

Governance Working Group

Ward(s) Affected:	All
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Purpose

The Council is asked to consider recommendations from the Governance Working Group in relation to

- (i) An additional delegation to the Head of Planning concerning the strategy of planning appeals in circumstances where the proposed approach could be considered undermine a decision of the Planning Applications Committee; and
- (ii) revisions to Financial Regulations and Contract Standing Orders.

1. Background

- 1.1. The Working Group met on 17 September 2021. At this meeting it considered a number of issues and made recommendations which are addressed below.

2. Scheme of Delegation of Functions to Officers - Planning Appeals

- 2.1. The Working Group discussed a report which was being considered in response to concerns raised at the Council meeting on 14 October 2020 regarding governance matters on planning appeals.
- 2.2. The Group is proposing to add a specific delegation to the Scheme of Delegation of Functions to Officers for the Head of Planning to have authority to determine the strategy for planning appeals in cases where the proposed approach could be considered undermine a decision of the Planning Applications Committee (PAC). The delegation would be exercised after consultation with the Chairman and Vice Chairman of the PAC and the relevant Ward Councillors. The occasions where this delegation would need to be exercised were likely to be rare and only where external advice indicates that the Council's position would not be defensible. The need to ensure that it reflected the correct process and consultation without inadvertently impeding the Head of Planning managing the majority of appeal cases was recognised by members of the Group.
- 2.3. The Working Group was advised that, even if the timescales involved in the planning appeals process allowed, it would not be possible to ask the PAC to make the decision relating to the defence of the Council's case at a planning appeal as this could be seen to be "double determination". However, members of the Group recognised the importance of the PAC having oversight of any decision relating to the defence of an appeal of its decision and it would be advised as appropriate.

3. Review of the Constitution

- 3.1. The Working Group considered proposed revisions to Financial Regulations and Contract Standing Orders, which formed phase 1 of the review of the Constitution. The amendments principally reflect good practice and changes to senior management roles and titles.

Financial Regulations

- 3.2. The Working Group considered the proposed amendments to Financial Regulations, summarised as follows:
- **2.7 Capital.** Section updated to reflect current procedures and new requirements around estimating the value of capital projects.
 - **3.4 Risk management.** Section updated to reflect current processes
 - **3.6 Fraud.** Section has been updated to reflect change in policy from Whistleblowing policy to Speak up policy
 - **4.2 Internal Audit.** Section has been updated to include new internal audit procedures
 - **5.2 Asset Inventories.** Updated to accurately reflect current practices and ensure transfer of legal title of goods sold.
 - **5.3 Property/leases.** Section updated to reflect April 2021 changes agreed by Executive
 - **6.4 Sales.** Updated procedures added to this section
 - **6.6 Write offs.** Updated to reflect debts no longer recoverable in law
 - **6.7 Credit Notes.** Updated procedures added
 - **9.2 Expenses.** Section updated to reflect changes as a result of the new iTrent HR system
 - **12 Authorised Signatories.** Updated procedures added
- 3.3. In addition to the changes proposed, the Working Group agreed to add further information to paragraph 7.10.3 regarding the management of Corporate Purchase Cards where staff were no longer employed or were otherwise absent from work, along with clarifying references to the Transparency Code in paragraph 7.10.4. Following the meeting, the following additional changes have been made to reflect the requests of the Working Group:
- 3.3.1. Paragraph 7.10.4 Details of expenditure incurred on corporate Purchase Cards will be included in the spend data that the Council publishes to comply with the requirements of the Transparency Code 2015. Officers must consider the impact of this information when using corporate Purchase Cards.
- 3.3.2. Paragraph 7.10.5 For any Officer that holds a Purchase Card and due to leave the Council, the Purchase Card must be

returned to the Finance Department prior to the Officer's last day of service.

- 3.4. In relation to paragraph 7.5.2, it was agreed to check any requirements concerning the retention of hard copy invoices and update the Regulations as necessary. It has since been confirmed that there is no requirement to keep hard copy invoices.

Contract Standing Orders

- 3.5. The Working Group considered proposed changes to Contract Standing Orders, including:
- **2.3 Exemptions.** Section updated to confirm further exemptions to Contract Standing Orders.
 - **3.2 Standard Contracts.** Section updated to reflect commercial reality that, at times, it is appropriate for the Council to contract on a supplier's standard terms and conditions.
 - **3.4 Contract terms.** Section has been updated to require additional contract terms as standard.
 - **5.4 Procedures.** Section has been updated to include new procedures for contracts above £5,000 and contract award notices.
 - **7.4 Key decision.** Updated to clarify that contracts which are key decisions are also reserved to the Executive for decision.
 - **8 Procurement thresholds.** Section updated regarding values and contracts that are key decisions.
 - **8.4 Promoting more competition.** New section to help discourage requesting quotes from the same suppliers repeatedly.
 - **9.3 Common Seal.** Updated to provide more flexibility and efficiency regarding use of the Common Seal and encourage its use when value is added.
 - **13.3 abnormally low tenders.** New section to require officers to challenge abnormally low tenders.
 - **18 Transparency Code.** New section to incorporate the requirements of the Transparency Code 2015.
- 3.6. The Working Group reviewed the proposed revisions to Contract Standing Orders. Consideration was given to whether the definition of a key decision when referring to construction projects should be increased but it was agreed that the definition should be retained; it was, however, recognised that the Executive could choose to delegate the award of a contract at an earlier stage in the decision making process of a project. The Group also considered that project managers should allow adequate time within project timetables for key decisions to be taken the Executive.

4. Resource Implications

- 4.1. There are no direct financial implications identified in relation to the recommendations being made by the Working Group.

5. Legal Implications

- 5.1. Any amendments to the provisions of the Constitution must be made by the Council, unless they relate to Executive Functions, and within the statutory framework.

6. Recommendation

- 6.1. The Council is advised to RESOLVE that
- (i) the Scheme of Delegation of Functions to Officers at Part 3, Section B of the Constitution be updated to include the following delegation:

The Head of Planning

Authority	After Consultation with	Function
To make decisions relating to the strategy of the Council's case in planning appeals where the strategy would be contrary to or considered unsupportive of a decision of the Planning Applications Committee	The Chairman and Vice Chairman of the Planning Applications Committee and the relevant Ward Councillors.	Non-Executive

- (ii) Financial Regulations at Part 4, Section H of the Constitution be updated as set out at Annex A to this report; and
- (iii) Contract Standing orders at Part 4, Section I of the Constitution be updated as set out at Annex B to this report

Annexes

Annex A – Revised Financial Regulations
Annex B – Revised Contract Standing Orders

Background Papers:

Governance Working Group Agendas and Meetings

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