announced [the introduction of a 'family test'](#).

The objective of the test is to introduce a family perspective to the policy making process. It will ensure that policy makers recognise and make explicit the potential impacts on family relationships in the process of developing and agreeing new policy

The families test forms part of the decision making and falls within the Public Sector Equality Duty.

- 1) **What kinds of impact might the policy have on family formation?**

Couple relationships are the starting point for most families, and committed couple relationships bring significant benefits for the individuals themselves and children in those families. Council Tax Support awards additional premiums for families and couples within those families.

2) **What kind of impact will the policy have on families going through key transitions such as becoming parents, getting married, fostering or adopting, bereavement, redundancy, new caring responsibilities or the onset of a long-term health condition?**

Becoming parents – no change to existing policy although enhanced rates of support exist for families with children

Getting married – No change to policy but enhanced rates exist for claimants who have a partner.

Fostering or adopting. No change to existing policy

Bereavement – No change to existing policy

Redundancy – No change to existing policy

New caring responsibilities – Brentwood's scheme includes enhanced levels of support for carers, when compared to equivalent levels offered by the Council Tax Benefit.

Long term health conditions – it is part of these proposals to extend support to those who qualify for the support component of Employment and Support Allowance.

These taxpayers have a limited capacity for work related activity.

3) **What impacts will the policy have on all family members' ability to play a full role in family life, including with respect to parenting and other caring responsibilities**

Council Tax Benefit and the pensioner Council Tax Support scheme include non dependent deductions. In the case of pensioners aged 65+ these are applied after 26 weeks. With Brentwood's working age Council Tax Support scheme no deduction applies. By removing non dependant deductions, a financial disincentive to include grandparents and uncles has been mitigated.

4) **How does the policy impact families before, during and after couple separation?**

No change to existing policy. All appropriate disregards, exemptions and discounts are applied to a customers' account when Council Tax Support is awarded.

5) **How does the policy impact those families most at risk of deterioration of relationship quality and breakdown?**

There is a very wide range of factors that can undermine the quality of family relationships and contribute to breakdown. Some of these are related to specific behaviours within the family such as alcohol dependency, domestic violence or problem gambling. Our Revenues and Benefits Service is working with the CAB and charitable organisations to minimise the impact of debt upon families. This is being done as part of our local support services framework. The long term goal is that this framework forms part of the wider local delivery of Universal Credit.

This document details only the scheme changes, a detailed analysis of the scheme is available on request.

This scheme was originally designed so that those affected by reductions in support levels can mitigate that reduction by either finding employment or moving to a cheaper property. The proposed changes to the scheme continue that principle. For example those subject to the minimum income floor can either demonstrate to the authority that earnings are actually low, or they can take action to improve employment prospects. Increased availability of online forms reduces the need for a taxpayer to come in to the office, which enables the authority to restrict backdated awards.

The changes being considered affect Working Age claimants only. The DCLG regulate the minimum requirements of the scheme for those of pension age.

Disability	Positive	Negative
	<p>Higher allowances will continue to be awarded in the calculation of support for those receiving disability benefits.</p> <p>The removal of non-dependant deductions will provide those with the disability premium the same protection afforded to those with the severe disability premium under the current Council Tax Benefit scheme. Our proposal allows for a non-dependant to stay and provide help where necessary without any deduction.</p> <p>The disabled and vulnerable are on average better off as a result of Council Tax Support.</p>	<p>Decisions concerning disability are not going to be made by the Council. The DWP is currently reviewing all disability benefits, including and not limited to employment and support allowance. As a result of this review, some recipients may lose protection. Brentwood's scheme mirrors applicable amounts via its needs allowances, therefore any transitional protection awarded to ESA recipients will be picked up in our scheme. It is not feasible for the Council to perform medical assessments, nor is it the intention of the Council to make CTR a disability related support. Disability decisions are therefore best placed to remain with the DWP, the</p>

		decision will then be followed by the Council.
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Household demographics	Positive	Negative
Single person Household.	<p>13 week protection would be available to those who could afford their property.</p> <p>Single people are able to move into work more easily than other demographic groups and then qualify for the lower taper.</p>	<p>Single people under 25 are less likely to be impacted by this change. This is because of Housing Benefit restrictions which limit single people, aged under 35 to the maximum rent for 1 bedroom in a shared house. This group is better able to be mobile in the labour and property market.</p> <p>Most claimants in shared accommodation are not required to pay Council Tax</p> <p>Older single claimants above the age of 35 are likely to be expected to pay more.</p>
Lone Parent Families	<p>13 week protection would be available to those who could afford their property.</p> <p>Lone Parents will benefit from a £25 earned income disregard.</p> <p>The premiums that exist now, which reflect the additional costs of being a lone parent are continuing.</p> <p>Lone Parents, with older children will benefit from the removal of non-dependant reductions.</p>	<p>Lone parents who are long term unemployed will be expected to pay more.</p> <p>Some working age lone parents may lose out by the inclusion of child benefit and child maintenance in the assessment of support. Lone parents do have a higher needs allowance, which has been built in to the scheme. The greatest impact of the Child Benefit and Maintenance changes will be felt by those with relatively higher income levels.</p>
Families with children	<p>13 week protection would be available to those who could afford their property.</p> <p>The premiums that exist now, which reflect the additional costs of bringing up a family are continuing.</p> <p>Families with older children will benefit from the removal</p>	<p>Families who are long term unemployed will be expected to pay more.</p> <p>Some working age parents may lose out by the inclusion of child benefit and child maintenance in the assessment of support. Parents do have a higher needs allowance, which has</p>

	of non-dependant reductions.	been built in to the scheme The greatest impact of the Child Benefit and Maintenance changes will be felt by those with relatively higher income levels.
Households with carer(s)	Enhanced levels of support were added for carers into the Brentwood scheme for 2014/15. There is no proposal to remove this.	In cases where the claimant is the cared for person, the household will be better off. Brentwood's scheme offers enhanced levels of support for carers compared to Council Tax Benefit and is more generous towards carers than any other in Essex.

Race / Ethnicity	Positive	Negative
No data held	The scheme will not treat people in these groups any differently. Facilities are available for those for whom spoken or written English is either not available or a second language.	Black and ethnic minority communities often face higher rates of unemployment than other groups. These changes are designed to minimise the impact of the reduction in funding on those who have no ability to increase their earning potential through employment.

Armed Services	Positive	Negative
Less than 20 taxpayers impacted	Brentwood Borough Council offers enhanced levels of support to those who have been widowed or disabled as a result of service to the Country. The national schemes offer a disregard of only £10 off War Widows and War disablement pensions (and their replacements). Brentwood fully disregards these incomes in full, In addition we enhance their awards above levels that they would have been entitled to under Council Tax Benefit, this significantly reduces the	None. Brentwood fully meets our commitment to the Armed Services Covenant.

	<p>level of tax that these residents are liable for.</p> <p>Where a long term empty premium is to be applied, the Council will exempt from the surcharge a dwelling which is the sole or main residence of a member of the armed forces, who is absent from the property as a result of such service</p>	
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Gender	Positive	Negative
Neutrality	This scheme does not treat men or women differently. The premiums and levels of support are the same regardless of gender.	No additional burden is being placed on families by changes that Brentwood Borough Council are proposing in relation to our CTR scheme.
Females	Unemployment among women in Brentwood is low.	
Males		Male unemployment is higher in Brentwood than female unemployment although the overall unemployment rate is significantly lower than the national average.

Issues and Recommendations

Council Tax Support is now nearing steady state. 2017/18 will be its fifth year of operation. Brentwood Borough Council has designed a scheme, which we believe targets the reductions towards those most able to improve their circumstances.

To protect vulnerable people who may be unable to improve their circumstances, it is proposed to continue an allowance within the scheme for individual taxpayers facing hardship. This is proposed at 2% of overall expenditure. This hardship fund allow for specific individual circumstances to be taken into account where appropriate.

In addition to this, for cases that fall outside of the hardship scheme Essex County Council are funding an exceptional hardship scheme of 0.2% of expenditure.

Comments on this document should be sent to;

Local Support for Council Tax
Brentwood Borough Council
Town Hall, Ingrave Road,

Brentwood, Essex CM15 8AY

Email: lcts@brentwood.gov.uk Web address: www.brentwood.gov.uk/lcts

Note: Large print copies of this document can be requested

LCTS – 2017/18 Risk Management Implications

Risk Description	Current Score	Controls/Assurances/Actions	Target
Category: Service Effectiveness/Reputation Risk: Failure to deliver a scheme that meets the needs of Customers including vulnerable groups, resulting in the Council being poorly regarded.	Medium	<ul style="list-style-type: none"> Effective analysis of scheme both in financial and procedure terms. Exceptional Discretionary & Hardship funding is available (albeit limited) to support and safeguard residents that may be struggling. 	Medium
Category: Service Effectiveness Risk: Risk that the other welfare reform changes that are happening at the same time as the localisation of council tax support could have a detrimental impact on the scheme.	Medium	<ul style="list-style-type: none"> The Council has developed a package for the customers in relation to the ongoing various changes. The Council is working closely with the DWP to identify cases at an early stage. Welfare Debt Advisors have been appointed to assist with managing this risk, whilst sharing knowledge and skills. 	Medium
Category: Financial Risk: Risk of non-repayment of charges could have significant financial implications for the council.	High	<ul style="list-style-type: none"> Exceptional Discretionary & Hardship funding is available (albeit limited) to support and safeguard residents that require additional support. Bed debt provision is in place. Welfare Debt Advisors have been appointed to assist in the mitigation of this risk and to provide additional support whilst sharing skills and knowledge. Innovative in the collection of charges to increase likelihood of the successful collection of charges. 	Medium

Category: Financial Risk: There is a risk of increased legal challenge to the scheme following the localisation of Council Tax, particularly as there is now case law to protect the Council.	Medium	<ul style="list-style-type: none"> • The Council has a fair scheme and has maintained the ethos of the previous scheme which, therefore, should reduce the likelihood of legal challenge. • Robust consultation has been undertaken with Customers. • The correct delegated powers are in place. 	Low
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Ordinary Council

25 January 2017

Review of the Council's Constitution 2016/17

Report of: Daniel Toohey, Head of Legal Services and Monitoring Officer

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 The Council is required by Section 37 of the Local Government Act 2000 to keep its Constitution up to date.
- 1.2 This report sets out a number of proposals for revising the following Parts of the Constitution: Articles of the Constitution (Chapter 2); Council Procedure Rules (Part 4.1); Financial Regulations (Part 4.5); Member's Planning Code of Good Practice (Part 5.2), and Delegations to Staff (Chapter 8 Appendix A).
- 1.3 The cross-party Constitution Working Group was consulted on the proposed changes and the attached documents reflect the significant and detailed contribution of the Working Group's Members.

2. Recommendations

- 2.1 That Council approves the changes to its Constitution as detailed in the revised documents attached as [Appendix A](#) to this report.

3. Introduction and Background

- 3.1 In order to inform the Working Group insofar as proposing a work plan for 2016/17, the Council's Monitoring Officer engaged Bevan Brittan solicitors in the first part of 2016 in order to review the Constitution and report on required or recommended changes.
- 3.2 In addition to the results of that report, the review of the Constitution by the Working Group was based on the general propositions that the Constitution should:
 - (a) set out how the Council works, how decisions are made and the procedures to be followed to ensure that decisions are efficient, transparent and accountable through members to local residents and local communities;

- (b) be clear about the rules, functions and responsibilities of both members and the council's staff;
- (c) be clear about the rights which residents have in their dealings with the Council; and
- (d) be accessible to everyone.

3.3 The Members of the Working Group met on three occasions between 17 November and 5 January and considered in detail the Articles of the Constitution (Chapter 2); Council Procedure Rules (Part 4.1); Financial Regulations (Part 4.5); Member's Planning Code of Good Practice (Part 5.2), and Delegations to Staff (re Planning).

4. Issues and Context

- 4.1 Section 37 of the Local Government Act 2000 requires that the Council has in place a document, known as its Constitution, which contains the Council's standing orders, Code of Conduct, and such other information as the Council considers appropriate or required by law.
- 4.2. The cross-party Constitution Working Group took as its starting point for the review the authority's existing Constitution, last revised on 18 May 2016. It also had regard to the review carried out by Bevan Brittan as referred to in paragraph 3.1 of this report.
- 4.3. The Working Group focused its efforts on reviewing the Parts of the Constitution in 3.2 above, as these were identified by Bevan Brittan as requiring immediate consideration. In addition, the Working Group also considered the revision in respect of Outside Bodies, as this was referred for consideration by the Audit and Scrutiny Committee.
- 4.4. However the Members Planning Code of Good Practice (Part 5.2) remain to be finalised together with further work on Delegations to Staff (Appendix A). Additionally consideration could be given in future to including in the Working Group's 2017 / 2018 programme the following: Licensing Committee Procedure Rules, and Planning Committee Procedure Rules. In regard to Licensing and Planning Procedure Rules, both these committees are regulatory in function and Licensing is quasi judicial – therefore there would be a public and legal expectation that they have clearly outlined and transparent procedure rules. The Working Group did consider alterations to the planning procedure around delegations, and these changes are discussed further below.
- 4.5 A further description of each of the proposed changes is set out below; the reworded pages appear in Appendix A as follows:

Schedule 1 – Planning Delegated Process

Schedule 2 - Appointment of Representatives on Outside Organisations

Schedule 3 - Finance Regulations

Schedule 4 - Deadlines for Notices

Planning Delegated Process

- 4.6 The Council's Constitution sets out the process for handling delegated Planning Decisions. At its meeting on the 24th March 2015 Ordinary Council agreed a new process for handling delegated Planning Decisions. The changes made in 2015 to the process for dealing with delegated decisions have not in practice worked well (not least for Members). As a result, a hybrid system had been adopted that is inefficient and bureaucratic. Following discussions with the Leader, Chair and Vice Chair of the Planning Committee and other Elected Members, an alternative process has been developed.
- 4.7 This much simplified process is set out in Appendix B and provides the following benefits:
- . Improved visibility to Planning recommendations for Members
 - . More efficiency and speedier decision making
 - . Reduced costs
- 4.8 In order to ensure that Members are better and more immediately informed of residents' and consultees' views on Planning Applications, all responses to notification/consultation should be uploaded onto Public Access within 24 hours of receipt. In addition, Members should be reminded of the need to contact and discuss with the case officer any concerns/issues/queries they have on any particular application (and enquire as to the likely decision) prior to looking to refer any application to Committee.
- 4.9 The new process as shown in Appendix B will be the production of a weekly list of recommendations that have been cleared by the Development Management Team Leader, which will be issued within 7 days unless a completed referral form has been submitted. That list could be simply produced using the Uniform system and dispatched by email at 12 noon on a Friday, with the referral period ending at 12 noon the following Friday. This will ensure a clear 'window' in which Members can refer a planning application therefore superseding the previous process including the 'holding' referral process.
- 4.10 The new process was considered and agreed by the CWG at its meeting on the 5th January 2017. Subject to approval by Council the new process will be implemented following appropriate training and communication for members.

Appointment of Representatives on Outside Organisations

- 4.11 At its meeting on the 13th June 2016 the Audit & Scrutiny Committee agreed that a cross party Member Working Group be formed to review the arrangements for members appointed to be representatives on outside organisations.
- 4.12 Under the Council's Constitution the Annual Council is required to appoint representatives to outside bodies and consultation groups unless the appointment has been delegated by the Council. Following appointment as representatives Members are required to attend meetings of the outside

bodies until possible appointment in the following year. (Unless appointed to an outside body for the duration of their elected period, i.e. 4 years).

- 4.13 Following discussions and considerations by the Members Working Group of the current process it was agreed that the proposed process as set out in Appendix C be recommended to the Audit & Scrutiny Committee. At the Audit & Scrutiny Committee on the 12th December 2016, it was agreed that the proposed proposal be agreed and that the Council's Constitution Working Group (CWG) consider the amendment of the Constitution so that the appointment of outside representatives be undertaken by Ordinary Council in June each year. This was subsequently agreed by the CWG on the 5th January 2017.

Finance Regulations

- 4.14 Financial Regulations provide the financial controls and procedures necessary to address demands on local government and are especially important at a time of fundamental change in funding mechanisms. To conduct business in an efficient and effective manner, the Council needs to ensure that it has sound financial management policies in place and mechanisms to ensure that they are properly applied. Financial Regulations form an important element of the Council's corporate governance arrangements and provide a control framework through which the Finance Director (as the Chief Financial Officer under Section 151 of the Local Government Act 1972) fulfils his statutory responsibilities on behalf of the Council. All Members and Officers have a common duty to abide by the highest standards of integrity and propriety when making decisions about the use of public money. Another key purpose of the Financial Regulations is to support and protect Members and Officers in the performance of their duties where financial issues are involved.
- 4.15 In light of this the Section 151 officer undertook a comprehensive review of the Finance Regulations in 2016, and the revised chapter was in turn reviewed by Constitution Working Group, with reference to the Section 151 Officer, between 1 December 2016 and 5 January 2017, during which time a range of questions were addressed by the Section 151 officer for members of the group. The final updated version of the regulations was subsequently agreed by the Working Group.
- 4.16 The key points to note are:
- (i) The Regulations have been grouped into 6 parts as follows:
 - (a) Status of Financial Regulations
 - (b) Financial Planning and Budgeting
 - (c) Financial Monitoring and Control
 - (d) Financial Procedures and Systems
 - (e) Risk Management and Audit.
 - (f) External Arrangements

This will make it easier for Members and Offices to refer to in the performance of their duties where financial issues are involved.

- (ii) Section 2 has been expanded to clearly identify responsibilities of Members, the Section 151 Officer, Chief Executive and Heads of Service with regards to financial issues. This is to ensure that the Council has a transparent framework of financial management responsibilities and decision making which is essential to the effective management of the Council's financial affairs.
- (iii) New inclusions which the Section 151 Officer deems necessary are:
 - (a) Reserves and Balances Policy (Section 5). It is important that the Council has a policy setting out its approach to reserves and balances and this section outlines the Council's approach in setting up and using the Council's earmarked reserves and balances.
 - (b) Money Laundering (Part of Section 11) – The Council must also comply with the statutory money laundering regulations and this section outlines the process for reporting concerns regarding money laundering.
 - (c) Trading Arrangements (Section 23) – The Council will at times look for potential trading opportunities and this section outlines the controls which should be in place to ensure that any risks associated with trading are appropriately managed

Clarification of Deadlines for Notices

- 4.17 Finally, there is a proposed amendment to Part 4.1 Council Procedure Rules, such that references to “working days” now refer to “clear working days” and a practical example is provided. This is quite simply to make it clear what the deadlines are for either members or the public in terms of submitting motions amendments or questions.
- 4.18 The operation of the Constitution will be kept under review by the Monitoring Officer in accordance with Article 12. Any proposed substantial changes put forward by members or staff will be considered by the Constitution Working Group or Audit and Scrutiny Committee before being submitted to Council for approval.

5. Reasons for Recommendation

- 5.1 As set out above a regular review of the Constitution is required; this report and the attachments set out the reasoning behind items proposed for change.

6. Consultation

- 6.1 Article 12 of the Constitution sets out that amendments to the Constitution will normally only be considered by the Council following consideration of the same by an appropriate Member Body, being either the Audit and Scrutiny Committee or Constitution Working Group, having received advice from the Monitoring Officer. This report sets out the consultation with and consideration of items by the Constitution Working Group and/or

Audit and Scrutiny Committee. In addition, broad discussions have been had with the Leader and representatives of Groups in so far as updating on the process of the Constitution review, as well as operational discussions with senior officers in Finance, Democratic Services and Planning.

7. Implications

Legal Implications

Name & Title: Daniel Toohey - Head of Legal Services and Monitoring Officer

Tel/Email: 01277312860/ daniel.toohey@brentwood.gov.uk

- 7.1 Regular review of the Constitution will contribute to good governance.

Financial Implications

Name & Title: John Chance - Finance Director and Section 151 Officer

Tel/Email: 01277 312542/ john.chance@brentwood.gov.uk

- 7.2 The Finance Director and Section 151 Officer has been consulted and states that there are no financial implications arising directly from this report, other than as set out relating to the proposed Finance Regulations.

Other Implications (*where significant*) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 7.3 There are no corporate health and safety or asset management implications. There are no equality/diversity or risk management implications.

8. Background Papers (include their location and identify whether any are exempt or protected by copyright)

Brentwood Borough Constitution, available on Council website

9. Appendices to this report

Appendix A – Constitution – Proposed Amendments

Appendix B – Planning Delegation – Indicative Process

Appendix C - Outside Bodies – Indicative Process

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Constitution – Planning Delegations - Appendix A, Schedule 1

	PLANNING & BUILDING CONTROL		DELEGATED TO
PB3/7	<p><u>Delegation of certain applications</u> Delegation, after prior notification to all Members of the Council and to every Parish Council, to Issue Decision Notices in respect of all applications (not covered by other delegations) for planning permission, listed building consent, advertisement consent and consent to carry out works to preserved trees, with the exception of the following types of application:</p> <p>(a) All applications submitted by the Council or involving Council owned land; (b) Those applications where, in the view of DMTL, a full report directly to Planning and Development Committee for decision is required. The DMTL will take into account, inter alia, the following considerations in determining whether to report directly to Planning and Development Committee:</p> <ul style="list-style-type: none"> • whether there are complex and finely balanced policy issues; • whether the development is of a particularly significant scale; • whether a significant amount of background needs to be set out for which a Weekly Report format would be unsuitable (e.g. where appendices to a report may be required). <p>(c) Applications for Prior Approval of Telecommunications Development. The above delegation is subject to:</p> <p>(i) the DMTL recommended decisions being circulated (via the Weekly List) to all Members of the Council and each Parish Council.</p> <p>(ii) the delegation in respect of any particular application being automatically withdrawn if any Member or Parish Council requests that it be referred for consideration by the Planning and Development Committee. Such notification must be agreed by the Chair (or Vice Chair) of the Planning Committee and received by the Planning Office prior to 12 noon on the following Friday from the publication of the Weekly Report. Any referral received less than 5 full working days preceding a Planning and Development Committee will be considered at the next subsequent meeting of the Committee;</p> <p>(iii) in those cases where no referral to the Planning and Development Committee has been notified, the decision notices will be issued..</p>		Development Management Team Leader (DMTL)

	<p>Where representations are received after publication of the Weekly Report copies will be forwarded to the appropriate Ward Member(s)*. Where it has not been possible to do so, the Chair and Vice Chair will be informed at the time their concurrence to the recommendation is sought.</p> <p>[*The 'appropriate Ward Member' is the Ward Member(s) who sit(s) on the Planning and Development Committee(or, in their absence, the other Member(s) for the ward) or, where the ward is not represented on the Planning and Development Committee, the Member(s) for that ward.]</p>		
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Appendix A

Schedule 2

Proposed amendment to Constitution – Appointment of Outside Representatives to Outside bodies

2. Agenda

2.1 Agenda for Annual Meeting

The Annual Meeting will consider the following:

- (a) appoint a person to preside if the Mayor and Deputy Mayor are not present or able to act;
- (b) receive any apologies for absence from Members;
- (c) receive any announcements from the Mayor;
- (d) designate a Mayor for the ensuing municipal year (See Appendix B for process of electing a Mayor and Deputy Mayor);
- (e) designate a Deputy Mayor for the ensuing municipal year;
- (f) receive any declarations of interest from Members and Officers;
- (g) Brentwood Borough Council Elections: The Chief Executive will report the results of the elections (election years only);
- (h) Political Groups on the Council: The Chief Executive will report receipt of Notices served on him/her by Members under the provisions of the Local Government (Committees and Political Groups) Regulations 1990. (Normally only in election years);
- (i) Elect from its members a Leader and Deputy Leader of the Council in any year in which their term of office expires;
- (j) to receive the Leader's statement under rule 6;
- (k) establish the following and their size and terms of reference;
 - (i) a committee for the purposes of the Licensing Act 2003
 - (ii) such other committees as may be necessary for the proper discharge of the functions of the Council;
- (l) note the allocation of seats on committees and sub-committees to Members of political groups and those seats to be filled by Members who are not in any political group, appoint Members to those allocated committee seats in accordance with the nominations of the political group Leaders, and appoint Members to the remaining committee seats from among those Members who are not in any political group;

- (m) appoint any co-opted Members to the committees, and Independent Persons as appropriate;
- (n) determine to which committees substitute Members may be appointed;
- (o) appoint such Chairs and Vice-Chairs of committees as it falls to Council to appoint;
- (p) approve the Member Allowances Scheme;
- (q) agree the date, time and place of ordinary meetings of Council for the coming municipal year;
- (r) consider any business set out in the notice convening the meeting.

2.2 **Agenda for Ordinary meetings of the Council**

Following consultation with the Chief Executive, the order of the agenda will be agreed by the Mayor having regard to the following:

- (a) to choose a Member to preside if the Mayor and Deputy Mayor be absent;
- (b) any business expressly required by statute to be transacted by the Council;
- (c) to receive any items of urgent business (to be agreed by the Mayor by reason of special circumstances which shall be specified in the minutes).
- (d) to receive any announcements from the Mayor;
- (e) to approve as a correct record the minutes of the last meeting of the Council;
- (f) to answer questions asked by members of the public pursuant to Rule 11;
- (g) to consider reports of the Audit and Scrutiny Committee;
- (h) to receive memorials or petitions (if any);
- (i) for Chairs of committees to answer questions from Members pursuant to Rule 7.
- (j) to receive and consider reports;
- (k) to authorise the sealing of documents so far as the Council's authority is required by statute or this Constitution;
- (l) to consider Notices of Motion in the order in which they have been received.

2.3 When considering the budgetary framework at its February meeting, no other business will be considered by Council other than the budget and related proposals.

- 2.4 At its June meeting each year the Council receive nominations for, and make appointments to, those outside bodies to which the Council is entitled to appoint except where that right of appointment is exercisable only by the Leader;
- 2.5 The agenda for any Council meetings shall be published no later than ten working days before the day of the Council meeting.

Appendix A - Schedule 1

PART 4.5 - FINANCIAL REGULATIONS

The Council is committed to providing good quality services to the residents of the area and has a requirement for strong financial governance and must ensure that we deliver value for money.

The Financial Regulations provide clarity about the financial accountabilities of individuals - Members, the Head of Paid Service, the Monitoring Officer, the Section 151 Officer (Chief Financial Officer), other Service Managers and all staff in general. These Regulations are therefore formally endorsed by the Council as a key part of its Constitution.

Another key purpose is to support and protect Members and staff in the performance of their duties where financial issues are involved. The Finance Director (as Section 151 Officer) is authorised to provide, in addition, a comprehensive set of Financial Procedure Notes (FPNs) to support the formal Regulations and to facilitate the operation and application of the Council's financial management arrangements. Like the Regulations themselves, the FPNs are regularly reviewed and updated to meet changing circumstances and the changing requirements of the Council. The FPNs are available on the Council's intranet.

These Regulations need to be read in conjunction with the remainder of the Constitution and any other regulatory documents of the Council. Please address queries or comments regarding the Council's Financial Regulations and Financial Procedure Notes to the Section 151 Officer.

BRENTWOOD BOROUGH COUNCIL FINANCIAL REGULATIONS

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Section 1: General

1. Application of Financial Regulations

Financial regulations provide the framework for managing the Council's financial affairs. They apply to every Officer and Member of the Council and anyone acting on its behalf.

- (i) The regulations identify the financial responsibilities of Council, all the Council's Committees, the Head of Paid Service, the Section 151 Officer, Service Managers and all staff in general.
- (ii) References in these Regulations to Service Managers also apply to the Head of Paid Services, and shall in every case be considered as referring to authorised persons acting on their behalf (whether authorised to do so or not). The Section 151 Officer has a nominated Deputy who has authority to act on his behalf. In certain cases as specified in these Regulations, Service Managers are required to maintain a written record where decision making has been delegated to members of their staff, including seconded and temporary staff.
- (iii) These Regulations apply equally to any service carried out by the Council on behalf of the County Council or any other authority, body or person, and to all external agencies and their employees incurring expenditure or receiving income on behalf of the Council. Accordingly the Service Managers and Committee Members shall ensure that partnership and other arrangements with external parties are not set up to operate in conflict with these Regulations as far as this Council's involvement is concerned.
- (iv) Any action, which is an exception to these Regulations, may only be approved in exceptional circumstances by the Section 151 Officer in consultation with the Head of Paid Service and a report setting out the reasons for such action shall be submitted to the next available meeting of the Policy, Finance and Resources Committee.
- (v) These Regulations shall apply until such time as they are rescinded, amended or suspended by Ordinary Council.
- (vi) The Regulations are supported by a set of mandatory Financial Procedure Notes (FPNs) which provide more detailed direction on the arrangements to be complied with.

(2) General Responsibilities

- (i) All Members and staff have a general responsibility for taking reasonable action to provide for the security of the resources under their control, and for ensuring that the use of these resources is legal, is properly authorised, and that economy, efficiency and effectiveness are secured.
- (ii) Service Managers and responsible Committee Members are responsible for informing the Section 151 Officer of any matter liable to materially affect the finances (including any financial irregularities) of the Council including negotiations

with government departments, before any commitment is incurred or arrangements reached. This includes the Council becoming a shareholder or owner of any company.

(3) Compliance

- (i) Service Managers are responsible for ensuring that all staff in their service areas, are aware of the existence and content of the Council's Financial Regulations, the detailed financial procedures and guidance issued. They must also ensure that staff, understand the requirement to comply with these financial rules. The Section 151 Officer is responsible for ensuring that a current version of the financial regulations and procedures is available for reference on the Council's intranet and public website.
- (ii) Compliance with Financial Regulations is mandatory. Breaches of Financial Regulations of a serious nature may result in disciplinary proceedings. Breaches shall be reported in the first instance to the Section 151 Officer who will decide what further action needs to be taken, if necessary in consultation with the Monitoring Officer. Where the Section 151 Officer considers it appropriate he will report to the next meeting of the Council and/or Policy, Finance and Resources Committee.

(4) Review

- (i) The Section 151 Officer is responsible for maintaining a continuous review of the financial regulations and, except where provided in (ii) below, submit any additions or changes necessary to Council for approval.
- (ii) Any financial amounts referred to in these Regulations may be varied by the Section 151 Officer in line with general price inflation or otherwise as required by statute.
- (iii) The Section 151 Officer will issue from time to time Financial Procedure Notes (FPNs) to support these Regulations. These prescribe more detailed financial controls and procedures consistent with these Regulations and such supplementary controls and procedures shall carry the same status as these Regulations.
- (iv) The Section 151 Officer is responsible for issuing advice and guidance to underpin the Financial Regulations.

(5) Budget Holder Awareness Training

- (i) All officers who have responsibility for a budget shall attend formal training. Attendance for the training is compulsory. Re-attendance is required after three years.

(6) Finance Training for Members

- (i) Officers shall offer training for all Members of the Council.

Section 2: Internal Controls

(1) Introduction

- (i) The functions of the Authority are diverse and therefore to ensure delivery of the Council's strategic objectives, a framework of internal controls is required.
- (ii) The Authority has statutory obligations and therefore requires internal controls to identify, meet and monitor compliance with these obligations.
- (iii) Moreover the Council is required to produce an Annual Governance Statement (AGS). The Council has adopted a Code of Corporate Governance, which is consistent with the principles of the CIPFA/SOLACE Framework Delivering Good Governance in Local Government. The AGS is produced following a review of the Council's governance, risk management, counter fraud and internal control arrangements and explains how Brentwood Borough Council delivers good governance against the six key principles of good governance. It also reviews the effectiveness of these arrangements and includes an action plan to address any significant governance issues identified.
- (iv) The Authority faces a wide range of financial, administrative and commercial risks, from both internal and external factors, which need to be managed to enable the Council to achieve its objectives. Internal controls are necessary to manage these risks in line with the Council's risk appetite.
- (v) A 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, and
 - (d) Risk management. Advice and guidance on an appropriate internal control environment can be obtained from Internal Audit.
- (vi) A transparent framework of financial management responsibilities and decision making is essential to the effective management of the Council's financial affairs. All Members and officers have a common duty to abide by the highest standards of integrity and propriety when making decisions about the use of public money.

(2) Members

- (i) Members' responsibility for the overall management of the Council's financial affairs is exercised through:
 - (a) Council Meeting– The Council is responsible for:
 - Agreeing and approving the budget for the Council
 - Adopting and changing the constitution, of which these regulations form part.

- (b) Policy, Finance and Resources Committee – The Policy, Finance and Resources Committee is responsible for:
 - Proposing the policy framework and budget to Council
 - Discharging its functions in accordance with the policy framework and budget.
- (c) Audit and Scrutiny Committee – The Audit and Scrutiny Committee has right of access to all information it considers necessary. It is responsible for:
 - The review of and/or scrutiny of decisions made or actions taken in connection with the discharge of any of the Council's functions.
 - Review decisions taken by Policy, Finance and Resources Committee or an Officer to ensure that they are not contrary to the budget or previous Council decision.
 - Reviewing governance and internal control arrangements and bringing any matters requiring further review or action to Council or Policy, Finance & Resources Committee.
 - Monitoring compliance with these financial regulations.
 - Approving and monitoring the delivery of the internal audit activity of the Council and can consult directly with internal and external auditors.
 - Undertaking the Council's responsibilities under the Accounts and Audit Regulations 2011. This includes approving the statement of accounts. The committee ensures that the Councils' assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it. The committee also monitors the effective development and operation of risk management within the Council.

(3) Section 151 Officer

- (i) The Section 151 Officer has statutory duties in relation to the financial administration and stewardship of the Authority. This 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 Local Government Finance Act 1992.
 - (e) The Local Government Act 2000.
 - (f) The Local Government Act 2003.
 - (g) The Accounts and Audit Regulations 2011.
 - (h) The Localism Act 2011.
 - (i) The Local Government Finance Act 2012.
 - (j) The Audit & Accountability Act 2014.
- (ii) Guidance on the role of the Section 151 Officer is also given by the Chartered Institute of Public Finance & Accountancy (CIPFA) in the paper entitled 'The Role of the Chief Financial Officer in Local Government'.
- (iii) The Section 151 Officer shall nominate a qualified member of staff to deputise for them in their absence.
- (iv) The Section 151 Officer is responsible for:
- (a) The proper administration of the Authority's financial affairs.
 - (b) Setting financial management standards and monitoring compliance with them.
 - (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.
 - (f) Reporting on the robustness of estimates made for the purposes of preparing budgets and the adequacy of the proposed financial reserves.
 - (g) The execution and administration of treasury management decisions in accordance with the Council's policy statement and treasury management practices (TMP's).
 - (h) Preparing the Council's Annual Statement of Accounts in accordance with all applicable codes of practice on Local Authority accounting.

The Section 151 Officer may allocate their day to day responsibilities to an appropriate representative in accordance with the Scheme of Delegation Authority to Officers and the Schedule of Financial Authority to Officers (the Authorised Signatory List).

- (v) **Section 114 of the Local Government Act 1988** - The Section 151 Officer shall report to the Council, Policy, Finance & Resources Committee, Audit & Scrutiny Committee and the external auditor in fulfillment of the statutory obligations under Section 114 of the Local Government Finance Act 1988 or otherwise if the Authority or any of its Officers:
 - (a) Has made, or is about to make, a decision which involves incurring unlawful or unauthorised expenditure.
 - (b) Has taken, or is about to take, an unlawful or unauthorised action which has resulted or would result in a loss or deficiency to the Authority.
 - (c) Has made or is about to make an unlawful or unauthorised entry in the Authority's accounts.
 - (vi) The Section 151 Officer shall assist the Council to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective operations, financial stewardship, effective risk management, probity and compliance with laws and regulations.
 - (vii) The Section 151 Officer shall ensure that there are effective and properly resourced internal audit and risk management functions, that key controls are operating effectively and that controls are recorded and managed within an effective risk management framework.
- (4) Service Managers
- (i) Service Managers shall ensure that:
 - (a) Managerial control systems operate effectively throughout their directorates. These will include the defining of policies, the setting of objectives and plans, the monitoring of financial and other performance, and the taking of appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities and ensuring staff have a clear understanding of the consequences of any lack of control.
 - (b) Financial and operational control systems and procedures operate effectively throughout their directorates. These will include physical safeguards for assets, segregation of duties, checking and authorisation procedures and information systems.
 - (c) The approval of the Section 151 Officer is sought on any matter liable to affect the Authority's finances materially, before any commitments are incurred.
 - (d) Members of all Committees are advised of the financial implications of all proposals and that these have been previously agreed by the Section 151 Officer (see section 6).
 - (e) Contracts are duly signed on behalf of the Authority.

- (f) Key controls and control objectives for internal control systems are reviewed regularly in order to be confident as to the proper use of resources, achievement of objectives and management of risk.
- (g) Processes are managed so as to check that established controls are being adhered to and are effective.
- (h) Existing controls are reviewed in the light of changes affecting the Authority and new controls are established and implemented in line with guidance from the Section 151 Officer.
- (i) Controls which are no longer necessary or no longer cost or risk effective, are removed in consultation with the Section 151 Officer.
- (j) Assurance over the control environment is provided as part of the governance assurance framework.

Section 3: Revenue Budget

- (1) A strong planning process expresses the ambition of the Council in clear priorities over the medium term and promotes a wide understanding of these priorities. This is a vital basis for financial planning as it enables limited resources to be used in a way that best delivers the corporate priorities of the Council.
- (2) Council is responsible for agreeing the Council's policy framework and budget. The purpose of the framework is to explain overall priorities and objectives, and ensure that resources follow the identified priorities, agreed service levels and proposals for improvement. The revenue budget is important in this context because, together with the Capital Programme (see Section 4) and the levels of reserves (see Section 5), it expresses the approved policies and service levels of the Council in financial terms. Once approved, the revenue budget confers authority on the Council's Executive and officers to incur expenditure to achieve the aims and objectives of the Council. If expenditure plans cannot be met within the approved budget, then they can only proceed with an approval to divert funds (as provided for in Section 7).
- (3) Council is also responsible for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Decisions shall be referred to Council by the Monitoring Officer.
- (4) Policy, Finance and Resources Committee is responsible for taking in-year decisions on resources and priorities in order to deliver the policy framework within the financial limits set by the Council.
- (5) The budget is the financial expression of the Council's plans and policies. 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 priorities.
- (6) The budget and Council Tax is approved by Council and proposed by Policy, Finance and Resources Committee on the advice of the Section 151 Officer. The draft budget shall include allocations to different service areas, services and to specific projects. The budget will assess the adequacy of contingencies and reserves.
- (7) The Section 151 Officer shall:
 - (i) with the appropriate Leading Member recommend to the Council appropriate guidelines for preparation of the annual budget and the financial forecast for at least the following three financial years.
 - (ii) issue appropriate guidance to Service Managers and Members and prepare a corporate budget timetable.
 - (iii) ensure the approved budget guidelines are complied with so that statutory and other deadlines can be met.

- (8) Service Managers shall:
- (i) submit to the Section 151 Officer estimates in accordance with the budget guidelines and within agreed time scales.
 - (ii) ensure that the estimates are prepared having regard to the Corporate Plan, Local Code of Governance and other corporate aims and objectives.
 - (iii) for each subjective element of their budget, supply to the Section 151 Officer an estimated profile of the rate of expenditure or income across the budget year.
 - (iv) provide any other information the Section 151 Officer may require.
- (9) The Section 151 Officer, shall, with the appropriate Lead Member, report to the Policy, Finance and Resources Committee who shall make recommendations to Full Council on:
- (i) the draft revenue estimates, ensuring that the content and format comply with legal requirements and relevant codes of practice.
 - (ii) the robustness of the estimates made for the purposes of calculations and the adequacy (or otherwise) of the Council's reserves.
 - (iii) any significant surplus or deficit arising on the Collection Fund with a recommended course of action.
 - (iv) the final proposed budget to enable the appropriate levels of contingencies & reserves, and Council Tax to be agreed for the year.
- (10) Subject to (3.11) below, the approval of a budget for the year by Full Council confers authority to spend in accordance with the budget for that year. Service Managers are responsible for co-ordinating programmes of expenditure and income that will achieve the objectives on which the budget was based. Commitments affecting future financial years may only be made where the provisions of Section 7(6) are satisfied.
- (11) Service Managers shall not enter into any new arrangements or other contractual commitments with significant long-term revenue consequences without the prior consent of the Section 151 Officer and subsequently reporting to the Policy, Finance and Resources Committee. Such arrangements may be defined for this purpose as any lease, contract hire or other contract or series of contracts under which the use of an asset is obtained in exchange for a series of revenue payments which extend beyond the end of the following financial year.
- (12) If a Service Manager wishes to incur expenditure outside the approved budget provision, or anticipates an under spend against an approved budget, the procedures set out in Section 7(4) and (5) shall apply.
- (13) Service Managers shall notify the Section 151 Officer in writing of the names of any Officers in their department authorised to act on their behalf in relation to the specific responsibilities set out in this Section, and details of any limitation on the authority delegated to them (the Authorised Signatory List).

Section 4: Capital Programme

- (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 that will continue for many years, even decades.
- (2) Capital expenditure is a key part of the Council's investment strategy. It should therefore be linked to asset management plans and be carefully prioritised in order to maximise the benefit of scarce resources.
- (3) The Section 151 Officer shall:
 - (i) issue detailed procedures/guidance on the preparation of Capital Programme.
 - (ii) prepare annually a rolling Capital Programme (year of budget plus at least the following 3 years) and based on the current Corporate Plan, Asset Management Plan, the Housing Revenue Account Business Plan & other relevant corporate plans & strategies and submit this to the Policy, Finance and Resources Committee who shall make recommendations to Council for approval.
 - (iii) report to the Policy, Finance and Resources Committee and Council on the overall position and the availability of resources to support the Capital Programme.
 - (iv) ensure that the revenue implications of the Capital Programme are contained within the Revenue Budget and Medium Term Financial Strategy.
 - (v) ensure that sources of funding (revenue, capital grants, capital receipts, borrowing, etc) are identified for the entire programme and that all schemes are properly appraised and provide value for money.
- (4) Service Managers shall:
 - (i) submit to the Section 151 Officer estimates of the cost of capital spending proposals and the estimated amount and timing of any capital receipts, and other contributions receivable.
 - (ii) ensure that the estimates submitted are prepared having regard to the Corporate Plan and other corporate aims and objectives described in 4.3(ii).
 - (iii) provide any other information the Section 151 Officer may require for the review, monitoring or control of the Capital Programme.
- (5) In working up any capital scheme, Service Managers shall have regard to the risk of triggering claw back or breaching restrictive covenants or other contractual conditions in relation to land or otherwise.

- (6) The inclusion of a capital scheme within an approved Capital Programme shall confer authority to spend, including expenditure which may fall in a subsequent financial year, subject to the:
 - (i) provisions of the Council's Contracts Procedure Rules;
 - (ii) provisions of (4.7) below.
- (7) If a Service Manager wishes to incur expenditure outside the approved Capital Programme provision, the procedures set out in Section 7(4) and (5) shall apply.
- (8) Service Managers shall give the Section 151 Officer early warning of known underspends, overspends and changes to planned resources so that the availability of uncommitted capital resources may be monitored effectively.
- (9) Service Managers shall notify the Section 151 Officer in writing of the names of any officers in their department authorised to act on their behalf in relation to the specific responsibilities set out in this Section, and details of any limitation on the authority delegated to them (the Authorised Signatories List).

Section 5: Reserves and Balances Policy

- (1) It is important that the Council has a policy setting out its approach to reserves and balances. It is also a requirement of Sections 32 and 43 of the Local Government Finance Act 1992 that each local authority has regard to the level of resources needed to meet estimated future expenditure when calculating its annual Council Tax requirement. This policy also has regard to LAAP Bulletin 77 'Local Authority Reserves and Balances', issued in November 2008. All reserves and balances form part of the General Fund apart from the Housing Revenue Account balance which is specifically 'ring fenced' for use in connection with that account.
- (2) As there is no specified minimum level of reserves/balances that an authority should hold, it is the responsibility of the Section 151 Officer to advise the Council about the level of reserves.
- (3) Types of Reserves
 - (i) The Council shall maintain the following reserves:
 - (a) General reserves/balances - to manage the impact of uneven cash flows and unexpected events or emergencies. The general reserves/balances do not have any restrictions as to their use.
 - (b) Earmarked reserves - sums set aside from time to time to meet known or predicted specific requirements, exceptional risks and uncertainties.
 - (ii) The Council shall maintain a number of other reserves that arise out of the interaction between legislation and proper accounting practices. These reserves, which are not resource-backed and cannot be used for any other purpose, will be specified by the Section 151 Officer in the Annual Financial Report.
 - (iii) Details of all reserves, including in-year movements and year-end balances shall be contained in the Council's Annual Financial Report
- (4) Principles to Assess the Adequacy of Reserves/Balances
 - (i) The Section 151 Officer will advise the Council on the adequacy of reserves/balances. In considering the level of general reserves/balances, the Section 151 Officer will have regard to:
 - (a) The strategic financial context within which the Council will be operating through the medium-term.
 - (b) The overall effectiveness of governance arrangements and the system of internal control.
 - (c) The robustness of the financial planning and budget-setting process.
 - (d) The effectiveness of the budget monitoring and management process.

- (iii) Having had regard to these matters, the Section 151 Officer will advise the Council on the monetary value of the required general reserve/balances.
 - (iii) In exceptional circumstances, the actual level of the Council's reserves/balances may happen to or may be allowed to fall below the level that was considered appropriate. This may be consistent with the need to meet short-term unforeseen expenditure. However, the actual level will be monitored against reserves/balances outlined in the Council's Medium Term Financial Strategy (MTFS). The MTFS will set out the level of planned balances and if the balance falls outside of the MTFS, a plan shall be agreed by Full Council, on the advice of the Section 151 Officer, to restore balances to the appropriate level.
 - (iv) In considering earmarked reserves, the Section 151 Officer will have regard to the purpose and usage in respect of each reserve and will advise Members accordingly.
- (5) Establishing and Utilising Earmarked Reserve
- (i) When establishing earmarked reserves, compliance with the Code of Practice on Local Authority Accounting and, in particular, the need to distinguish between reserves and provisions must be complied with.
 - (ii) The Chartered Institute of Public Finance and Accountancy (CIPFA) publish an annual Statement of Recommended Practice (SoRP), which governs the information to be contained within a local authority's Annual Financial Report. The SoRP states that for each reserve established, the purpose, usage and the basis of transaction should be clearly identified.
 - (iii) The Council may also create new or add to earmarked reserves at any time.
 - (iv) In approving the earmarked reserve the following information will be required:
 - (a) Purpose – the reason for creating the reserve should be clearly stated.
 - (b) Usage – there should be a clear statement of how and when the reserve can be used. Without a clearly defined purpose and clearly defined usage there will be ambiguity over the application of reserves.
 - (c) Basis of transactions, management and control – the Section 151 Officer will be responsible for managing the earmarked reserve (including altering the year to year profiling if required) and will have delegated authority for approval of expenditure from the earmarked reserve, although day to day management of the reserve may be delegated to a specific officer.
 - (iv) Once an earmarked reserve has fulfilled the purpose for which it was established the Section 151 Officer shall advise on whether the balance should be reallocated to another similar purpose reserve or surrendered to the Council's reserves/balances.
- (6) Reporting of Reserves

- (i) The Section 151 Officer will monitor the drawdown of reserves and keep Members informed, through normal budget monitoring reports as and when required.
- (ii) As part of the budget setting report to Council the Section 151 Officer will include:
 - (a) A statement of movements in reserves for the year ahead and the following 2 years.
 - (b) A statement of the adequacy of general reserves and provisions in the forthcoming year.

Section 6: Reports to Members

Changes to existing policy and new policy must result from considered decisions of the Council having considered the advice of officers. Policy decisions require information concerning the financial and risk management implications of the Council, therefore:

- (1) All financial and risk management implications must be detailed within Committee reports and be validated by the Section 151 Officer (for Financial Implications and for Risk Management) prior to their progression through the approval process. Informal advice to Members shall also have regard to these arrangements.
- (2) Reports shall only be put before the Council, Committees, Sub-Committees, Panels or Members if both the financial implications for the Council have been considered and presented fairly in the report.
- (3) Consultation shall take place as appropriate between the authors of reports, the Section 151 Officer and any other Service Manager affected, in good time for any financial and risk management implications to be properly identified.
- (4) Where there are no financial implications or they are negligible, the report shall say so.

Section 7: Budgetary Control

Budgetary control reports are made to full Council and the Policy, Finance and Resources Committee at various times during the year. Within this framework the section 151 officer has the following responsibilities:

(1) Overall responsibility for budgetary control

The Section 151 Officer is responsible for:

- (i) the overall financial control of the revenue budget and Capital Programme.
- (ii) providing financial information for corporate performance reports.
- (iii) subdividing and allocating service revenue budgets and the Capital Programme within the overall budget framework according to the Council structure and services, having regard to relevant Codes of Practice.
- (iv) supplying timely information on receipts and payments on each budget and capital scheme, sufficiently detailed to enable managers to fulfil their budgetary control responsibilities.

(2) Responsibility for control of individual budgets

Service Managers are responsible:

- (i) for the budgets and programmes allocated to them, for delivering the levels of service on which they were based, and for compliance with their financial obligations.
- (ii) for monitoring levels of service and performance within services, as measured by expenditure and income incurred against relevant budgets and Capital Programme provision.
- (iii) for seeking variations in accordance with (4) below, either to increase or to reduce the provision allocated to particular budgets or Capital schemes, including income budgets, in order to maintain budget provisions in line with the service levels required.
- (iv) may exercise powers delegated to them to enter into new financial commitments, including commitments relating to recruitment and remuneration of staff, only where adequate provision has been made in the revenue budget or Capital Programme and where the revenue consequences for future financial years comply with (6) below.
- (v) shall provide any additional information the Section 151 Officer may require.

(3) Variances from budget

The Section 151 Officer is responsible:

- (i) for reporting significant variances (defined as 5% or £50,000, whichever is greater) to the Policy, Finance and Resources Committee where a Service Manager fails to take action under (4) to (6) below.
- (ii) for agreeing annually:
 - (a) a list of expenditure proposals for which revenue budget provision had been made in the previous year and for which the particular goods or services had not been supplied before the financial year end (carry forwards).
 - (b) a list of expenditure proposals on capital schemes for which provision had been made in the total Capital Programme for the previous year but the programme had slipped / or been accelerated.

so that supplementary estimates may be executed for the ensuing financial year in accordance with (5) below. For clarity the approval of items under (ii) does not represent a key decision as the key decision was made when the budget was originally approved.

(4) Virements between budgets

The overall budget is approved for each year by Full Council following recommendation by Policy, Finance and Resources Committee. Officers are thereby authorised to incur net expenditure in accordance with the estimates that made up the budget for the current financial year. The rule below covers 'virement'; that is switching resources between approved estimates or heads of expenditure and income.

A 'virement' is:

'planned transfer of a budget for use in a different purpose to that originally intended'.

Subject to appropriate consultation, budget allocations may be moved (vired) between revenue budgets or between schemes within the Capital Programme for the purpose of maintaining approved service levels and/or responding to unforeseen budget pressures and/or meeting the efficiencies' target, by each Service Manager in consultation with the Section 151 Officer or Deputy. This will also include technical virements.

However any budget allocation to be moved (vired) from revenue budgets to the Capital Programme (Revenue Contribution to Capital Outlay (RCCO)) will be in accordance with the following scheme of virements:

Up to £75,000	By the Section 151 Officer
Up to £150,000	By the Section 151 Officer in consultation with the Lead Member for Finance
Over £150,000	By the Policy, Finance and Resources Committee

and in making any such decision, due regard shall be made to any budget implications for future financial years.

(5) Supplementary estimates

(i) Revenue expenditure

Where no provision currently exists in the revenue budget, or where the provision made for an existing budget is insufficient and a virement is not available under (4) above, then new or additional budget provision may be established using reserves (general or earmarked) as outlined in the Reserves and Balances Policy section (Section 5). In making any such decision, due regard shall be had to any budget implications for future financial years.

(ii) Capital expenditure

Where no provision currently exists in the Capital Programme, or where an existing provision is insufficient and a virement is not available under (4) above, then new or additional provision may be established to the extent of any uncommitted capital resources, using reserves (general or earmarked) or underspends from elsewhere in the Capital Programme in accordance with the following scheme of supplementary estimates:

Up to £50,000	Section 151 Officer
Up to £150,000	By the Section 151 Officer in consultation with the Lead Member for Finance
Over £150,000	By the Policy, Finance and Resources Committee
or where (3)(ii)(b) applies	By the Policy, Finance and Resources Committee

In making any such decision, due regard shall be had to any implications for the Capital Programme and revenue budget in future financial years.

Any additional expenditure that cannot be offset as outlined in (5) (i) or (ii) above cannot be incurred without the approval of full Council.

(iii) Partnership Expenditure and External Funding

Where no provision currently exists in the revenue budget or Capital Programme for specific projects or activities which are to be wholly or partly funded by external agencies or partners, then the above criteria for supplementary estimates will apply to the value of the Council's net financial contribution to the revenue or capital cost of the project.

The Section 151 Officer is empowered to agree a supplementary estimate where the net cost to the Council is nil (for example, a grant has been authorised by the government)

and to adjust the revenue budgets and Capital Programmes to reflect the gross value of all such arrangements and transactions.

Service Managers and Lead Members must liaise with the Section 151 Officer, and refer to Section 9 of these Regulations, prior to undertaking any bidding for external funding or setting up any partnerships.

(6) Commitments of revenue expenditure affecting future financial years

The following arrangements shall apply in relation to the commitment of expenditure prior to the approval of the revenue budget for the financial year concerned:

- (i) Service Managers may commit expenditure affecting future financial years provided that:
 - a. the estimated cost in real terms does not exceed the current and future years' budget provision
 - b. and the consent of the Section 151 Officer is obtained where Financial Regulations 3 (5) and 14 (3) apply.
- (i) Service Managers may only commit expenditure on new or extended services:
 - With the approval of the Section 151 Officer in consultation with the Lead Member for Finance where the financial commitment in the following financial year does not exceed £50,000 in respect of the proposal and that Financial Regulation 3 is adhered to.
 - Or otherwise with the approval of the Policy, Finance and Resources Committee.
- (iii) The Section 151 Officer is authorised to agree the placing of orders for vehicles, plant and equipment before Council approves the budget where this is necessary in order to secure delivery in the required time scale.

(7) Delegation

Service Managers shall notify the Section 151 Officer in writing of the names of any Officers in their department authorised to act on their behalf in relation to the specific responsibilities set out in this Section, together with specimen signatures and details of any limitation on the authority delegated to them (the Authorised Signatories List).

Section 8: Accounting Records

Maintaining proper accounting records is one of the ways in which the Authority discharges its responsibility for stewardship of public resources. The Authority has a statutory duty to prepare its Annual Statement of Accounts on the basis that they give a true and fair view of the financial position of the Council on the reporting date. The accounts are subject to external audit, which provides assurance that they have been prepared properly, that proper accounting practices and statutory requirements have been followed and that proper arrangements have been made for securing economy, efficiency and effectiveness in the use of the Authority's resources. There is also a statutory right for members of the public to inspect the accounts and relevant supporting documentation.

(1) The Section 151 Officer is responsible for:

- (i) making arrangements for the proper administration of the Authority's financial affairs.
- (ii) selecting and applying appropriate accounting policies consistently.
- (iii) determining accounting procedures and maintaining proper accounting records.
- (iv) making an annual report to the Audit and Scrutiny Committee on the financial outturn for the previous financial year (also reported to Policy, Finance and Resources Committee as part of the medium term financial planning report)
- (v) ensuring that the Statement of Accounts for that year is completed, approved by the Audit and Scrutiny Committee and published within the corporate and statutory timetable and in accordance with relevant Codes of Practice.

(2) Service Managers shall ensure that:

- (i) all the Authority's transactions, material commitments, contracts and other essential accounting information are recorded completely, accurately and promptly.
- (ii) in the allocation of accounting duties of any kind:
 - (a) the duty of providing information, calculating, checking and recording sums due to or from the Council shall be separated as completely as possible from the duty of collecting or disbursing such sums.
 - (b) Officers charged with the duty of examining and checking the accounts of cash or stores transactions shall not themselves be engaged in any of those transactions.
- (iii) any Financial Procedure Notes prescribed by the Section 151 Officer are fully complied with.

- (iv) the Section 151 Officer is supplied with such information as may be requested by him from time to time for the purpose of the proper administration of the Council's affairs.

Section 9: Procuring and Paying for Works, Supplies and Services

(1) Placing Orders for Works, Supplies and Services

All orders for works, goods and services shall be placed in accordance with the Council's Standing Orders relating to Contracts, and Purchase Ordering Processes. Standing Orders relating to Contracts form part of the Council's Constitution and are available on the Council's intranet. All quotation and tender exercises shall be conducted in accordance with legislation and regulations regarding procurement requirements, including the Public Contracts Regulations 2015.

(2) Other contract terms

Service Managers shall:

- (i) in consultation with the Section 151 Officer include in every contract appropriate clauses to cover financial and insurance requirements, and to provide sufficient security for due performance.
- (ii) put in place adequate procedures for the effective cost control of all contracts.
- (iii) ensure all contracts are entered onto the Council Contract Register.

(3) Receipt of Works, Supplies and Services

Service Managers shall put in place adequate systems for verifying the performance of work or the receipt of supplies and services. In particular controls shall be established to ensure that:

- (i) work done or supplies and services received are as specified.
- (ii) quality or workmanship is of the required standard.
- (iii) appropriate entries are made in inventory, stock or other records.

(4) Payment for Works, Supplies and Services

- (i) Service Managers shall make adequate and effective arrangements approved by the Section 151 Officer for checking and certifying invoices and other requests for payment without undue delay.
- (ii) unless covered by (iii) below or where otherwise approved by the Section 151 Officer, all payments shall be made by automated bank transfer or crossed cheque drawn on a bank account of the Council. Payments may only be made by direct debit with the prior approval of the Section 151 Officer.

- (iii) Minor items of expenditure, up to a limit set by the Section 151 Officer, may be paid on procurement cards by officers authorised to hold a card. All cardholders must comply with the Council's Procurement Card Policy, which is available on the Council's intranet.

(5) Delegation

A list of authorised signatories shall be maintained detailing all officers authorised to make payments for works, goods or services, and details of the limitations set for each officer. These limits will be agreed by the Service Manager and the Section 151 Officer. New officers shall be given authority to make payments only after their application has been approved by the Service Manager and the Section 151 Officer.

(6) General

- (i) Every Member and Officer engaged in contractual or purchasing decisions on behalf of the Council shall declare any links or personal interests they may have with purchasers, suppliers and contractors and shall comply with the provisions of the appropriate codes of conduct.
- (ii) Service Managers shall ensure that the duties of ordering works, supplies or services, approving orders, and receipting orders are not performed by the same Officer.

Section 10: Income

(1) General

Service Managers shall implement arrangements made by them under this Section only with the approval of the Section 151 Officer.

(2) Prompt identification of sums due to the Council

Service Managers shall make adequate and effective arrangements for the prompt identification of all sums due to the Council.

(3) Prompt recording in the Council's accounts of all sums due

- (i) Service Managers shall make adequate and effective arrangements for recording all sums due in the Council's accounts.
- ii) Accounts for sums due may only be raised on the Council's corporate Sundry Debtors system unless alternative arrangements have been approved by the Section 151 Officer.

(4) Collection and receipting of all income

Service Managers shall make adequate and effective arrangements for the collection and receipting of all income and for the security of all cash and other valuables having regard to agreed insurance limits for locked safes.

(6) Banking of income

Service Managers shall make arrangements, approved by the Section 151 Officer, for the secure transfer of cash and cheques from the Council's offices and facilities to the Council's bankers.

(7) Reconciliation of income

Service Managers shall make adequate and effective arrangements for the sums collected and banked to be reconciled with the records of sums due.

(8) Debt recovery

In all cases Service Managers shall co-operate with the relevant Debtors' Team plans to take prompt and appropriate action to recover all sums overdue to the Council.

(9) Writing off sums due

- (i) Service Managers are responsible for recommending the write off of irrecoverable debts to the Section 151 Officer.
- (ii) Where an individual debtor owes the Council no more than £10,000, the Section 151 Officer may approve the write off of that debt where there is satisfactory

evidence that it is irrecoverable. In any other case, where there is satisfactory evidence, the Section 151 Officer shall refer the debt to the Chair of the Policy, Finance and Resources Committee for approval to write off.

(10) Reviews of fees and charges

Service Managers shall, in consultation with the Section 151 Officer, review all fees and charges at least annually in accordance with guidance issued by the Section 151 Officer.

(11) Segregation of duties

The duty of providing information, calculating, checking and recording sums due to or from the Council shall be separated as far as is possible from the duty of collecting such sums.

Section 11: Banking, Cheques & Money Laundering

The Council has a duty to ensure that all moneys are properly safeguarded and only utilised for authorised purposes. The Council must also comply with the statutory money laundering regulations. It is therefore necessary to have controls to ensure the proper authorisation and control of all bank accounts, all payments made from them and all income deposited.

(1) Operation of bank accounts

- (i) The Section 151 Officer is responsible for opening, closing and operating all bank accounts and related facilities in the Council's name.
- (ii) All communications with the Council's bankers concerning its bank accounts and any changes in banking arrangements shall be made under arrangements approved by the Section 151 Officer.

(2) Authorisation of signatories

Only Officers personally mandated by the Section 151 Officer may sign cheques and other documents transferring funds out of the Council's bank accounts.

(3) Payments from Council bank accounts

- (i) All payments from the Council's bank accounts shall be, so far as is practicable, automated bank transfer or by crossed cheque but the Section 151 Officer may exclude from this regulation such payments as he may consider appropriate.
- (ii) No payments shall be made from the Council's bank accounts unless approved personally by a signatory authorised in accordance with (2) above.
- (iii) Payment by Direct Debit must be authorised by the Section 151 Officer.

(4) Custody of cheques

- (i) All cheques and paying in books shall be ordered and controlled by the Section 151 Officer.
- (ii) The safe custody and issue of cheques shall be carried out under arrangements made by the Section 151 Officer.

(5) Banking of income

Service Managers shall make arrangements, approved by the Section 151 Officer, for the secure transfer of cash from the Council's offices and facilities to the Council's bankers (see Section 10.6).

(6) Reconciliation

The Section 151 Officer shall regularly reconcile the Council's bank accounts with the accounting records and investigate any discrepancies.

Section 12: Security and Inventories

The Authority holds assets in the form of land and buildings, fixed plant, vehicles and machinery, furniture and equipment, software and data, cash and other items of value (e.g. stocks and stores). It is important that assets are used efficiently in service delivery, that they are adequately insured and that there are arrangements for the security of both assets and information required for service operations. Up to date records are a prerequisite for sound asset management. See also Sections 13 (Stocks and Stores), 15 (IT Systems) and 17 (Insurances).

(1) Proper use of the Council's resources

Resources are to be used solely for the purposes of the Authority unless authorised otherwise by the Council, and are to be properly accounted for.

(2) Asset register

The Section 151 Officer is responsible, in consultation with other Service Managers, for the compilation and maintenance of an asset register (in appropriate format for accounting purposes) covering land and property and other fixed assets. The function of the asset register is to provide the Authority with information about fixed assets so that they are safeguarded, used efficiently and effectively, and are adequately maintained.

(3) Inventories

- (i) Each Service Manager is responsible for maintaining an inventory of moveable assets above a de-minimis value or as determined by other criteria under procedures determined by the Section 151 Officer.
- (ii) A list of inventories should also be maintained for assets which, although below the de-minimis level, are attractive & desirable and therefore more prone to theft.
- (iii) Inventories are to be reviewed at least once each year and copies made available to the Section 151 Officer.

(4) Security

Service Managers shall make proper arrangements for:

- (i) The security of all buildings and other assets under their control.
- (ii) The safe custody of all documents held as security.

Section 13: Stocks and Stores

The Council holds many different types of stocks and stores. It is important that these assets are safeguarded and used efficiently in service delivery. There therefore needs to be adequate arrangements for the receipt, security and issue of stocks and stores and for the disposal of surplus or redundant items.

(1) Receipt, Control and Custody

Service Managers shall make adequate and effective arrangements for the custody, care and physical control of all stocks and stores in their departments.

(2) Stocks and Stores Records

- (i) In consultation with the Section 151 Officer, Service Managers shall maintain adequate records of all issues and other movements of stocks and stores.
- (ii) Service Managers shall provide to the Section 151 Officer each year a stock certificate detailing stocks and stores in hand at 31 March.
- (iii) Service Managers should make provision for regular stock takes and reconciliations to take place during the year.

(3) Maintenance of stocks

- (i) Service Managers shall maintain stocks at reasonable levels and subject them to a regular independent physical check.
- (ii) Discrepancies shall be appropriately investigated, pursued to a satisfactory conclusion and removed from the Authority's records by making stock adjustments as necessary. Gains and losses resulting from stock adjustments shall only be written off or adjusted in the records under arrangements approved by the Section 151 Officer.

(4) Disposal of surplus, obsolete or redundant stocks or equipment

Service Managers shall ensure that all stocks and equipment no longer required are disposed of economically under arrangements approved by the Section 151 Officer.

(5) Delegation (1) Receipt, Control and Custody

Service Managers shall notify the Section 151 Officer in writing of the names of any Officers in their department authorised to sign stock certificates and other related matters on their behalf, together with specimen signatures and details of any limitation on the authority delegated to them (the Authorised Signatories List).

Section 14: Treasury Management and Leasing

Treasury Management is in place to provide assurance that the Authority's money and overall cash flow are properly managed, in a way that balances risk with return but with overriding consideration being given to the security of investments.

The signing of leases and other forms of credit can have a wider financial impact than just the rental payments. It is therefore necessary that the Section 151 Officer be given the opportunity to evaluate the costs of any potential agreement before it is legally binding.

(1) General

The Section 151 Officer is responsible for all investment, borrowing and leasing undertaken in the name of this Authority.

(2) Treasury Management

The Section 151 Officer shall:

- (i) keep under review the Council's Treasury Management Policy Statement and submit any amendments to the Policy, Finance and Resources Committee prior to consideration and adoption by Full Council.
- (ii) maintain, having regard to the recommendations of the CIPFA Code of Practice and Guidance Notes, a Treasury Manual consisting of Treasury Management Practices (TMP's) setting out the duties of Members and Officers covering all aspects of Treasury Management. The Manual shall be comprehensively reviewed at least once every three years.
- (iii) prepare, for adoption before the commencement of each financial year, a Treasury Management Strategy, an Investment Strategy and a Debt Repayment Policy, having regard to any statutory guidance and to the provisions of the CIPFA Code of Practice and Guidance Notes, in respect of the Council's strategy and policies to be set for that financial year. The proposals will be submitted to the Policy, Finance and Resources Committee prior to consideration and adoption by Full Council.
- (iii) recommend to the Council before the commencement of each financial year a range of Prudential Indicators, including borrowing limits, to be set for that financial year in accordance with statute and the CIPFA Prudential Code.
- (v) keep the strategies, policies and Prudential Indicators for the current financial year under constant review and submit revised proposals for adoption from time to time as necessary. In any event, present a mid-year review for consideration to the Policy, Finance and Resources Committee.
- (vi) arrange all borrowing and investments of the Authority in accordance with the Treasury Management Policy Statement, the approved Treasury Management and Investment strategies for the year the approved Debt Repayment Policy for the year and the current Treasury Manual.

- (vii) make all investments, borrowings and other financing transactions only in the name of the Authority or in the name of nominees approved by Full Council.
- (viii) ensure that Council Members tasked with Treasury Management responsibilities, including those responsible for scrutiny, have access to training relevant to their needs and those responsibilities.

(3) Leasing and Similar Arrangements

The taking of a lease or other similar arrangements, including new or extended leases of land and property, may only be entered into with the consent of the Section 151 Officer. Such arrangements may be defined for this purpose as any lease, contract hire or other contract or series of contracts under which the use of an asset is obtained in exchange for a series of payments which extend beyond the end of the following financial year.

If the taking of the lease (or other similar arrangement) is in relation to real estate/property (i.e. land or buildings or rights associated) then the method of treatment of the costs may vary depending on the length of the agreement and whether a premium (lump sum) is paid and/or an annual rental/fee. No agreement relating to property or rights over property may be entered into (either taking or granting) without the consent of the Section 151 Officer.

(4) Delegation

The Section 151 Officer shall maintain in writing a list of the names of any Officers in his department authorised to act on his behalf in relation to the specific responsibilities set out in this Section, together with specimen signatures and details of any limitation on the authority delegated to them (the Authorised Signatories List).

Section 15: Value Added Tax

Value Added Tax (VAT) is a tax applied to many of the goods and services the Council either buys in or supplies to others. VAT therefore impacts on many of the Council's financial transactions. Whilst generally speaking the Council is able to reclaim the VAT it pays on buying in goods and services, this ability is limited in relation to certain types of services made by the Council. VAT is a very complex tax, particularly where it relates to land and property transactions and partnership arrangements. It is essential that the VAT implications of all major projects, partnership arrangements and land & property transactions be evaluated well in advance of commitments being made. If this is not done the Council could be faced with a substantial irrecoverable VAT bill that is both unplanned and unbudgeted. HM Revenues and Customs also have the power to impose penalties (fines) for late or non-compliance with VAT rules.

- (1) The Section 151 Officer is responsible for the determination of all arrangements for the collection, recording, payment and recovery of VAT.
- (2) The Section 151 Officer shall:
 - (i) maintain complete and accurate accounting records of all the Council's VAT transactions.
 - (ii) submit the Council's VAT return to HM Revenues and Customs monthly in accordance with statutory deadlines.
 - (iv) prepare the Council's partial exemption calculation as at the end of each financial year and monitor the Council's partial exemption position as part of the budget setting process.
 - (iv) submit the Construction Industry Scheme returns monthly in accordance with statutory deadlines.
 - (v) prepare and submit Voluntary Disclosure Notices to HM Revenues and Customs and recover any revenues due.
 - (vi) conduct all negotiations with HM Revenues and Customs in respect of VAT matters affecting the Council and make appropriate decisions as a result of these negotiations.
 - (vii) exercise as appropriate the Council's option to tax in respect of land and buildings.
 - (viii) provide guidance, advice and training to Council staff on all aspects of VAT as they affect the Council.
 - (ix) publish and regularly update appropriate VAT guidance notes internally.
- (2) Service Managers shall:
 - (i) properly account for VAT on all transactions under arrangements determined by the Section 151 Officer.

- (ii) consult the Section 151 Officer in all cases where the VAT treatment of any transaction is unclear so that the matter can be reviewed and appropriate treatment determined.
- (iii) consult the Section 151 Officer in all cases where new projects, schemes or services are proposed, well in advance of commitments being made, so that any impact on the Council's VAT position can be assessed, any necessary action taken to protect the Council's VAT recovery position and the financial implications of the proposal can be properly considered.
- (iv) co-operate with any VAT inspector and give access at all reasonable times to premises, personnel, documents and assets which they consider necessary for the purposes of their work.

Section 16: Insurances

The provision of insurance cover is one of the major methods of responding to corporate and service risks identified under the Council's Risk Management arrangements (see Section 21). Cover is arranged externally (with major insurance companies). Accurate record keeping and timely provision of information are essential if the Council's insurance cover is to be effective. This Section should be read in conjunction with that relating to Risk Management (Section 20).

(1) The Section 151 Officer is responsible for:

- (i) effecting all insurance cover on a corporate basis, through external insurance or through internal self-insurance arrangements as they consider appropriate and maintaining proper records of these arrangements.
- (ii) handling, negotiating, processing and settlement of all claims, in consultation with any external insurers where necessary.

(2) Service Managers and Members shall notify the Section 151 Officer promptly:

- (i) of all new risks, properties, vehicles or other assets that require insurance
- (ii) of any alterations to such risks or assets affecting existing insurances
- (iii) should any of the Authority's assets be damaged, lost or stolen
- (iv) of any loss, liability, damage or personal injury that may lead to a claim against the Authority. Failure of the Council to appropriately notify the insurer may invalidate cover under the policies and shall provide any related information or explanation required within time scales determined by the Section 151 Officer and/or relevant legislation.

(3) Service Managers shall ensure that no employee or other person covered by the Authority's insurances admits liability (orally or in writing) or makes any offer to pay compensation, because this may prejudice a proper assessment of the Council's liability.

(4) Service Managers shall maintain proper records relating to assets which require insurances effected by the Authority, under arrangements approved by the Section 151 Officer.

(5) Service Managers shall consult with the Section 151 Officer and also seek advice from the Legal team on the terms of any indemnity that the Authority is requested to give.

(6) Service Managers shall consult with the Section 151 Officer to determine the minimum level of insurance cover required of any person or body (including all Council contractors and those bodies using Council land or facilities) to indemnify the Council or to effect insurance cover in accordance with the Council's requirements and shall check that appropriate insurance cover is in place.

Section 17: Pay and Conditions of Employment

Staffing costs are the largest single item of expenditure for most Council services. It is therefore important that payments are accurate, timely, made only where they are due 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 paid in accordance with the scheme adopted by Full Council. 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 can be severe. It is therefore important for all Officers to be aware of their role.

(1) General

Terms and conditions of employment are a function of the Policy, Finance and Resources Committee. The Head of Paid Services is responsible for the administration of all arrangements for the payment of salaries, wages, pensions and other emoluments to existing and former employees, and for all related matters. The Head of Paid Services is responsible for car loans to eligible employees, travel and subsistence claims.

(2) Deductions from Pay

The Head of Paid Services shall make proper arrangements for all statutory and other deductions from pay, including tax, national insurance and pension contributions, and payment of such sums to the bodies concerned.

(3) Terms of employment

Service Managers shall promptly notify the Head of Paid Services of:

- (i) the terms and conditions applying to new contracts of employment.
- (ii) any changes or events affecting the salaries, wages or emoluments of the Council's employees.
- (iii) all resignations, retirements and terminations of employment.

(4) Provision of Information

Service Managers shall provide to the Head of Paid Services:

- (i) all relevant information, including notifications of sickness absence, in an agreed format and within agreed time scales to enable the prompt and accurate payment of all elements of pay.
- (ii) notification of the impending departure of any employee involved with the custody of cash or stores.

(5) Members' Allowances

Payments to elected Members of the Council shall be made by the Head of Paid Services in accordance with the Council's approved scheme.

(6) Delegation

Service Managers shall notify the Section 151 Officer in writing of the names of any Officers in their department authorised to act on their behalf in relation to the specific responsibilities set out in this Section, together with specimen signatures and details of any limitation on the authority delegated to them (the Authorised Signatories List).

Section 18: Internal Audit

The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit Regulations 2011 more specifically require that a “relevant body shall maintain an adequate and effective system of internal audit”. Accordingly, internal audit provides one aspect of an independent and objective assurance in the review of the system of governance, risk management and internal control as a contribution to the proper, economic, efficient and effective use of resources. In fulfilling this responsibility the internal audit service must comply with the mandatory Public Sector Internal Audit Standards and Code of Ethics and CIPFA’s Statement on the role of the Head of Internal Audit.

- (1) The Section 151 Officer shall ensure that the Internal Audit Service is available and adequately resourced and independent in its planning and operation.
- (2) The Section 151 Officer or his authorised representative shall have authority to enter at all reasonable times any offices, premises or land under the control of the Council and shall have unrestricted access to all records, documents and correspondence relating to any matter under consideration, without limitation.
- (3) All staff shall provide such information and explanations as the Section 151 Officer or his authorised representative considers necessary and shall produce upon demand cash, stores, documents or other property of the Council under their control.
- (4) Service Managers and the Section 151 Officer shall give appropriate consideration of Internal Audit reports and identified control and governance concerns.
- (5) Service Managers and other staff shall immediately notify the Internal Audit Service on behalf of the Section 151 Officer upon discovery or suspicion of any financial irregularity, whether affecting cash, stores, property, financial records or otherwise. Internal Audit have delegated authority to investigate allegations of Fraud, Theft, Corruption, Bribery, Money Laundering and any other financial irregularity on behalf of the Section 151 Officer. The Section 151 Officer shall notify the Head of Paid Services in all significant cases.
- (6) The Council shall set out in policy documents its approach to countering fraud, theft, bribery, money laundering and corruption and to “whistle blowing”.
- (7) The Internal Audit Service has direct access to the Head of Paid Services, Section 151 Officer, Monitoring Officer and to all levels of management and to elected Members.
- (8) As part of the adequate system of internal audit, the Council will maintain an Audit and Scrutiny Committee in line with Codes of Practices.
- (9) The Council’s Internal Audit Service will report its findings, assurances and performance to the Audit and Scrutiny Committee in line with the Internal Audit Charter.

- (10) Internal Audit will provide an annual opinion on the adequacy and effectiveness of the internal control, governance and risk management arrangements. This opinion will be fed into the Council's Annual Governance Statement.

Section 19: External Audit and Inspection

The basic duties of the external auditor are governed by statute. In fulfilling his responsibilities the external auditor works to a code of audit practice issued by the National Audit Office. The Authority may from time to time also be subject to audit, inspection or investigation by various other external bodies. Government department inspectorates and bodies such as HM Revenues and Customs have statutory rights of access. Rights of access are also sometimes granted under contractual arrangements, including partnerships where the Council is not the lead body. It is important that all Officers of the Council respond to external scrutiny in a timely, professional and helpful manner.

- (1) The Section 151 Officer shall facilitate the co-ordination of the work of internal and external audit together with ensuring appropriate consideration of External Audit reports by officers and/or Members.
- (2) The External Auditor will place reliance on the work of the Internal Audit Service where ever possible to reduce duplication.
- (3) The Section 151 Officer shall ensure that the Council's accounts are scrutinised by the External Auditor, who must be satisfied that the statement of accounts 'gives a true and fair view of' the financial position of the Council and its expenditure and income for the year in question and complies with the legal requirements.
- (4) Co-ordination of all other inspection and independent review work shall be the responsibility of the Section 151 Officer.
- (5) Service Managers and relevant Members shall give external auditors and inspectors access at all reasonable times to premises, personnel, documents and assets which they consider necessary for the purposes of their work.
- (6) The External Auditor will report their findings, assurances and recommendations to those charged with the governance (the Audit & Scrutiny Committee).

Section 20: Risk Management

The Council faces numerous risks: to people (including its employees), to property, to its reputation and to continuity of service delivery. Risk is the threat that an event or action will adversely affect the Council's ability to achieve its objectives and to successfully execute its strategies. This will include both external and internal risks. An opportunity is an event or action that will enhance the organisations ability to achieve its objectives and deliver approved strategies. Risk Management is the planned and systematic process by which risks and opportunities are identified, evaluated and controlled. Risk management seeks to protect the Council and enable it to achieve its stated aims and objectives. It also seeks to maximise the rewards that can be gained through effectively managing risk. It is the responsibility of the Audit and Scrutiny Committee to approve the Council's risk management policy and strategy and to promote a culture of risk management awareness throughout the organisation.

This Section should be read in conjunction with that relating to Insurance (see Section 16), which is just one tool used in the control of organisational risk.

- (1) The Audit and Scrutiny Committee shall approve and promote the Authority's corporate risk management policy and strategy.
- (2) The Section 151 Officer shall:
 - (i) develop risk management processes and procedures to assist in the identification, assessment, reduction and control of material risks and opportunities, in line with Codes of Practice.
 - (ii) undertake regular monitoring and review of the corporate, project, partnership and service arrangements for effective risk management.
- (3) The Section 151 Officer shall ensure that the Council has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage of its resources.
- (4) Service Managers are responsible:
 - (i) for risk management within all areas under their control, including service, projects and partnerships, having regard to appropriate advice from the Section 151 Officer.
 - (ii) for carrying out regular reviews of risk and opportunity, risk reduction and maximisation strategies and the operation of appropriate controls (including business continuity plans) within their departments.
 - (iii) to ensure that their service, project and partnership risk registers are appropriately updated on a regular bases, within the Council's approved system.
- (5) Service Managers and lead Members shall promptly notify the Section 151 Officer of all new risks and opportunities that are material, as they are identified

Section 21: External funding, partnership arrangements and projects

Partnerships play a key role in delivering Council Services and in helping to promote and improve the well being of the Borough. The Council works in partnership with others - public agencies, private companies, community groups and voluntary organisations – and its distinctive leadership role is to bring together the contributions of the various stakeholders. The Council will mobilise investment, bid for funds, champion the needs and harness the energies of local people and community organisations. It will be measured by what it achieves in partnership with others.

Partnerships can provide ways to access new resources and share risk. They can also lead to innovative and improved ways of delivering services whilst forging new relationships. Whilst external funding is a very important source of income, funding conditions need to be carefully considered to ensure they are compatible with the aims and objectives of the Council. In some instances, tight specifications may not be flexible enough to link to the Authority's corporate plan. Also, new ways of working can increase the Council's exposure to fraud and to irregularities in the operation of, for example, VAT, insurances and pay.

(1) Bidding for external funding

- (i) Service Managers shall seek external resources to further the priorities and aims of the Council's Corporate Plan.
- (ii) Before making a bid for resources which, if successful, would require any financial commitment from the Council. Service Managers shall ensure that appropriate budgets have been approved or earmarked in accordance with these Regulations.
- (iii) In working up bids, Service Managers shall use appropriate project appraisal processes to assess the viability of the project in terms of resources, staffing and expertise, to identify and assess all potential risks and to ensure achievement of the required outcomes.

(2) Setting up partnerships

- (i) Service Managers shall agree and accept formally the roles and responsibilities of each of the partners involved in a project before the project commences.
- (ii) Where the Council is to be the lead partner, or the accountable body where other public funds are involved, the responsibilities of the Council and the obligations of the various partners are to be clearly defined and understood.
- (iii) Service Managers shall consult the Section 151 Officer on:
 - (a) any financial control, insurance and audit requirements to be incorporated in the partnership arrangements.
 - (b) the overall financial implications for the Council.

- (iv) Prior to entering into any commitment, the relevant Service Manager shall ensure that any matched funding or other financial obligations of the Council are provided for within the revenue budget or Capital Programmes and that arrangements are made for future years' financial provisions to reflect these obligations. This should include any audit and other consequential fees as appropriate.

(3) Working with partners

- (i) These Financial Regulations and the Council's Contracts Procedure Rules shall apply equally to any orders for works, goods or services which are the responsibility of the Council under the partnership arrangements.
- (ii) The relevant Service Manager shall comply with any key conditions of funding and any statutory requirements.
- (iii) Any variation in resources to be contributed by the Council, or in the overall resources of the partnership where the Council is the accountable body, shall be dealt with in the same way as other budget variations as set out in Section 7 (Budgetary Control).
- (iv) The relevant Service Manager shall ensure that any financial control, insurance and audit requirements of the partnership are met.
- (v) The relevant Service Manager shall communicate regularly with the other partners throughout the project so that any problems are identified and shared on a timely basis to achieve their successful resolution.

(4) Delegation

Service Managers shall notify the Section 151 Officer in writing of the names of any Officers in their department authorised to act on their behalf in relation to the specific responsibilities set out in this Section, together with specimen signatures and details of any limitation on the authority delegated to them (the Authorised Signatories List).

Section 22: Work carried out for others

Legislation enables the Council to provide a range of services to other bodies. Such work may help maintain economies of scale and existing expertise. It may also be helpful to share the Council's facilities, expertise and resources with others under partnership arrangements, mutuals, companies etc. Effective controls should be in place to ensure that any risks associated with such work are appropriately managed and that the work falls within the Council's statutory powers.

- (1) Financial Regulations apply equally to any service carried out by the Council on behalf of the County Council or any other Authority, body or person, and Service Managers and Members shall not set up partnership or other arrangements with external parties to operate in conflict with these Regulations as far as this Council's involvement is concerned.
- (2) Service Managers shall properly assess the financial implications of the proposal prior to commitment following consultation with the Section 151 Officer and draw up contracts having regard to the Council's powers, relevant policies and protocols and in compliance with any insurance or other requirements of the Section 151 Officer.

Section 23: Trading Arrangements

The Council will at times look for potential trading opportunities. Effective controls should be in place to ensure that any risks associated with trading are appropriately managed.

(1) The Section 151 Officer shall:

- (i) Advise on and approve the financial implications of any proposed trading arrangements between the Council and third parties.
- (ii) Advise on the establishment and operation of trading accounts to ensure that the accounting and control processes comply with Council and statutory requirements and that the results of trading operations are properly recorded and reported.

(2) Service Managers shall:

- (i) Identify potential trading opportunities and evaluate the respective risks and financial benefits.
- (ii) Obtain the approval of the Section 151 Officer, in consultation with the relevant Members.
- (iii) Maintain a register of contracts entered into.
- (iv) Comply with advice issued by the Section 151 Officer in relation to the operation of trading accounts and the proper recording and reporting of trading results.

Glossary

Annual Financial Report

The Council's annual report on its financial position for the year ending 31 March. The report is required to be in a prescribed format and is subject to independent review.

Asset Management Plan

A document setting out the Council's plan for developing systems and internal controls to manage its land, buildings and capital expenditure in the most effective way to achieve its goals.

Asset register

A detailed listing of land, buildings, vehicles and major items of plant and equipment (assets). Asset registers are important because they enable an effective assessment of the management of assets to be made through a comprehensive record of attributes. They are also a useful basis for arranging appropriate insurance cover and substantiating insurance claims in the event of fire, theft or other loss.

Budget

A statement expressing the Council's policies and service levels in financial terms for a particular financial year. In its broadest sense it includes both the revenue budget and the Capital Programme and any authorised amendments to them, and the planned usage of reserves and balances. It does not however include the forward financial forecast, which is for financial planning purposes only.

Budget Book

The publication in which the Council sets out its budget for a particular financial year.

Budgetary control

The continual review of expenditure and income, both revenue and capital, against planned levels of expenditure and income to help ensure that service objectives are achieved and the overall resources of the Council are not over or under spent. This process is aided by the use of budget profiles.

Budget head

For a particular service activity, the level of detail at which revenue or capital budgets are approved by the Council, whether in the Budget Book, the latest approved Capital Programme or as a result of supplementary estimates approved for the budget year.

Budget profiles

As an aid to budgetary control, managers are required to specify before the start of a budget year the rate at which each budget head for which they are responsible is expected to be consumed during the course of the financial year, having regard to seasonal influences, past experience and other factors. This budget "profile" is then used to monitor the actual rate of consumption as the year progresses. The profile for any budget head may be amended in the light of changing circumstances.

Budget provision

The amount approved by the Council for a particular budget head.

Capital contributions

Sums contributed by external persons and bodies towards the cost of capital schemes to be carried out by the Council. These commonly derive from planning agreements with developers but also include government grants and sums recovered from third parties.

Capital expenditure

This generally relates to expenditure on the acquisition or enhancement of fixed assets which will be of use or benefit to the Authority in providing its services for more than one year. It also includes grants to other persons and bodies for spending by them on similar purposes.

Capital Programme

The Council's financial plan covering capital schemes and expenditure proposals for the current year and a number of future years. It also provides estimates of the capital resources available to finance the programme and a statement of any under- or overprogramming.

Capital receipts

The proceeds from the disposal of land and other assets which are available to finance new capital expenditure after deducting any amount required by statute to be paid over to the Secretary of State. Statute prevents capital receipts being used to finance revenue expenditure.

Capital resources

The resources earmarked either by statute or by the Council to meet the cost of capital expenditure instead of charging the cost directly to revenue. The definition covers borrowing, capital receipts and grants and contributions from external persons and bodies given for capital purposes. The Council may also contribute revenue resources to the financing of capital expenditure, and for as long as these are included in the Capital Programme; they are regarded similarly as capital resources.

Carry forwards

Revenue budget provision for specific goods or services which had not been supplied to the Council by 31 March and for which there is inadequate budget provision in the subsequent year. When these budgets are carried forward and added to the budget for that subsequent year in accordance with these Regulations, they are referred to as "carry forwards". A similar principle applies to capital expenditure budgets.

CIPFA

The Chartered Institute of Public Finance and Accountancy (CIPFA) is the leading professional body for accountants employed in the public sector. It issues Codes of Practice and other guidance as appropriate on matters addressed by these Regulations.

CLG

Department for Communities and Local Government, the department of government responsible for local government in England.

Codes of conduct

The protocols within which Members and Officers will work as set out in Part 5 of the Constitution.

Codes of practice

Guidance issued normally by professional bodies in relation to standards which are not regulated by statute. For example, CIPFA have issued Codes of Practice giving detailed guidance on accounting standards, internal audit and treasury management.

Collection Fund

The fund into which Council Tax and Business Rates income is paid and out of which the precepts of Essex County Council, Essex Police Authority, Essex Fire Authority, Brentwood Borough and Local Councils are met. The CLG's central share of Business Rates income is also paid out of the Collection Fund. Any surplus or deficit is shared between the various parties, other than Local Councils, on the basis of precepted amounts and local shares.

Computer systems

Commercially available software which might be acquired for use on Council computers, whether mainframe, local PC or networks. For the purposes of these Regulations, the definition is not intended to cover applications to which such systems might be put.

Contingency provisions

Money set aside in the budget to meet the cost of unforeseen items of expenditure or shortfalls in income and to provide for changes in inflation and interest rates compared with the assumptions on which the rest of the budget was set.

Contract Procedure Rules

The Council's rules relating to the procurement of works, supplies and services as set out in Part 4 of the Constitution. These are supported by Section 7 of these Regulations.

Corporate Governance

Corporate Governance is the system by which local authorities direct and control their functions and relate to their communities. The Council is responsible for ensuring that its business is conducted in accordance with the law & proper standards and that public money is safeguarded, properly accounted for and used economically, efficiently and effectively. It also refers to its duty under the Local Government Act to make arrangements to secure continuous improvement in the way in which its functions are exercised.

Corporate Plan

A statement made by a Local Authority setting out its long-term aims for the community it serves, the organisational aims of the Council and the main values which underpin its work for the community.

Council Tax

A local tax based on the capital value of residential properties as determined by the Valuation Office, a branch of HM Revenues and Customs. The level of Council Tax set by an Authority for a particular year will be broadly determined by its expenditure on General Fund services less other income, use of Council reserves and government grant.

Council Tax base

A figure calculated annually to represent the number of dwellings over which the Council Tax for the following financial year may be collected. All dwellings within the Borough are valued by the Valuation Office Agency (an agency of HM Revenues and Customs) and classified into one of eight bands (A to H), each of which is expressed as a proportion above or below the value of Band D. The Council Tax base is the number of dwellings expressed in terms of a Band D average, after making allowance for the cost of Council Tax support, other discounts and losses on collection. When the Council sets the level of Council Tax for that year, it is expressed as an amount due per Band D, equivalent properties.

Creditor

A person or body to whom the Council owes money.

Debtor

A person or body who owes the Council money. The debt may derive from a number of sources such as Council Tax, Business Rates or rent arrears, rechargeable works or where an account has been rendered for a service provided by the Council.

Earmarked Reserves

See “Reserves”

Estimates

The amounts which are expected to be spent, or received as income, during an accounting period. The term is also used to describe detailed budgets which are being prepared for the following financial year or have been approved for the current year. The “original estimate” for a financial year is that approved as part of the budget prior to the start of that year and the “revised estimate” is an updated revision for that year.

External Audit

An independent examination of the activities and accounts of local authorities to ensure the accounts have been prepared in accordance with legislative requirements and proper practices and to ensure the Authority has made proper arrangements to secure economy, efficiency and effectiveness in its use of resources.

Fees and charges

Charges made to the public for Council services and facilities.

Financial Regulations

That part of the Council’s Constitution which provides an approved framework for the proper financial management of the Authority.

Financial year

The period of twelve months commencing on 1 April.

Forward financial forecast

The estimated value of a revenue budget head for the two financial years immediately following the budget year, or the totals of such estimates. The forecast conveys no authority to spend, and is made for financial planning purposes only.

General Fund

The revenue fund of the Council covering day-to-day expenditure and income on services. The net cost on this account is met by Council Tax.

Housing Business Plan

A document setting out the Authority’s purpose or mission as a social housing landlord, its objectives and standards for the service, and a plan demonstrating over the short, medium and long-term how those objectives will be achieved. Of particular importance are the Council’s strategies in relation to investment, management and maintenance. The Business Plan is complemented by a Housing Strategy document.

Housing Revenue Account

The revenue account covering day-to-day expenditure and income arising from the provision of Council housing. Whilst technically part of the General Fund, the debits and credits are defined in statute and any balance on the account is only available for spending on the housing stock. Activities relating to the strategic housing function, as opposed to the landlord function for the Council's own housing stock, are accounted for in the General Fund outside of the Housing Revenue Account.

In Consultation With

For the purposes of the Financial Regulations the meaning of 'In Consultation With' means that the officer and member will be in agreement. Where there is disagreement it will be referred to committee.

Insurance Pool

A fund which provides for all insurance cover for the Council. Premiums are charged to the revenue accounts of services and credited to the pool. The pool then reinsures some risks with external insurers while retaining others. The balance on the pool at any time is one of the Council's earmarked reserves.

Internal Audit

Internal Audit is an independent, objective assurance and consultancy activity designed to add value and improve an organisations operations. It helps the organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

Inventory

A detailed listing of all goods, materials, furniture and equipment in the ownership or use of a particular service, other than those held in stocks and stores records. Inventories are normally maintained in sufficient detail as to description, location, age, value etc. to enable any material loss arising from a fire, theft or other event to be identified and to support any insurance claim.

Investment Strategy

A statement of policies for determining the type, value and length of investments that the Council will use to place its surplus funds and also for determining appropriate third parties with whom these investments will be placed.

Lead Member

The lead member reference is usually referring to the chair of the Policy, Finance and Resources Committee, or the chair of the appropriate committee.

Leasing

A method of acquiring the use of capital assets, (normally, but not exclusively), through the payment of a rental sum for a period of years. If the arrangement is for vehicles, plant and equipment, the ownership of the asset remains with the leasing company and the annual rental is charged directly to the Council's revenue accounts. If the lease (or other agreement) is in relation to real estate/property (i.e. land or buildings or rights associated) then the method of treatment of the costs may vary depending on the length of the agreement and whether a premium (lump sum) is paid and/or an annual rental/fee. No agreement relating to property or rights over property must be entered into (either taking or granting) without the agreement of the Section 151 Officer.

Local Councils

Term used in these regulations to refer to Parish Councils, Town Councils and Village Councils.

Medium Term Financial Strategy (MTFS)

The Medium Term Financial Strategy (MTFS) identifies how the Council intends to structure and manage its available resources over the medium term (current plus 3 years), and to ensure that resource allocation is aligned with and supports Council priorities'. It is updated and approved annually as part of the budget process.

Members' Allowances

A scheme of payments to elected Members of the Council in recognition of the duties and responsibilities assumed by them.

Precept

The amount that Councils and certain other public authorities providing services within Brentwood Borough require to be paid from the Collection Fund to meet the cost of their services.

Prudential Indicators

The Prudential Indicators are designed to support and record local decision making regarding capital investment. The CIPFA 'Prudential Code for Capital Finance in Local Authorities' requires each Local Authority to agree and monitor 17 mandatory prudential indicators.

Reserves

A Council's accumulated surplus income in excess of expenditure. Reserves are available at the discretion of the Council to meet items of expenditure in future years, and may be earmarked or held for general purposes. An example of an earmarked reserve is the Insurance Pool.

Revenue

A term used to describe the day-to-day costs of running Council services and income deriving from those services. It also includes however charges for the repayment of debt, including interest, and may include direct financing of capital expenditure.

Risk

Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted action, event or occurrence.

Risk management

Risk management is the adoption of a planned and systematic approach to the identification, evaluation and management of risk and opportunity.

Risk Management Policy

This is approved by the responsible Member following review by the Audit & Scrutiny Committee endorsing the commitment of the Council to effective risk management and sets out the responsibility of Members, Service Managers, Corporate Management Team and all staff for the identification, control and reduction of risk and the containment of loss in all aspects of their activities.

Supplementary estimate

The approval of an increase in the level of a particular budget head, or the establishment of a new budget head, under the procedure laid down in Section 7 of these Regulations. Where an existing budget head is involved, a supplementary estimate would not normally be approved where an appropriate virement was available.

Treasury Management

The management of the Authority's cash flows, its borrowings and its investments, the management of the associated risks, and the pursuit of the optimum performance or return consistent with those risks. It includes the setting of Prudential Indicators and monitoring compliance with them.

Treasury Management Policy Statement

A statement approved by the Full Council from time to time setting out the parameters within which treasury activities are to be managed.

Treasury Management Strategy

The strategy for the treasury management activities to be adopted for a particular financial year as approved by the Full Council within the parameters set by the Treasury Management Policy Statement. The strategy needs to be flexible enough to allow the Section 151 Officer to respond appropriately to changing circumstances during the course of the year to the best advantage of the Council.

Virement

The transfer of budget provision from one budget head to another, under the procedure laid down in Section 7 of these Regulations. Virement decisions apply to both revenue and capital expenditure heads, and between expenditure and income, and may include transfers from contingency provisions. Virements may not however be approved between capital and revenue budget heads. Virements may be approved by Officers within the limits specified in Section 7 of the Financial Regulations.

Write off

The action taken to charge to the Council the amount due from some external party which has been found to be irrecoverable from that party. Whilst the sum remains due to the Council in law, it will no longer be shown as outstanding in the Council's accounts.

APPENDIX A SCHEDULE 4

AMENDMENT TO DEADLINES FOR COUNCIL NOTICES		
Constitution Reference	Comments and Reason for recommended change	Proposed amended wording
<p>Procedural Rules (Chapter 4, Part 4.1, paragraphs 3.1 and 3.15)</p> <p>Time limit for Notice of Motions and Amendment</p>	<p>It is important that time limits for giving notices are clear, and complied with, so that the Council's obligations in respect of Access to Information and openness and transparency are complied with.</p>	<p>3.1 to be amended as follows:</p> <ul style="list-style-type: none"> - "eleven working days" be amended to "eleven clear working days" - further sentence be added: "Clear working days exclude the day of the notice and day of the meeting, so that for example, if the Council meeting is held on Wednesday the 20th of the month, notice must be received by 10 am Monday the 4th of that month." <p>3.15 to be amended as follows:</p> <ul style="list-style-type: none"> - "five working days" be amended to "five clear working days" - further sentence be added: "Clear working days exclude the day of the notice and day of the meeting, so that for example, if the Council meeting is held on Wednesday the 20th of the month, notice must be received by 10 am Tuesday the 12th of that month."
<p>Procedural Rules (Chapter 4, Part 4.1, paragraphs 7.4 and paragraph 11.1)</p> <p>Time limit for Notice of Questions</p>	<p>Councillors have to submit written questions 4 working days before a meeting (7.4) and members of the public have 2 working days before the meeting (11.1).</p> <p>It would be helpful to Councillors and officers to have clarity about how this works so everyone understands this means clear working days. It is important so that the public and members understand and do not end up out of time.</p>	<p>7.4 to be amended as follows:</p> <ul style="list-style-type: none"> - "four working days" be amended to "four clear working days" - further sentence be added: "Clear working days exclude the day of the notice and day of the meeting, so that for example, if the Council meeting is held on Wednesday the 20th of the month, notice must be received by 10 am Wednesday the 13th of that month." <p>11.1 to be amended as follows:</p> <ul style="list-style-type: none"> - "two working days" be amended to "two clear working days" - further sentence be added: "Clear working days exclude the day of the notice and day of the meeting, so that for example, if the Council meeting is held on Wednesday the 20th of the month, notice must be received by 10 am Friday the 15th of that month."

Appendix B

Planning Delegation Process - Indicative Timeframe/Steps of Proposed Process

No	Process	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8
1	Planning application received								
2	Planning application verified								
3	Application uploaded onto Uniform								
4	Neighbour Notification undertaken								
5	Members discussions with Officers								
6	Consultation period concluded								
7	Officer drafts report								
8	Senior Officer reviews and agrees report								
9	Weekly List produced								
10	Period of time in which a referral can be made								
11	Decision notices issued								
11A	If a Member is minded to refer, they complete the form and email it to Chair of Planning (Or Vice-Chair in the absence of the Chair) for agreement								
11B	If the Chair (Or Vice Chair) is minded to agree the referral, he/she forwards the form to the Planning Service [steps 11A. and 11B. to be completed within the 7 days that the weekly list is 'live'].								
11C	The Planning Service confirm that the referral is valid (right form, Chair's (Vice Chair's) approval, valid Planning reasons given). If okay, they advise Members of the referral and the date on which it will go to the Planning Committee. If not ok, the Planning Service will advise the referring Member and the Chair [all of within 24 hours off receipt of the referral).								

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APPENDIX C

Appointment of Representatives to Outside Bodies

Indicative Process/Timetable

Steps	Activity	Timing
1	Borough Elections held	5th May
2	Nomination papers sent to Group Leaders for Representatives on Outside Bodies <i>*List of outside bodies to be sent to all Members for information*</i>	9th May
3	Responses provided by Group Leaders to Democratic Services	27th May
4	Democratic Services circulate proposed nominations to all Group Leaders	31 st May
4	Informal discussions held between Group Leaders to discuss any disputes	Week beginning 6 th June
5	Any changes to nominations made to Democratic Services	10 th June
6	Ordinary Council papers circulated	14 th June
7	Ordinary Council held and voting held if necessary	29 th June
8	Representatives and bodies written to advising of nominations agreed by Ordinary Council	4 th July
9	Member to contact outside body to confirm necessary steps and training where appropriate.	11 th July

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25 January 2017

Ordinary Council

Notices of Motion

Report of: Philip Ruck – Chief Executive

Wards Affected: All

This report is: Public

1. Executive Summary

1.1 One Notice of Motion has been submitted in accordance with Rule 3 in Part 4.1 of the Constitution - Council Procedure Rules.

1.2 Cllr Aspinell submitted the following motion:

‘This council resolves that before Freedom of Information responses are released to the public they are checked by the Chief Executive and the Monitoring officer when councillors names are included in the response’.

Report Author Contact Details:

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