

Governance Committee Agenda



**11 June 2025 at 7.15pm (or upon the rising
of the joint meeting with the Audit and Risk
Committee, whichever is the later)
Council Chamber, Civic Centre, Chelmsford**

Membership

Councillor K. Franks (Chair)

and Councillors

H. Ayres, I. Fuller, B. Massey, M. Steel, A. Thompson and
S. Young

Parish Council Representatives

Councillor K. Bentley (South Woodham Ferrers Town Council)
Councillor K. Golla (Chelmsford Garden Community Council)
Councillor P. Jackson (Great Waltham Parish Council)

Local people are welcome to attend this meeting, where your elected Councillors take decisions affecting YOU and your City. There is also an opportunity to ask your Councillors questions or make a statement. These have to be submitted in advance and details are on the agenda page. If you would like to find out more, please telephone the Democracy Team on (01245) 606480 or email committees@chelmsford.gov.uk

Governance Committee

11 June 2025

AGENDA

1. Apologies for Absence

2. Minutes

To consider the minutes of the meeting held on 15 January 2025.

3. Declaration of Interests

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

4. Public Question Time

Any member of the public may ask a question or make a statement at this point in the meeting. Each person has two minutes and a maximum of 15 minutes is allotted to public questions/statements, which must be about matters for which the Committee is responsible.

The Chair may disallow a question if it is offensive, substantially the same as another question or requires disclosure of exempt or confidential information. If the question cannot be answered at the meeting a written response will be provided after the meeting.

Any member of the public who wishes to submit a question or statement to this meeting should email it to committees@chelmsford.gov.uk 24 hours before the start time of the meeting. All valid questions and statements will be published with the agenda on the website at least six hours before the start time and will be responded to at the meeting. Those who have submitted a valid question or statement will be entitled to put it in person at the meeting, provided they have indicated that they wish to do so and have submitted an email address to which an invitation to join the meeting and participate in it can be sent.

5. Chair's Announcements

6. Monitoring Officer Report

7. Proposed Constitution Changes

8. Local Government Ombudsman Complaint Handling Code

9. Annual Report of the Governance Committee 2024/25

10. Multi-Hatted Councillor Dispensation Report

11. Work Programme

12. Urgent Business

To consider any other matter which, in the opinion of the Chair, should be considered by reason of special circumstances (to be specified) as a matter of urgency.

MINUTES OF THE GOVERNANCE COMMITTEE

15 January 2025 at 7pm

Present:

Councillor K. Franks (Chair)

Councillors I. Fuller, S. Rajesh, J. Sosin, M. Steel, and S. Young

Also in attendance –

Parish Councillor K. Bentley

Independent Person –

Mr P Jeremiah

Mr D Lamb

Ms P Mills

1. Apologies for Absence

Apologies for absence were received from Cllr Jackson and Mrs Gosling for the meeting.

2. Minutes

The minutes of the meeting on 16 October 2024 were confirmed as a correct record.

3. Declarations of Interest

All Members were reminded to declare any disclosable pecuniary interests or other registerable interests where appropriate in any items of business on the meeting's agenda, none were made.

4. Public Question Time

No questions or statements were received from members of the public.

5. Chair's Announcements

The Chair welcomed the committee to the first meeting of the calendar year and wished them a happy new year.

6. Monitoring Officer Report

The Monitoring Officer presented an update on standards complaints and investigations for the year. It was recognised that a high proportion of complaints had not been complaints that the Monitoring Officer had authority to consider, thus were

invalid. Therefore, efforts have been made to help parish tier councils and other interested parties understand the jurisdiction of the Monitoring Officer and how they can support Councillors to ensure they effectively comply with the code of conduct.

The committee were also informed that officers and the Chair would consider the Council's response to the national consultation on the standards regime. Other organisations or individuals were encouraged to engage before the deadline of 26th February 2025, the link to do so would be circulated following the meeting:

[Consultation: Strengthening the standards and conduct framework for local authorities in England.](#)

RESOLVED that the update be noted and the standards enquiries and investigations statistics for the period of March-October 2024 be published online.

(7.03pm to 7.06pm)

7. Polling District Review

The committee received a report detailing the recommendations from the recent interim polling district review. They heard that the purpose of the review was to realign the existing polling district boundaries with the new electoral boundaries due to come into effect through the Essex (Electoral Changes) Order 2024, following a review of the Essex County Council local authority area by the Local Government Boundary Commission (LGBCE).

The committee heard that since the review commenced, there had been developments regarding devolution and local government reorganisation in Essex and that the upcoming elections may be postponed to accommodate this, with the implementation of the new Essex County Council boundaries also to be postponed. It was acknowledged that it would be important to ensure that the Electoral Registration Officer is able to respond to these developments accordingly.

RESOLVED that;

1. The amendment of the polling district arrangements as outlined in the report be approved. If arrangements are made for these elections to be postponed, the implementation of these boundaries may be postponed accordingly.
2. Future amendments required to ensure that the polling district arrangements match the relevant Essex County Council boundaries at the time also be approved. Any amendments relate only to ensuring that the polling districts are coterminous with the Essex County Council boundaries, not any other boundary changes.

(7.06pm to 7.09pm)

8. Update RE Member and Officer Code(s) of Conduct and register of interests

The committee heard an update regarding councillor and officer register of interest completion. All councillors had received a reminder to review their submission in December and amendments had been updated online accordingly.

They were also informed that officers were now also being invited to complete their register of interests online, using the same format as members. This will be for both

category one and category two officers. Category one officers (senior staff and selected other officers) must submit a mandatory return and complete an annual review and category two officers must only complete a return if required, but also receive reminders to do so.

RESOLVED that the update be noted.

(7.09pm to 7.12pm)

9. Gifts and Hospitality Report

The committee received an update regarding offers of gifts and hospitality that members and officers had received from January-December 2024.

It was advised that a total of two declarations from members and three from officers had been made. The Monitoring Officer confirmed that in all cases, acceptance of the offers was appropriate.

It was noted that the number of reports were lower than previous years, but the Monitoring Officer advised that they were comfortable with this as we had previously received reports that were under the threshold, which influenced the statistics, and an outreach activity to promote reporting was already in the process of delivery.

RESOLVED that the report to be noted.

(7.12pm to 7.15pm)

10. Annual Whistleblowing Report

The committee heard a report outlining the Council's whistleblowing policy and the number of complaints received in comparison to previous years.

The committee were advised that there had been a total of 10 between December 2023 – December 2024. Of these, three had no public interest dimension so could not be dealt with as a whistleblowing complaint and seven were investigated.

Information regarding individual complaints could not be disclosed, due to the confidentiality protection for whistle-blowers. However, the Monitoring Officer reassured members that they were not concerned by the seven complaints.

In response to a question, the committee were advised that wherever possible, whistleblowers are updated on the outcome of the investigation. However, they do have the option to remain anonymous, so it is not always possible.

RESOLVED that the report to be noted.

(7.15pm to 7.18pm)

11. Work Programme

The Committee received an update on their work programme for 2024/25 and the plan to organise a training session in June.

RESOLVED that the work programme of the Committee be noted.

(7.18pm to 7.20pm)

12. Urgent Business

There were no matters of urgent business.

The meeting closed at 7:20pm

Chair



Chelmsford City Council Governance Committee

11 June 2025

Monitoring Officer's Report

Report by:
Monitoring Officer

Officer Contact:
Lorraine Browne, Legal & Democratic Services Manager & Monitoring Officer,
email: lorraine.browne@chelmsford.gov.uk, tel: 01245 606560

Purpose

To update members on the current position in relation to standards complaints and the various registers of interests.

Recommendations

1. To note the current statistical information and agree that Appendix 1 should be published on the Council's website to confirm this.

1. Standards Complaints

- 1.1. The Appendix to this report sets out the latest statistical data related to standards complaints.

1.2. Members will see that there have been 7 further complaints since the last report in January 2025 which have been concluded. The 4 linked complaints from 2024 have also been concluded since the last report.

1.3. The online officer register of interest's forms has now been rolled out across both category 1 and category 2 officers as per the Employee Code of Conduct. These will be subject to annual reminders in the same way as city councillors. The two new city councillors who were elected in May have provided their register of interests as required. There is already an annual assurance process for parish tier councillors and a reminder to clerks to ask parish tier councillors to check whether they need to update their existing forms will be included. The independent persons (for Audit and Risk and Governance Committee) will also be included in the annual reminder process to help ensure all entries remain up to date.

List of Appendices

Appendix 1 – Statistical information regarding complaints made

Background papers: Nil

Corporate Implications

Legal/Constitutional: It is good practice for statistical information to be provided to the Governance Committee. Where any complaints are referred to in the appendix, a summary of the complaint without any personal data is provided.

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees: None

Relevant Policies and Strategies:
Complaints Procedure

Standards Enquiries and Investigations Statistics – Localism Act 2011

January 2025 – June 2025

| Status of Complaint Categories | Total No. | Case No. | City, Parish tier Councillor | Date Issue First Raised | Alleged Breach or Issue Raised | Current Position |
|--|-----------|----------------|------------------------------|-------------------------|---|--|
| 1. No formal complaint, invalid or withdrawn | | | | | | |
| 2. No further action required after consultation with one of the Independent Persons | 11 | 23-26/24 | Parish/City tier | Sept 24 | Various including disrespect, bullying & discrimination | Police investigation completed and resulted in NFA. Standards complaints reviewed once police matter complete. NFA – issues around official capacity and below threshold for action. |
| | | 1, 3, 4 & 5/25 | Parish | March 25 | Alleged disrespect arising during meeting | NFA below threshold for action. Should have been dealt with as meetings management |
| | | 2/25 | Parish | March 25 | Various allegations including disrespect, bullying, | NFA councillor implementing council decisions and issues raised more |

| Status of Complaint Categories | Total No. | Case No. | City, Parish tier Councillor | Date Issue First Raised | Alleged Breach or Issue Raised | Current Position |
|--|-----------|----------|------------------------------|-------------------------|--|--|
| | | 6 & 7/25 | Parish | March 25 | Alleged disrepute arising during meeting | appropriate to be dealt with under other legal processes. Related to parish council decision. On facts raised concluded no breach of the code of conduct. |
| 3. Other action after consultation with one of the independent Persons | 0 | | | | | |
| 4. Complaint on hold | | | | | | . |
| 5. Decision as to appropriate action still awaited | | | | | | |
| 6. Complaints being investigated | 0 | | | | | |

| Status of Complaint Categories | Total No. | Case No. | City, Parish tier Councillor | Date Issue First Raised | Alleged Breach or Issue Raised | Current Position |
|---------------------------------------|------------------|-----------------|-------------------------------------|--------------------------------|---------------------------------------|-------------------------|
| Total | 11 | | | | | |

Formal Complaint Outcomes

| | Case No. and Councillor | Committee Date and Decision | Date Issue First Raised | Current Position |
|----------------------------------|--------------------------------|------------------------------------|--------------------------------|-------------------------|
| Outcome of Investigations | | | | |
| Other Action | | | | |



Governance Committee

11 June 2025

Proposed Changes to the Constitution

Report by:
Monitoring Officer

Officer Contact:

Lorraine Browne, Legal & Democratic Services Manager and Monitoring Officer, 01245 606560, lorraine.browne@chelmsford.gov.uk

Purpose

To consider proposed changes to the constitution as set out in Appendices 1-3, the detail of which are set out in the report.

Recommendations

It is recommended that:

1. Committee recommends to Council that the proposed changes set out in Appendices 1-3 of the report are made to the constitution.
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1. Background

- 1.1. The Council's Constitution is reviewed regularly and at least annually to ensure that it remains complete, up to date and reflects current practice and legislation. Reviews are normally initiated by officers although can be requested by members. Any recommendations are submitted in the first instance to the Constitutional Working Group. Its recommendations are

passed to the Governance Committee, the Cabinet and Full Council which takes the decision whether to approve the changes or not.

- 1.2. The proposed changes to the constitution seek to clarify the distinction between executive and non-executive decision making, arise from a general review of financial arrangements including thresholds for decisions, and/or make changes arising from the deletion of a post (Procurement and Risk Manager). There are also changes to Council procedure rules requested by the working group. There are also some other minor amendments that are recommended relating to the codifying of an existing officer delegation for decisions about assets of community value and other changes are proposed to update titles, membership or make minor adjustments to tidy up the matters listed.
- 1.3. The City Council has a Leader and Cabinet model of governance. Legislation (including detailed regulations) provide for whether a decision must be taken by Full Council or Cabinet. There are also some matters where the Council can choose whether Full Council or Cabinet takes the decision. Full Council sets the "Budget and Policy Framework". It is proposed to add an appendix to the Budget and Policy Framework which lists items that are included to clarify what is meant by this term and accordingly the matters that must be determined by Full Council. The list is set out in Appendix 1. Some changes are also proposed under financial matters which will help to clarify the relevant decision-making body.
- 1.4. In relation to the review of financial arrangements, changes are proposed to Articles 4 & 15, Full Council and Cabinet Terms of Reference, officer delegations, Cabinet Member responsibilities, Financial Regulations and Contract Procedure Rules. Appendix 2 sets out the proposed changes to the Contract Procedure Rules which are largely updates relating to recent changes in legislation and Appendix 3 sets out the changes to the Financial Regulations. All other proposals are set out in Appendix 1.
- 1.5. In relation to the deletion of a manager post, changes are proposed to Cabinet Member responsibilities, officer delegations, Financial Regulations and Contract Procedure Rules as set out in the relevant appendices.
- 1.6. The proposals from the annual review of the constitution have been considered by the Constitutional Working Group which supports the proposals. At the time of publication of the agenda Cabinet was scheduled to consider these changes at its meeting on 3rd June 2025. A verbal update

will be provided to Governance Committee in relation to any comments from Cabinet.

2. Conclusion

- 2.1. Governance Committee is asked to consider whether to recommend the amendments to the Constitution set out in Appendices 1-3 before consideration by Full Council.

List of appendices:

Appendix 1 – Proposed changes to constitution

Appendix 2 – Contract Procedure Rules

Appendix 3 – Financial Regulations

Background papers:

None

Corporate Implications

Legal/Constitutional: These are set out in the report. Governance Committee is a consultee in relation to any changes to the constitution.

Financial: Changes are being recommended to financial arrangements but there are no other financial implications arising from the proposals.

Potential impact on climate change and the environment: None

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees:

Constitution Working Group.

Relevant Policies and Strategies:

Constitution

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Appendix 1 - PROPOSED CHANGES TO CONSTITUTION 2025

| Item proposed for change | Current version in constitution | Changes proposed (deletions in blue and additions in pink) |
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| <p>1. Budget and Policy Framework – change suggested to help clarify the role of Full Council and what is meant by the term “budget and policy framework” and what specific items are included and are non-executive decisions that can only be taken by Full Council. Proposed to add an appendix which lists what is included in this framework.</p> | <p>No list currently in constitution</p> | <p>1. Insert into the Budget and Policy Framework rules between the definition of budget and policy framework and paragraph 4.11.1.</p> <p>“A list of items that are included in the Budget and Policy Framework can be found at the appendix to these rules. This will be kept under review and amended by the Monitoring Officer (in consultation with the Chair of Governance Committee) where changes arise.</p> <p>2. Insert Appendix at the end of rules as follows</p> <p>Appendix</p> <p>List of items included in Budget and Policy Framework</p> <p>A. Annual Budget including Capital Strategy</p> |

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| | | <p>Investment Strategy Treasury Management Strategy Medium Term Financial Strategy</p> <p>B. Policies including Local Plan Council Plan (Our Chelmsford Our Plan) The Constitution Licensing Policy Gambling Policy Statutory Pay Policy Any policies determined by Full Council</p> |
| <p>2. Financial matters – these changes have arisen from a review by the S151 officer</p> <p>a) changes to Article 4</p> | <p>Definitions In this Article, “policy framework” and “budget” have the following meanings: (a) Policy framework - The policy framework means those policies and plans which must be approved or adopted by the Full Council, whether this is set out in legislation or decided by the Council. The current list can be found in the Terms of Reference of the Council in Part 3.</p> <p>The Chief Executive or Monitoring Officer will advise whether other policies, strategies or plans should be approved or adopted by Full Council. (b) Budget - The budget includes: the allocation of financial resources to different services and projects, proposed contingency funds, setting</p> | <p>Definitions In this Article, “policy framework” and “budget” have the following meanings: (a) Policy framework - The policy framework means those policies and plans which must be approved or adopted by the Full Council, whether this is set out in legislation or decided by the Council. The current list can be found in the Terms of Reference of the Council in Part 3.</p> <p>The Chief Executive or Monitoring Officer will advise whether other policies, strategies or plans should be approved or adopted by Full Council. (b) Budget - The budget includes: the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax,</p> |

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| | the council tax, decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits, supplementary estimate limits, and approval of other financial documents. | decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits, supplementary estimate limits, and approval of other financial documents. (c) The current list of items that are included in the Budget and Policy Framework can be found in the appendix to the Budget and Policy Framework in 4.11 and the Terms of Reference for Full Council in Part 3. |
| b) Update title of Accountancy Services Manager to Financial Services Manager | Various existing references in constitution (eg article 13) | Various references in constitution to be updated |
| c) Article 15 | Reference in 2.15.1 to 4.7 incorrect | Should be updated to refer to 4.11 |
| d) Full Council – Terms of reference minor updates | Budget, Finance and Policy 9. Adopt, with or without amendment, statutory and major non-statutory policies, plans and strategies (the “policy framework”) recommended to it by the Cabinet. The current list of policies, plans and strategies is maintained by the Monitoring Officer; 10. Approve, with or without amendment, the Council's budget and the Council Tax | Budget, Finance and Policy 9. Adopt, with or without amendment, statutory and major non-statutory policies, plans and strategies (the “policy framework”) recommended to it by the Cabinet. The current list of policies, plans and strategies is identified in 4.11 and will be updated by the Monitoring Officer as necessary; 10. Approve, with or without amendment, the Council's budget, borrowing limits, and the Council Tax for the City recommended to it by the Cabinet; |

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| <p>e) Update Audit and Risk Terms of Reference in relation to references to Chief Assurance Executive & PSAA</p> <p>f) Updates Cabinet Member responsibilities arising from financial review and reallocation of responsibilities following deletion of Procurement and Risk Manager</p> | <p>for the City recommended to it by the Cabinet; 11. Determine any expenditure proposed by the Executive which is outside of the Budget set by Full Council; and 12. Agree a Councillors' Allowances Scheme (Part 6 of this Constitution).</p> <p>Multiple references within the A & R TOR to Chief Assurance Executive and reference to PSAA in para 26</p> <p>currently says 3.3.2.(i) functions of CM and areas of responsibility currently says</p> <p>FINANCE</p> <p>Accountancy 1. The efficient and effective management of the Council's financial resources, in conjunction with the designated officer under Section 151 of the Local Government Act 1972; 2. the presentation of an annual budget to the Cabinet and Council and making recommendations on the budget process; 3. determining the parameters for deciding the</p> | <p>11. Determine any expenditure proposed by the Executive which is outside of the Budget set by Full Council, subject to delegations in financial rules; and 12. Agree a Councillors' Allowances Scheme (Part 6 of this Constitution).</p> <p>Update any references to Chief Assurance Executive to Audit Services Manager and in paragraph 26 update reference to PSAA to "regulators"</p> <p>Update to correct officer/member as necessary – see below</p> <p>FINANCE</p> <p><u>Accountancy</u></p> <ol style="list-style-type: none"> 1. The efficient and effective management of the Council's financial resources, in conjunction with the designated officer under Section 151 of the Local Government Act 1972; 2. the presentation of an annual budget to the Cabinet and Council and making recommendations on the budget process; 3. determining the parameters for deciding the level of fees and charges 4. receipt of the financial monitoring reports annual report and statement of accounts and |
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| <p>g) Update officer delegations</p> <p>General power of competence</p> | <p>level of fees and charges; 4. receipt of the Annual Report and Statement of Accounts and the write-off of debts; 5. arrangements to consult with representatives of non-domestic ratepayers under Section 65 of the Local Government Finance Act 1992;</p> <p>Procurement, Risk, Insurance and Revenue/Benefits</p> <ol style="list-style-type: none"> 1. the funding of local voluntary and community groups and projects; the efficient and cost-effective procurement of goods and services required by the Council; 2. fraud investigation; 3. Revenue and Benefits Services <p>general power of competence 3.4.1 eg Directors general powers include</p> <p>a) financial management including budgeting, monitoring of budgets, and charges for services in accordance with the Council's Financial Rules.</p> <p>and</p> <p>(p) establish the level of any new fee or charge for the service for which they</p> | <ol style="list-style-type: none"> 5. the write-off of debts over £100,000 individually or cumulatively for the year. 6. be consulted on annual end of year funding of capital programme by the Chief Financial Officer. 7. Arrangements to consult with representatives of non-domestic ratepayers under Section 65 of the Local Government Finance Act 1992. <p><u>Procurement, Risk, Insurance and Revenue/Benefits</u></p> <ol style="list-style-type: none"> 1. The funding of local voluntary and community groups and projects the efficient and cost-effective procurement of goods and services required by the Council; 2. fraud investigation; 3. Revenue and Benefits Services <p>a) financial management including budgeting management and monitoring of budgets and charges for services in accordance with the Council's Financial Rules,</p> <p>Fees and Charges Setting:</p> <ul style="list-style-type: none"> -Annual Fees and charges setting, in consultation with Cabinet member and Cabinet member for finance. -Develop and implement new charges during the financial year in consultation with Cabinet member and Cabinet member for finance. |
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| | <p>are responsible, in consultation with the appropriate Cabinet member, provided:</p> <ul style="list-style-type: none"> - it generates no more than £50,000 in a full year. Above this level and up to £250,000 Cabinet and above £250,000 Council approval is required; - the average increase in yield or price for the service is at or below the rate of inflation set within the annual Budget Guidelines; and - the Chief Executive is consulted in advance of any change being agreed. <p>e) development of policies and strategies</p> | <p>-Restrictions on fees and charges setting under delegation are;</p> <ul style="list-style-type: none"> • Cabinet can only approve fees and charges increases for a service area when two increases have already been made during a financial year, or • when the increase in a service area generates an additional £1m in a full financial year. • All fees and charges setting can be a key or executive decision and should be reported appropriately <p>e) development of policies and strategies and undertaking consultation with statutory officers regarding implications arising</p> |
| Specific delegations – S151 officer | <p>specific delegations - S151 officer starts at 3.4.2.25</p> <p>Section 151 Officer</p> <p>3.4.2.26 Management of all the Council's financial resources, including ledger and</p> | <p>specific delegations – S151 officer</p> <p>26 Management of all the Council's financial resources, including ledger and treasury management (including Banking).</p> |

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| | <p>treasury management (including Banking).</p> <p>3.4.2.27 Payments to suppliers and debt management.</p> <p>3.4.2.28 Management of the budget setting and monitoring arrangements.</p> <p>3.4.2.29 Administration of the staff scheme for car leasing and car loans.</p> <p>3.4.2.30 Develop and manage the policy and procedures for budget making and monitoring of budgets.</p> <p>3.4.2.31 Approve the carry forward of financial resources into the revenue estimates for the following year subject to carry forward criteria.</p> <p>3.4.2.32 Approval of transfers between the estimates of one Director to another.</p> <p>3.4.2.33 Approval of transfers within one Director's estimates, subject to virement criteria.</p> <p>3.4.2.34 Approve increases in revenue expenditure over the approved estimate, subject to any supplementary estimate criteria relevant Cabinet member, and the Cabinet Member responsible for Finance.</p> <p>3.4.2.35 Settle all debt write offs with an annual statement of write off to the Cabinet Member responsible for Finance.</p> | <p>27 Organise Payments to suppliers, and debt management, procurement and insurance arrangements .</p> <p>28 Management of the budget setting and monitoring arrangements.</p> <p>29 Administration of the staff scheme for car leasing and car loans.</p> <p>30 Develop and manage the policy and procedures for budget making and monitoring of budgets.</p> <p>31 Approve the carry forward of financial resources into the revenue estimates for the following year subject to carry forward criteria transfer between budgets within the delegations included in financial rules. Review and be consultee (before approval can be given) to Supplementary estimates.</p> <p>32. Determine and approve the resources applied at the end of the financial year to fund capital expenditure within the approved borrowing limits and after consultation with Cabinet Member responsible for Finance. All of transfers between the estimates of one Director to another.</p> <p>33. Approve items being added to capital and revenue estimates where funding is being passing through the Council accounts to third parties. This could include s106 funds or government grants. Approval of transfers within one Directors estimates, subject to virement criteria.</p> <p>34 Approve increases in revenue expenditure over the approved estimate, subject to any supplementary estimate criteria relevant Cabinet member,</p> |
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| Director of Connected Chelmsford | Currently includes procurement, insurance and risk management | <p>and the Cabinet Member responsible for Finance.</p> <p>35. Delegation to settle all debt write offs with an annual statement of write off to the Cabinet Member responsible for Finance up to £100,000 cumulative for the year. Amounts over £100,000 to be agreed with Cabinet Member responsible for Finance</p> <p>delete reference to procurement insurance and risk management (have been moved to S151/Audit).</p> |
| Director of Public Places | <p>3.4.5.53 Prior consultation with the Cabinet Members responsible for Finance and for Parks in respect of proposals for fees and charges associated with major events, including the annual music festival in Hylands Park.</p> <p>3.4.5.56 Prior consultation with the Leader of the Council on the service of notice to quit on a tenant of land in the Council's ownership and thereafter take any appropriate action to recover possession of that land if early possession is not required.</p> | Suggest delete 3.4.5.53 & 56 |

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| <p>Director of Sustainable Communities</p> | <p>Restrictions on the exercise of functions</p> <p>3.4.7.20 Prior consultation with the appropriate Cabinet member in respect of:</p> <p>b) approving the discharge of expenditure from the Infrastructure Fund towards the costs of necessary infrastructure after consultation with the Cabinet Members responsible for Planning and Economic Development and Finance and the Leader of the Council in the case of expenditure in excess of £100,000.</p> <p>3.4.7.22</p> <p>Referral to the Cabinet of approval for any new or amended Council policies that support the implementation of the Community Infrastructure Levy (CIL) or their withdrawal.</p> | <p>Suggest that 3.4.7.20 (b) should read</p> <p>“Approving the transfer for development contributions to third parties in line with contractual agreements”.</p> <p>Suggest amend 3.4.7.22 to read</p> <p>Referral to the Cabinet of approval for any new or amended Council policies that support the implementation of the Community Infrastructure Levy (CIL) or their withdrawal, including amendments to CIL requirements on specific sites</p> |
| <p>Public Health and Protection Services – Disabled Facilities Grant limit</p> <p>h) Update Cabinet Terms of Reference</p> | <p>Current delegation limit is £30K</p> <p>1. To propose the Council’s annual budget.</p> | <p>Suggest increase to £60K</p> <p>1. To propose the Council’s annual budget.</p> |

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| | <p>2. To oversee expenditure within budget heads, and to agree:</p> <p>a) items which are specifically included in revenue and capital budgets;</p> <p>b) items of virement up to £1,000,000 (outside of delegations to the Director of Financial Services); and</p> <p>c) requests for supplementary estimates up to £1,000,000 (outside of delegations to the Director of Financial Services) where adequate uncommitted revenue working balances and uncommitted capital resources exist to fund them.⁶</p> <p>Exception: Requests for major supplementary estimates and major virements shall require the approval of the Full Council.</p> <p>3. To ensure consultation with the public, the Overview and Scrutiny Committee and other members of the Council on policies and strategies.</p> <p>4. Taking into account the views of Member Bodies, to recommend to the Council the adoption, amendment of or departures from</p> | <p>2. To oversee expenditure within budget heads, and to agree:</p> <p>a) items which are specifically included in revenue and capital budgets;</p> <p>b) To agree additional urgent expenditure beyond the heads and limits approved by the Council, provided that such expenditure can be offset by additional income, savings or the use of reserves.</p> <p>c) items of virement up to £1,000,000 (outside of delegations to the Director of Financial Services); and</p> <p>d) requests for supplementary estimates up to £1,000,000 (outside of delegations to the Director of Financial Services) where adequate uncommitted revenue working balances and uncommitted capital resources exist to fund them.</p> <p>e) Agree increases in fees & charges in any one service area that generate more than £1m additional income in a full year. Also approve any charges that have been increased more than 2 times under officer delegations (see XXXX) in a financial year.</p> <p>Exceptions: Requests for major supplementary estimates over £1m that are funded by Council resources. Virements over £1m shall require the approval of the Full Council, where the outcome is change in service provision.</p> <p>3. To ensure consultation with the public, the Overview and Scrutiny Committee and other members of the Council on policies and strategies.</p> <p>4. Taking into account the views of Member Bodies, to recommend to the Council the adoption, amendment of or departures from statutory and major non-statutory plans, policies and strategies ("the policy framework") as set out</p> |
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| | <p>statutory and major non-statutory plans, policies and strategies (“the policy framework”) in the list maintained by the Monitoring Officer.</p> <p>5. To implement, within approved budgets, agreed plans and the policy framework of the Council.</p> <p>6. To agree additional urgent expenditure beyond the heads and limits approved by the Council, provided that such expenditure can be offset by additional income or the use of contingency funds or savings within budgetary allocations to functions that are the responsibility of the Cabinet.</p> <p>7. To review the Constitution of the Council and its officer and member structures and to recommend changes to the Council.</p> <p>8. Generally to carry out within the policy framework adopted by the Council the major operational functions of the Council, including:</p> <p>a) the provision of recreational, cultural, sporting and entertainment facilities in the City;</p> | <p>in the Appendix to the Budget and Policy Framework at 4.11 in the list maintained by the Monitoring Officer.</p> <p>5. To implement, within approved budgets, agreed plans and the policy framework of the Council.</p> <p>6. To agree additional urgent expenditure beyond the heads and [REDACTED] limits approved by the Council, provided that such expenditure can [REDACTED] be offset by additional income or the use of contingency funds or [REDACTED] savings within budgetary allocations to functions that are the [REDACTED] responsibility of the Cabinet.</p> <p>7. To review the Constitution of the Council and its officer and member structures and to recommend changes to the Council .</p> <p>8. Generally to carry out within the policy framework adopted by the Council the major operational functions of the Council, including:</p> <p>a) the provision of recreational, cultural, sporting and entertainment facilities in the City;</p> <p>b) the provision of services that protect and enhance the social and community life of the City and the health and safety of the public;</p> <p>c) the democratic functions of the Council and its promotional activities;</p> <p>d) the promotion of economic development and employment in the City;</p> <p>e) the promotion of community well-being and community development to prevent social exclusion;</p> |
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| | <p>b) the provision of services that protect and enhance the social and community life of the City and the health and safety of the public;</p> <p>c) the democratic functions of the Council and its promotional activities;</p> <p>d) the promotion of economic development and employment in the City;</p> <p>e) the promotion of community well-being and community development to prevent social exclusion;</p> <p>f) the promotion of housing initiatives to enable the City's housing needs to be met;</p> <p>g) the implementation and operation and monitoring of policies to facilitate the provision of housing across all tenures;</p> <p>h) the proper and efficient administration of the Council's finances and its auditing procedures;</p> <p>i) the implementation and operation of policies relating to the Council's corporate assets, including human resources and land and property;</p> | <p>f) the promotion of housing initiatives to enable the City's housing needs to be met;</p> <p>g) the implementation and operation and monitoring of policies to facilitate the provision of housing across all tenures;</p> <p>h) the proper and efficient administration of the Council's finances and its auditing procedures;</p> <p>i) the implementation and operation of policies relating to the Council's corporate assets, including human resources and land and property;</p> <p>j) transportation;</p> <p>k) the adoption of non-statutory Supplementary Planning Documents.</p> <p>l) Determine policy for using Cil to fund expenditure .</p> |
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| | <p>j) transportation; k) the adoption of non-statutory Supplementary Planning Documents.</p> | |
| <p>3. Other minor changes</p> <p>a) Codifying delegations in relation to assets of community value</p> <p>ACV powers arose from the Localism Act and at the time Cabinet approved an officer delegation to make operational arrangements. This stand-alone delegation is around 10 years old and it is preferable (for ease of reference and transparency) for the delegation arrangements to now be added to the constitution.</p> <p>The arrangements sought reflect how officers currently use the delegation in practice.</p> | <p>Not currently in constitution</p> | <p>Insert into 3.4 in constitution and renumber as necessary.</p> <p>Assets of community value</p> <p>INITIAL DECISIONS</p> <p>That delegated authority be given to the Director of Sustainable Communities to discharge the following functions in accordance with Chapter 3, Part 5 of the Localism Act 2011 and associated secondary legislation: (i) to determine nominations for land/buildings to be added to the Council's Asset of Community Value ('ACV') list; (ii) to determine claims from ACV owners for compensation as a result of listing; (iii) to make all necessary additions, removals and annotations to/from the ACV list; (iv) to manage all statutory notifications in connection with sub-paragraphs (i) to (iii) above; and (v) the management and administration of an ACV decision panel. Membership of the ACV decision panel is the Manager of Legal & Democratic Services, Spatial Planning Services Manager and Corporate Property Manager.</p> <p>REVIEW DECISIONS</p> |

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| <p>b) Community Funding Panel</p> <p>Membership needs to be updated to remove Procurement and Risk Manager post which has been deleted. Note - also need to update contract procedure rules and any other constitutional documents as necessary.</p> <p>and remove decisions concerning strategic CIL to reflect current practice as this is not taken to the panel</p> | <p>Currently includes deleted post and item 3 of TOR provides “to oversee the governance of the Strategic Allocation of CIL and to make recommendations on spend to Cabinet and Council as appropriate”.</p> | <p>That the Director of Public Places has delegated authority to discharge the following functions in accordance with Chapter 3, Part 5 of the Localism Act 2011 and associated secondary legislation: (i) to conduct reviews of the Council’s decisions to include land/buildings in the Council’s ACV list (ii) to conduct reviews of the Council’s decisions in respect of landowners’ claims for compensation and (iii) to put in place all necessary procedures and processes to support these functions.</p> <p>Remove deleted post from membership and paragraph 3 referred namely “to oversee the governance of the Strategic Allocation of CIL and to make recommendations on spend to Cabinet and Council as appropriate”</p> |
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| <p>c) Chelmer Waterside Panel</p> <p>Proposal to add S151 and Monitoring Officer to membership</p> <p>d) Changes to Council Procedure Rules</p> <p>(i) Time limit for speaking at budget setting council meeting. Currently only the mover of the item has 10 minutes to speak at the start of the agenda item. It is recommended that the main speakers (main opposition group leader, any mover of a budget amendment and the mover exercising a right of reply) has 10 minutes to speak</p> <p>(ii) Scope of motions</p> <p>To clarify existing rules</p> | <p>Not currently included</p> <p>4.1.13.5 The following times will be applied to the length of the speeches and the Mayor will give an indication when the time has expired:</p> <ul style="list-style-type: none"> a) the mover of a motion – up to 10 minutes b) seconder and subsequent speakers – up to 5 minutes c) the mover exercising the right of reply – 5 minutes <p>Scope</p> | <p>Add S151 and Monitoring Officer to membership within Terms of Reference</p> <p>Add new rule (d) within 4.1.13.5 as follows:-</p> <ul style="list-style-type: none"> a) the mover of a motion – up to 10 minutes b) the seconder and subsequent speakers – up to 5 minutes c) the mover exercising the right of reply – 5 minutes d) in relation to the annual budget setting agenda item the main opposition leader, the mover of a budget amendment and the mover of the item exercising their right of reply – 10 minutes <p>delete existing rules in 11.6 and 7 and replace with</p> |
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| | <p>4.1.11.6 Proposals for debate under Rule 4.1.11 must be about matters for which the Council is directly responsible.</p> <p>4.1.11.7 A Proposal for Debate shall not be accepted if it relates to a matter already on the agenda for the same meeting</p> | <p>4.1.11.6 The Monitoring Officer must reject a motion if it is:</p> <ul style="list-style-type: none"> (a) About a matter intended for inclusion on the published agenda for that meeting; (b) About a matter for which the Council has no power to act or affect the desired outcome, other than motions that request the Council make representations to regional or central government or any other public authority; (c) About a matter that is delegated for determination by another Council body or may be determined by an officer acting under delegated powers (eg individual regulatory decisions); (d) Defamatory, frivolous, offensive or insulting to any person or persons; (e) The same or substantially the same as a motion which has been put at a meeting of Council in the past six months; (f) Requires the disclosure of confidential or exempt information; or (g) Requires an act or omission which is either unlawful or incapable of having practical effect. <p>Leave 4.1.11.7 blank</p> |
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| <p>e) Changes arising from Annual Council 2025 - Cabinet Member responsibilities under 3.3.2.(i)</p> <p>(Note this role encompasses existing Cabinet Deputy Economic Development and Strategic Projects responsibilities and responsibilities from the Deputy Leader relating to land and property)</p> | <p>Currently Cabinet Deputies for Economic Development/Special Projects & Sustainable Transport with Property responsibilities within Deputy Leader responsibilities</p> | <p>Insert new Cabinet Member for Economic Development and Property</p> <ol style="list-style-type: none"> 1. Managing our relationship with the Business Improvement District and broader city centre management; 2. Providing advice and skills initiatives to new and existing local businesses to encourage economic growth; 3. Promoting local economic development and tourism; 4. Listed buildings and heritage advice, public realm, community infrastructure levy projects and delivery 5. Land and property – the administration, in conjunction with the relevant Cabinet Members, of the Council's land and property, including its public buildings and all commercial and industrial landholdings, and to identify strategic opportunities in relation to the acquisition, disposal and use of land and property. <p>Delete Cabinet Deputy for Economic Development and Strategic Projects</p> <p>Move Cabinet Deputy for Sustainable Transport to Cabinet Member for Economic Development</p> |
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| <p>f) Update to Cabinet and Committee Rules in relation to attendance list in 4.2.20 to reflect current practice (and as per update to council procedure rules)</p> <p>g) Some checking/updating needed in relation to indexes e.g. constitution working group needs to be added and to pick up any minor corrections e.g. he/she references</p> | <p>Currently requires councillors to sign an attendance list</p> | <p>RECORD OF ATTENDANCE</p> <p>All councillors present for all or part of a meeting must sign their names on the attendance sheet will be noted by the Democratic Services Officer and shall have their attendance recorded in the minutes</p> |
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PART 4.10

CONTRACT PROCEDURE RULES

Version dated May 2025

Contents

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4.10.2 Definitions

4.10.3 Key Considerations:

- a) Estimating Contract Value
- b) Aggregation/ Disaggregation
- c) Procurement Thresholds
 - i. External Thresholds
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d) Strategic / Public Interest Considerations

4.10.4 General Notes – Apply to all Procurement Processes

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- b) Procurement Documentation & Retention Thereof
- c) Responsible Procurement
- d) Terms and Conditions of Contract
- e) In-house Services
- f) Public to Public Trading Contract Award/ Value for Money

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4.10.5 Procurement Activity ([please note limits have been updated for the new 2023 Procurement Act](#))

- a) Contracts up to £25,000
- b) Contract Value between £25,000 and £50,000
- c) Contract Value £50,001 to £100,000 (and any strategic procurement)
- d) Contract Value between £100,000 -£218,000
- e) Contract Value above Government Threshold of £218,000
- f) Executive Decision/Key Decision
- g) Contract Signing

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4.10.6 Frameworks, DPS, eAuctions

- a) External Agreements
- b) Internal Agreements
- c) Compliance Register
- d) Value Engineering & Negotiation

4.10.7

Contract Management

- a) Review, contract Register and Monitoring
- b) Contracts Finder
- c) Contract Variations, Modification or Termination
- d) Extensions

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4.10.1 Introduction, Scope and Principles

These Contract Procedure Rules are made under the Procurement Act 2023 and other legislation such as section 135 of the Local Government Act 1972 and govern the making of contracts for and on behalf of the Council.

The purpose of these Rules is to provide clear guidance on how to purchase and if appropriate award a contract for:

- Goods
- Services
- Works
- Concessions
- Public Sector to Public Sector Trading

Procurement routes the Council can employ in order to reach a contract award are:

- Procurement Card
- Quotation
- Tender
- External/Internal Framework Agreement
- External/Internal DPS (Dynamic Purchasing System) for the avoidance of doubt a DPS let under the Public Contract Regulations 2015 shall continue under the Transitional Provisions of the Procurement Act 2023. They will expire on 27/10/2028 or the expiry date given in the DPS whichever is earlier
- Dynamic Markets
- eAuction

The Rules are intended to promote good purchasing practice, value for money, public accountability and deter bribery and corruption. They aim to ensure:

- True and fair competition for contracts
- Clear and auditable procedures
- Accountable and compliant process
- Enable ongoing development and maintenance of a central contracts register.
- The Council to use its purchasing power for the benefit of the local economy, environment and community under its jurisdiction.

The provisions contained in these Rules are subject to the statutory requirements of the United Kingdom Government. The letting and content of contracts shall conform to all statutory requirements relating to contracts and procurement.

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4.10.2 Definitions

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| Lead Procurement Officer | Procurement Services Officer leading on the procurement process |
| Council | Chelmsford City Council |
| Directors | Service Directors are responsible for ensuring that officers within that directorate comply with the Contract Rules, Financial Rules and the Regulations* |
| Procurement Services Manager | Shall ensure that Council procurement is carried out with due diligence and in the spirit of true, fair and transparent competition, and that the Council meets its all its obligations under the Regulations* <i>Please see Procurement Manual for specific tasks.</i> |
| Local Government Transparency Code Regulations* | Requirements for local government to publish open data on spend of £500 and above |
| | <ul style="list-style-type: none"> • Procurement Act 2023 • The Procurement Regulations 2024 and Cabinet Office Guidance • Health Care Services (Provider Selection Regime) Regulations 2023 • Public Contracts Regulations 2015 (for contracts procured under these regulations) • Concessions Regulations 2016 (for contracts procured under these regulations) • The Public Services (Social Value) Act 2012 • National Procurement Policy Statement (NPPS) 2025 |
| Legal Team | The Council's internal legal team OR external solicitors /counsel |
| Service Managers | Contract management responsibilities, and responsible for all service spend to be made in line with these rules |
| Goods | Supplies or materials |
| Threshold | The level of spend that dictates the rules or regulations that apply to a procurement |
| Contract | Any form of contract, agreement for the supply of Goods, Works and/or, Services that the Council enters |
| Contractor | Any person, partnership, company or any other organisation which provides or offers Goods, Works and/or Services to the Council |
| Dynamic Purchasing System (DPS) | A long running, completely electronic procurement tool used for commonly available works, services and goods. Qualifying contractors can join at any time and participate in mini competitions for contracts. |
| Framework Agreement | <p>An agreement, with one or more contractor, that establishes the standard terms and conditions of supply over a fixed period of time with no pre-set volume information.</p> <ul style="list-style-type: none"> • Internal – setup by the Council for use by us and other specified public bodies • External – setup by another public body and accessible by the Council |

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 . The European Union (Withdrawal) Act 2018¶
 . The European Union (Withdrawal Agreement) Act 2020 ¶
 The Procurement Act 2023¶
 The Council's Financial Rules¶
 Public Services (Social Value) Act 2012¶
 EU Exit Regulations 2019

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| LTR | Light Touch Regime – relates to procurements that are generally of low interest to cross border competition e.g. social, health and education services |
| The Procurement Manual | This document is a Practice Note for day to day use by Council staff. The manual provides detailed guidance on procurement processes pursuant to the UK Public Procurement Legislation and Regulations and National Procurement Policy Statement 2025 , the Council's internal rules and its responsibilities and duties therein. The Manual should be referred to for all technical aspects of a procurement and further advice can be provided by Procurement Team. |
| The Procurement Strategy | This document details the aims and objectives of the Council's procurement activities including the social, environmental and economic impact of these activities in line with National Procurement Policy Statement (NPPS) 2025 . |

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4.10.3 Key Considerations

Before commencing any procurement using public money, officers must understand the following:

- 1. The contract value - dictates which procurement routes can be used.
- 2. Strategic nature and public interest in the procurement - influences which of the allowable routes is most appropriate.

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a. Estimating Contract Value

The value of a contract is the total amount the Council expects to pay (or receive), net of VAT, over the length of the agreement, including any extension period or stated add-ons such as maintenance and support costs.

If the contract is for an uncertain or unfixed term, the value is the amount the Council expects to pay (or receive) over four years. This could be, for example, the monthly value multiplied by 48. If the contract is broken into lots, all lots must be factored into the total.

For Internal Framework Agreements / DPS / [Dynamic Markets](#), the value should be based on the level of anticipated spend from all parties with access.

b. Aggregation/Disaggregation

The Council is required to aggregate need whenever it is possible to do so. Aggregation groups together demand for commonly purchased goods and services to harness greater economies of scale and seek better value for money. Aggregation results in a single contract to manage as opposed to several smaller contracts.

Disaggregation, an offence under the Regulations, is the [reverse](#), dividing up similar requirements into smaller contracts to remain below the relevant procurement threshold.

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c. Procurement Thresholds

i. External Thresholds

The Regulations require a full tender process to be undertaken when the value of the contract exceeds a set level. The tender has to be advertised and follow guidelines provided in the [Legislation](#) / Regulations. These thresholds are set by the Government and reviewed every two years. There is a threshold for each category of spend.

| Category | Threshold (2024-2025. Including VAT) | Example |
|------------------|--------------------------------------|-------------------------------------|
| Works | £5,372,609 | Constructions, repairs, maintenance |
| Goods / supplies | £214,904 | Stationery |

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| Services | £214,904 | Cleaning |
| Concessions | £5,372,609 | Bailiffs, catering |
| Light Touch Regime | £663,540 | A specific set of rules for certain service contracts falling under specific CPV codes e.g. educational services, veterinary services and barrister services. These types of contracts are subject to more flexible procurement rules |
| Land Lease & Property | Neither the procurement rules stated here, or the Procurement Regulations apply to contracts of this type | |

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ii. Internal Thresholds

Below the Government thresholds the Council has set its own spend limits. The limits reflect the need to comply with government transparency rules, as well as procurement law. These limits provide guidelines for the method of procurement that should be used, and the associated authority needed to undertake it. The table below provides a broad outline with further detail and services should consult with the procurement [team](#) to ensure compliance.

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| Threshold Contract value over life of agreement | Sub-threshold | Notes | Level of Authority Required |
|---|---------------|--|---|
| Up to £100,000 | £5k and above | The agreement to purchase (contract) and contract period should be recorded on contract register. This enables transparency reporting requirements to be met. No, requirement to undertake 3 quotes or similar | Service Manager |
| | Up to £25k | Ideally 3 quotes. Evidence held by service | Service Manager |
| | £25-50K | 3 quotations with procurement notified prior to the process being undertaken | Service Manager and notify procurement |
| | £50-99k | Procurement to run quotes/tender/framework process | Service Manager in consultation with Procurement Manager |
| £100,000 | | Procurement team involvement is required | Service Director Service Manager and Procurement Manager |

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| | Tender or framework will be required Route to Market Assessment to be carried out and procurement team will manage the procurement | |
| Spend over £214,904 (including VAT) net cost £ <i>Goods & Services</i> | Falls under the Regulations, a full tender process is required Procurement team involvement is mandatory to ensure compliance with Regulations Route to Market Assessment to be carried out | Director and Procurement Manager |
| Spend over £200,000 | Key Decision. Please contact Legal Services | |

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e. Strategic / Public Interest Considerations

Regardless of the contract value, Service Managers must consider the likely impact of the procurement on internal and external stakeholders. If the proposed activity is of a contentious nature, (perceived or actual) high risk, or relating to matters that affect public sensitivities, then advice should be taken from Procurement Team.

4.10.4 General Notes – Apply to all Procurement Procedures

a. eProcurement

eProcurement is a requirement under the Regulations; all communication with potential contractors must be in electronic format. eProcurement provides a comprehensive and complete audit trail, enabling the Council to meet its accountability and compliance obligations.

Officers must remain mindful of commercial confidentiality and Data Protection legislation in all dealings with suppliers and external bodies.

b. Procurement Documentation & Retention Thereof

The Procurement Team will work with Services to produce ITTs (Invitations to Tender) and RFPs (Requests for Proposals) for procurements above the Government threshold and of strategic importance.

Statutory rules require a specific set of documents to be published as part of the tender pack.

The Legal Services Team will provide appropriate support and guidance as and when required in conjunction with Procurement Team.

c. Responsible Procurement

The Council is required to consider how a procurement project might improve the economic, social and environmental wellbeing across its area.

These outcomes are fully defined in the Procurement Strategy; please consult the Procurement Team for more information.

Procurements that may result in pollution, waste management issues, high energy use or have any other notable environmental impact should have relevant mitigating requirements built into the specification. Evaluation and scoring schemes should contain criteria that enable Council staff to fully consider and score these elements in each submission.

d. Terms and Conditions of Contract

The Regulations must be adhered to when undertaking a procurement above the legal threshold.

All agreements must be in written English, price must be stated in British currency and subject to the jurisdiction of English Law.

British standards must be used where they are applicable to the subject of a contract.

Where the Procurement Team has undertaken a process on behalf of a Service Manager, the Lead Procurement Officer will take responsibility for instructing the Legal Team to prepare or approve the terms and conditions of a contract if required. This applies whether the contract: was created by the Council; is based on the supplier's terms and conditions; or forms the basis of a call off agreement [from a Framework Agreement](#).

e. In-house Services

Where the Council has an in-house service, external companies must not be used for these services unless the Service Manager responsible for the in-house service confirms specifically that they are unable to meet the requirements on that occasion.

f. Public to Public Trading

If the Service Manager is considering entering into a contract with another public body, early advice must be sought from the Procurement Team. It should not be assumed that arrangements entered between the Council and other public bodies are outside the scope of the Regulations.

g. Contract Award / Value for Money

The Council operates under the 'Duty of Best Value' which requires overall value, including economic, environmental and social value, to be considered when reviewing any service provision.

Social Value is a statutory duty of the Council for services over the Government threshold, however, these principles should be applied to all the Council's procurement activity. Social value

considerations should be built in at the pre-procurement stage; consulting with local third sector representatives as and when deemed appropriate.

The Regulations require the Council to award contracts to the most advantageous tender (MAT), and the MAT is the tender that both satisfies the contracting authority's requirements and is the best tender in respect of the award criteria. The award public contracts on the basis of MAT means it is not the 'cheapest wins' but looks at cost alongside qualitative, environmental and social criteria. The balance of award criteria will be considered, on a procurement by procurement basis.

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Due Diligence checks are undertaken to review performance, reputation and financial stability of prospective suppliers, and can be part of the award criteria or used as a pass/fail criterion.

4.10.5 Procurement Activity

a. Contracts up to £25,000

The Service Manager is responsible for these procurements but may access Procurement Team support as required. Quotations, frameworks and DPS are all possible procurement options.

If the procurement is strategic in nature, high risk, impacts on other services or has wider implications across the Council and/or the provision of its services, apply the guidance under section c.

All procurement agreements with suppliers over £5k should be recorded on the Council's [Contract Register](#). This will enable the council to comply transparency reporting. Advice on the use of contracts register can be obtained from the Procurement team.

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b. Contract Value of between £25,000 - £50,000

If the procurement is for non-critical, non-strategic goods, services or works the minimum requirement is for three quotations known as Request For Quotations (RFQs)

Frameworks, DPS can be used.

If the procurement is strategic in nature, high risk, impacts on other services or has wider implications across the Council and/or its service provision, apply the guidance under section C below.

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c. Contract Value above £50,000 - £100,000 (and any strategic procurement)

Prior to undertaking any type of procurement exercise, the service must engage with the Procurement Team to seek advice on the best and most appropriate process to meet the identified need. This will result in a Route to Market Assessment being prepared.

For strategic level contracts a Business Case may also be required. This could involve all, or some, of the following actions/plans:

1. Needs assessment
2. Route to market assessment
3. Plan for stakeholder engagement
4. Market assessment
5. Risk assessment
6. Financial implications assessment
7. Social value assessment
8. Environmental and Ecological Impact assessment

The Business Case must be signed off by the Service Manager and Procurement Services Manager

The Procurement Manual provides detailed guidance regarding these topics as well as proforma documents.

Framework and DPS options will be investigated as part of the Route to Market Assessment.

d. Contracts Above £100,000

Procurement Team involvement is required.

Tender or framework will be required; and

Route to Market Assessment to be carried out and procurement team will manage the procurement

e. Contract Value above Government Threshold

A full tender process is required. This process must only be undertaken with the full involvement of the Procurement Team.

Please be aware that a full process takes around 12 weeks to complete. Please ensure you advise the Procurement Team of your plans in a timely manner to enable a schedule to be put in place.

Framework and DPS options will be investigated as part of the Route to Market Assessment which will require approval by the Procurement Services Manager and Management Team.

f. Executive Decision / Key Decision

An Executive Decision is taken by the Leader, the Cabinet or delegated to a committee of the Cabinet, a Cabinet member or an officer, and is publicly notifiable 28 days prior to being taken. A key decision has expenditure of above £200k or 20% or more of relevant expenditure. Full details see Part 2 Articles of the Constitution. Please refer to the Council's Monitoring Officer for how this may impact on your procurement.

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g. Contract Signing [\(New Section\)](#)

| Contract Type | Amount | Who can sign the contract? | Legal Involvement | Notes |
|---|--|----------------------------|--|---|
| Framework call-off contract | Up to 500K | Service Manager | Procurement determines if legal involvement required based on complexity | |
| | £500k+ | Director | Procurement determines if legal involvement required | |
| | Contracts over 3 years but only if also in excess of £1m | Chief Exec | Legal involved | |
| CCC Standard Service and Minor Works Contract | Up to 200K | Service Manager | Procurement determines if legal involvement required | |
| | £200k+- | N/A | N/A | N/A Wouldn't be used with this level of spend. |
| | Contracts over 3 years but only if also in excess of £1m | N/A | N/A | N/A Wouldn't be used with this level of spend. |
| Supplier Terms and Conditions | Up to 200K | Service Manager | Procurement determines if legal involvement required | Note very unlikely to be used with over threshold spend. Higher risk contracts. |
| | £200k+ | Director | Procurement manager consult with legal | Note very unlikely to be used with over threshold spend. |
| | Contracts over 3 years but only if also in excess of £1m | Chief Executive | Legal involved | Note Very Unlikely to be used with this level of spend. |
| JCT/NEC/ Other Building Contract | Up to 500K | Service Manager | Legal involved | Building Services Complete + Service manager to Sign Contract |
| | £500k+-up-to £1m | Director | Legal involved | Building Services Complete, Checked by Legal, Signed by Director |
| | Contracts over 3 years but only if also in excess of £1m | Chief Exec | Legal involved | Building Services Complete, Checked by Legal, Signed by Chief Exec |
| Other CCC Contract | Up to 500K | Service Manager | Legal involved | |
| | £500k+ | Director | Legal involved | |

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| Terms e.g., internal framework, bespoke contract | Contracts over 3 years but only if also in excess of £1m | Chief Exec | Legal involved | |
|--|---|------------|----------------|--|

New Section Circumstance for use of contract under seal procedures

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All Works contracts from 1 million and above shall be sealed.

All those sensitive service contracts which may have a long term effect will be sealed for a longer period of limitation. Service Manager in consultation with Procurement and Legal Services will determine this.

All sensitive public health contracts valuing from £500k and above will be sealed. Such sensitivity to be determined by the relevant Service Manager in consultation with Procurement and Legal Services.

4.10.6 Frameworks, DPS, eAuctions

a. External Agreements

The Council is eligible to use a wide range of Frameworks DPS (remaining under PCR 2015) and Dynamic Markets created by other public sector bodies. The Procurement Lead must ensure that the Council is lawfully able to use the Framework or DPS; the Procurement Team can provide advice and assistance on use. They must also establish that there is a clear benefit to the Council of using a Framework, PS or Dynamic Market over other procurement options.

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For procurements exceeding £100k or those of a particularly strategic nature, a Route to Market Assessment must be undertaken.

The Framework, DPS or Dynamic Market rules must be adhered to at all times.

Where the use of a Framework/DPS/Dynamic Market is subject to signing an Access Agreement, this document should be authorised by the Procurement Services Manager.

The Procurement Team must be advised of any contracts entered into via an external agreement, regardless of value.

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b. Internal Agreements

The Council can create its own Framework, DPS or eAuction, using its eProcurement software where it is in the Council's best interests to do so.

Use of the Framework/DPS will be mandatory across the Council for all goods, services and works that have been included in the scope of the arrangements.

Should the supply be of a significantly higher than normal value, the Procurement Manager should be consulted to establish if new rates should be sought, or an alternative procurement method used.

Internal Agreements can only be created with the agreement of the Procurement Manager.

c. Compliance Register

A compliance register entry can be used in some specific circumstances to waive the requirements of the Contract Procedure Rules. Full details of the specific circumstances are set out in the Procurement Manual. The compliance register waiver cannot be used for Procurements above the legal thresholds.

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d. Value Engineering & Negotiation

The Procurement Act 2023 allow, in some circumstances, a tender process to be switched to a negotiated procedure. Please see the Procurement Manual for detail of a negotiated procedure. This can only be used where the nature of the original competition is not substantially altered and does not artificially restrict competition.

Deleted: Public Contract Regulations 2015 (PCRs)

e- Basis of Procurement Involvement

- The Council’s Procurement Department has an obligation to ensure compliance with the applicable legislation.
- Procurement is responsible for ensuring that all public contracts are awarded after following the required procedures as required by the applicable legislation including, but not limited to the Procurement Act 2023, Procurement Regulations 2024 and the Council’s Contract Procedure Rules.
- In view of the above Officers and Service Managers should always consult and seek advice from Procurement when considering entering into any contract arrangements with outside suppliers / contractors.

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4.10.7 General Contract Matters

a. Review, Contract Register and Monitoring

During contract preparation the Service Manager should appoint a Contract Manager (who may be mentioned in the contract itself) to monitor the Supplier’s performance.

Further guidance regarding the management of contracts is covered in the Procurement Manual.

Details of the contract shall be stored centrally. To meet transparency requirements services should store contracts on the Council T1 contracts register. The threshold is for contracts/records above £5k. However, it is accepted this should be gradualist development of register, by taking a multi year approach. It will take several years to move from the current practice of only recording key contracts. The increased information of contracts reflects the £5k publication requirements set by the transparency code.

b. Contracts Finder

The Procurement Team will produce and publish information regarding contract award on all platforms required by the Regulations. In addition, the team will provide a post procurement report, if required by the Regulations or, by the service if not required by the regulations, or if high risk procurement.

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c. Contract Variation, Modification or Termination

During the term of a contract modifications may be proposed, which, if adopted, would result in additional works, goods or services. There are significant limitations upon the Council's ability to make such modifications, especially when the Regulations apply. There are tolerances allowed within contract variations under [Sections 74 to 77, Schedule 8 and Regulation 40 of the Procurement Act 2023](#).

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Before discussing any variation or modification with the Supplier, the Service Manager must seek advice from the Procurement and Legal Teams.

d. Extensions

If an extension period is clearly stated in the contract, the option is available to extend. Before exercising a contractual right to extend, the Service/Contract Manager must consider whether it is in the best interests of the Council to continue with the contract by examining performance to date and any changes in cost both under the terms of the contract and also in the wider market. variations.

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Any extension will require the agreement of both parties. Please contact the Procurement Services Manager for further advice.

PART 4.9

FINANCIAL RULES

Introduction

4.9.1 These Financial Rules aim to provide guidance on what is expected from Elected Members, the Section 151 Officer, Directors, Service Managers and all other members of staff (Officers).

The Financial Rules form part of our Constitution, which sets out the political and administrative arrangements for the running of the Council.

For practical support, officers can refer to Financial Practice Notes, which are not part of the Constitution, and if further advice is needed, speak to your Line Manager, Director or get in touch with the Financial Services Manager (Section 151 Officer).

Directors and Members general responsibilities

4.9.2 Directors/Service Managers are responsible for ensuring all Officers in their service areas are aware of the existence, content of, and have appropriate training on the Council's Financial Rules and other internal regulatory documents, and that they comply with them.

4.9.3 A Director may delegate any of their powers but still retains overall responsibility for compliance with these Rules, and in accordance with the Officer Scheme of Delegation, which can be found in Part 3.4 of the Constitution.

4.9.4 Members and Officers are expected to conform to these rules. They do not provide a complete list but define the way Members and Officers are expected to operate. They are in place to protect both the Council and its employees. It is important that Members and Officers conform to the spirit of the rules.

4.9.5 Members are expected to act in accordance with the requirements of the Constitution and in particular the personal responsibilities placed on them by the Council's Code of Conduct in Part 5.1 of the Constitution.

4.9.7

Responsibilities of All Officers for general financial competence

4.9.7 Officers' must:

- be aware that in accordance with the Code of Conduct, employees must ensure that they use public funds, and the resources entrusted to them in a responsible manner and that any purchases made should ensure value for money to the local community. act to the highest standards of integrity,

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and exercise due care and attention when dealing with all aspects of the Council's finances.

4.9.8 Where Officers are unclear on any financial matter, they should seek advice from the Accountancy Team.

4.9.9 Any failure to conform to these Rules may be a disciplinary offence. If anyone is aware that these Financial Rules are not being followed, they should inform their manager or Financial Services Manager (Section 151 Officer).

4.9.10 Ensure the safety and security of assets and see that they are used in a legal and properly authorised manner. Assets retained by the Council must provide value for money (see Practice Note 1).

4.9.11 Immediately inform the Accountancy Services Manager (S151 Officer) and the Audit and Investigation Manager or follow the whistle blowing procedures to report suspicions of fraud or act of corruption.

4.9.12 Manage risks to the Council as part of day-to-day service activities.

4.9.13

4.9.14 Officers should not exceed the responsibilities and authority given to them by their Service Manager (and Director).

Service Managers

4.9.15 The following items (4.9.16 to 4.9.25) are the responsibility of Service Managers, reflecting the delegation of financial management to them by the Council.

The responsibilities are explained under the following headings:

4.9.16 Financial Controls & Authorisation

4.9.17 Ordering of Goods and Services. Including Procurement & Payments of Grants

4.9.18 Income Collection

4.9.19 Budget Management (preparation and monitoring of revenue and capital)

4.9.20 Fees and Charges

4.9.21 Grant Income

4.9.22 Staffing Financial Matters (in the context of financial management)

4.9.23 Taxation (including VAT)

4.9.24 Risk Management

4.9.25 Internal and External Audit obligations

Service Managers should ensure Officers within their Service:

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Deleted: Inform the Procurement & Risk Services Manager and follow the whistleblowing procedures if there are reasons to suspect fraud or corruption (see Practice Note 2 - Fraud and Corruption).

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They have complied with and understood the Contract Procedure Rules¶
Good practice as set in Practice Note 4 is followed¶
Physical delivery of goods and services has taken place before receipting them on the financial system.¶
An agreement to rent plant & equipment (lease) is not entered into without consulting with Accountancy Services Manager Section 151 officer. ¶
Agreements to lease property (let out or rent) are not entered into without consulting with the Property Manager.¶
Further content on ordering is included later in these Financial Rules.

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Deleted: These financial responsibilities are a key part of their role and failure to meet these could result in disciplinary action.

- Are aware of Financial Rules: Ensure all Officers (temporary or permanent) in their service are aware of and understand the Financial Rules needed to carry out their role. This includes complying with "Key Decision" requirements as set out in Article 14 of the Constitution and any Practice Note on the subject.
- Are available to attend Overview and Scrutiny and Audit & Risk Committees meetings when asked to do so.

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4.9.16 *Financial Controls & Authorisation*

- 4.9.16.1 The Chief Finance officer is responsible for advising on effective systems of internal control. Advice may also come from the internal and external audit reports. However, it is service managers and Directors responsibility to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets. This includes responsibility for the prevention and detection of fraud and other illegal acts.

Deleted: Ensure that processes and controls are in place to make sure that the Council's resources are properly applied....

- 4.9.16.2 Controls should have clear and appropriate delegation of responsibilities and separation of duties in the service to reduce the risk of error and to prevent fraud, corruption, and collusion.

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- 4.9.16.3 Ensure that authorisations within the ERP (i.e., Financial and HR systems) reflect the authority delegated to Officers.

- 4.9.16.4 Ensure Contract Procedure Rules are followed, and procurement guidance is sought from the Procurement Team.

4.9.17 *Ordering of Goods and Services, including Procurement & Payment of Grants*

- 4.9.17.1 Officers when purchasing (ordering goods and services), should ensure:

i) They have complied with and understood the Contract Procedure Rules.

ii) Good practice as set in Practice Note 4 is followed

iii) Physical delivery of goods and services has taken place before receipting them on the financial system.

iv) An agreement to rent, lease or hire property, plant & equipment, is not entered into without consulting with Financial Services Manager, Section 151 officer.

v) That rental/lease agreements to occupy or let to tenants are

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not entered into without consultation with the Council's Property Manager.

vi) There is an approved budget for all planned expenditure before ordering goods and services. If insufficient budget is available to meet service obligations this should be discussed with the Accountancy Team. (See Appendix 1 to these rules - Virements and Supplementary Estimates).

vi) Foreign currency contracts or transactions must be agreed in advance with the Financial Services Manager (Section 151)
vii) Orders raised for interim, or agency staff have been made following consultation with HR and procurement. This consultation may not be needed if the provision is through an approved Council framework/contract.

4.9.17.2

4.9.17.3

4.9.17.4

4.9.17.5 Act within the Practice Note 10 for Partnerships, where the Council is the lead authority for the partnership or holds the role of the partnership's treasurer.

4.9.17.6

4.9.17.7 Ensure the process for paying grants to the Third Sector (voluntary) organisations and other bodies are compliant with the standards of the Community Funding Scheme.

4.9.17.8

4.9.17.9

4.9.18 *Income Collection*

4.9.18.1 Ensure Officers collect income and debt promptly and in accordance with the Council's debt management procedures, regularly reconciling it to the main financial system and to banking (see Practice Note 8 - Income collection and Debt Management procedures).

4.9.18.2 Arrange collection of income before or at the point of delivering the service wherever possible. This avoids losses due to non-payment.

4.9.18.3 Minimise the cost of processing Council income by limiting the use of cash and cheque payments by customers, wherever possible.

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Deleted: The Financial system has appropriate workflow to control ordering of goods and services, but managers must ensure that operational processes outside of the system are robust. For example, ensuring goods/services have been delivered before payment is made.

Deleted: Ensure that the Contract Procedure Rules are followed, and Procurement team are notified of spend over £25k.

Deleted: Foreign currency contracts or transactions must be agreed in advance with the Accountancy Services Manager (Section 151) (see Practice Note 7 - Contracts, External Partners and Third Party Working).

Deleted: Ensure that there are controls in place to prevent the loss or misuse of land, buildings, plant and equipment used by their Service (see Practice Note 1 - Assets).

Deleted: Ensure that leases for land, property, plant and/or equipment are not entered into without the authorisation of the Accountancy Services Manager (Section 151 officer).

Deleted: Ensure that rental/lease agreements to occupy or let to tenants are not entered into without consultation with the Council's Property Manager.¶

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4.9.19 *Budget Management (Preparation and Monitoring of Revenue and Capital)*

4.9.19.1 Prepare revenue and capital estimates using the guidelines approved by Cabinet and provided by the Financial Services Manager (Section 151 Officer)(see 6 - Preparation of Estimates).

4.9.19.2 Prepare business cases for significant projects and undertake post project reviews in line with Practice Note 9. Including consulting with financial services before circulation to members.

4.9.19.3 Use financial information from the Council's ERP (Financial and HR Systems) and other supplementary sources to monitor and forecast current and future years' service budgets (income and expenditure).

4.9.19.4 Submit financial forecasts via the Council's Financial system. These submissions should be made in line with the timetable established by the Section 151 Officer. (See Practice Note 5 - Budgetary Control).

4.9.19.5 Identify at the earliest opportunity and provide details to Accountancy Services, of the results of, any service planning that identifies additional budget provision will be required.

4.9.20 *Fees and Charges, including setting*

4.9.20.1 Fees and Charges Setting in relation to Executive functions:
-Annual Fees and charges setting, in consultation with Cabinet member.
-Develop and implement new charges during the financial year in consultation with Cabinet member.

- Restrictions on fees and charges setting under delegation are:
 - Cabinet must approve fees and charges increases for a service area when two increases have already been made during a financial year, and/or
 - Cabinet must approve any changes to fees and charges when the increase in a service area would generate more than additional £1m in a full financial year.

Fees and charges setting can be a key or executive decision and should be reported appropriately.

4.9.20.2 • Any fees and charges that arise from non-executive functions e.g. licencing, and which cannot lawfully be set by Cabinet will be dealt with in accordance with the relevant committee or Full Council terms of reference.

4.9.20.3

4.9.21 *Grant Income*

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Deleted: Fees and Charges amendments within the annual budget process. The budget guidelines approved annually by Council include a standard assumption for the average increase (for financial planning), this is not intended to be the outcome increase for any charge. Increases in charges should be determined in the manner below: ¶

The proposals for fees and charges will be determined by the Director in consultation with the responsible Cabinet member.¶

The fees and charges proposals will have determined after making any appropriate comparisons including other local authorities and private sector providers of similar services in the appropriate geographical area. This will include consideration of equalities.¶

The charges do not have to match the assumed percentage increase in the financial planning.¶

Annually by the end of October Directors will provide for budget planning draft proposals for increases in fees and charges for their service areas.¶

The Budget report made each January will identify separately the increase in total monetary value of fees and charges by service area (a service as set out in the annual budget report), where they generate any increase over £200k compared to the previous year's budget. ¶

Deleted: New Fees and Charges: Chief Executive and Directors, in consultation with the relevant Cabinet Member, can establish any new fees and charges for any service (as set out in the annual budget report) for which they are responsible, provided it is expected to generate no more than £200,000 in a full year; and where the annual income generated by the new charge is estimated to be above £200,000 then approval will be required from Councillors as follows: ¶
£200K to £1m – Cabinet¶
Over £1m - Full Council

Deleted: Amendments to Fees and Charges: Chief Executive and Directors, in consultation with the relevant Cabinet Member, can amend fees and charges for which they are responsible, provided that any service area (as set out in the annual budget report) amendments generate no more than £200,000 in a full year. Changes to Fees and Charges that would be above £50,000 in a full year, require approval as follows: ¶

£200K to £1m – Cabinet¶
Over £1m - Full Council¶

- 4.9.21.1 Bids for grant income should be undertaken in consultation with Accountancy Services.
- 4.9.21.2 Ensure all expenditure is in line with grant conditions.
- 4.9.21.3 Maintain and retain requisite documentation to evidence that the grant has been properly managed in line with grant conditions.

4.9.22 *Staffing (Financial matters)*

- 4.9.22.1 Accountancy will maintain a budget for each individual post (the establishment).
Accountancy should be provided with updates to the establishment as and when changes occur. This will form part of the financial monitoring processes.
Services should complete appropriate HR documentation to support maintenance of the establishment list.
- 4.9.22.2 Ensure that the formal agreement of the Human Resources and Accountancy departments has been obtained before implementing a change to the establishment (this includes grades, hours, or number of posts).
- 4.9.22.3 Obtain agreement from HR and Procurement prior to engaging consultants or interims due to the potential significant tax implications for the Council. Also, ensure such recruitment follows procurement rules are followed (see contract procedure rules)

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Deleted: Provide the HR Services Manager with an establishment list for all Officers in their service, including contracted hours, and inform them of anything that affects the payment of salaries or other payments as soon as possible.

4.9.23 *VAT and Taxation*

- 4.9.23.1 Ensure all financial activities are conducted in accordance with taxation requirements and all requisite supporting records are maintained and retained.
Seek advice on:
 - VAT from Accountancy Services
 - Construction Industry Tax from Accountancy Services
 - Income Tax (employer taxation) from HR Services Manager

4.9.24 *Risk Management*

- 4.9.24.1 Act in accordance with the Risk Management Strategy and supporting guidance.

4.9.24.2 Notify the Risk Services Manager of all insurance risks and potential claims as soon as known, providing necessary documentation in a timely manner (see Practice Note 6 - Insurance and Risk Management).

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4.9.25 *Matters arising from Audits*

4.9.25.1 Co-operate with Internal and External Audit reviews and queries, including allowing Internal Audit and External Audit to have full, free and unrestricted access to explanations of all functions, records, property and personnel pertinent to carrying out any engagement, subject to accountability for confidentiality and safeguarding of records and information.

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4.9.25.2 Implement mitigating actions in a timely manner when risks are identified by Internal and External Audit (or other sources), either through audit recommendations, or alternative actions agreed with Internal/External Audit.

Responsibilities of the HR Services Manager

4.9.26 Make payments through the payroll system to all employees or former employees of the Council.

4.9.27 Provide all Officers with a copy of these Financial Rules as part of their recruitment/induction process and ensure that their receipt is acknowledged and documented.

4.9.28 Ensure that, in accordance with the [Whistleblowing Policy](#), where allegations of fraud or misconduct relating to financial matters are made, the Whistleblowing Officer or their deputy, the Accountancy Services Manager (Section 151 [Officer](#)) and the [Audit](#) Services Manager are informed.

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Deleted: Responsibilities of the Procurement and Risk Services Manager

Deleted: Oversee the corporate risk management framework, including periodic review of the Risk Management Strategy

Deleted: Prepare Risk Management Reports for Management Team and Audit & Risk Committee.

Deleted: Arrange the insurance programme, and review annually, to mitigate identified insurable risks.

Deleted: Consult with Accountancy Services Manager (Section 151 Officer) on the financial implications of Insurance matters, including annual review of the insurance reserve.

Deleted: Manage insurance claims in coordination with insurers.

4.9.29

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Deleted: Manage the approval of suppliers and oversight of the Social Value Procurement Policy.

4.9.35



Deleted: Provide professional procurement support to all services in line with Contract Procurement Rules.

4.9.36



Deleted: Update and maintain the Contract Procurement Rules and deliver training to Officers.

4.9.37



Deleted: Investigate any suspected cases of fraud and corruption and inform the Cabinet Member with responsibility for Finance, Audit and Risk Committee Chair and keep the Accountancy Services Manager (Section 151) and Audit Services Manager informed of the findings of the investigation and agree the course of any investigation.

4.9.38



Responsibilities of the Financial Services Manager (Section 151 Officer)

4.9.39

Prepare formal and informal financial monitoring reports this will include, but is not an exhaustive list, preparation of

- Outturn reports on Revenue and Capital
- In year income and expenditure monitoring reports (at least once a year to cabinet)
- Reports on Treasury management
- Annual Budget report and multi-year forecast

-

Deleted: Maintain the Council's Strategy on Anti-Fraud and Corruption.¶

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Prepare guidelines for services to create the revenue and capital budgets for forthcoming year.



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4.9.41

Provide and maintain accounting (including purchasing and debtor) systems.

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Arrange all leases for vehicles, plant, and equipment.

Deleted: Establish and maintain accounting policies and procedures.

4.9.45

Recommend and implement treasury management decisions in line with the Council's policy statement and the Capital, Investment and Treasury strategies. Whilst appointing and maintain banking and investment services.

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Deleted: Appoint and maintain banking and investment services.

4.9.46

Set the procedures for the collection of all money due to the Council by officers, agents or contractors and approve irrecoverable debts to be written off.

4.9.47

Manage the External Audit process, prepare the Statement of Accounts and associated documents, in line with legislative

- requirements.
- 4.9.48 Review and update the Financial Rules.
- 4.9.50
- 4.9.51 Other functions to be provided :
- Insurance Cover for the Council's activities
- review annually, to mitigate identified insurable risks.
 - Work with service to process insurance claims
 - Ensure sufficient insurance cover to protect the Council's financial interests
- Procurement
- Manage the approval of suppliers and oversight of the Social Value Procurement Policy.
 - Provide professional procurement support to all services in line with Contract Procurement Rules.
 - Update and maintain the Contract Procurement Rules and deliver training to Officers.
 - Provide services with system to maintain records of contracts
 - Work with services to maintain compliance with rules for, procurement and reporting of contracts with suppliers.

Deleted: Recommend and implement treasury management decisions in line with the Council's policy statement and the Capital, Investment and Treasury strategies.

Deleted: Manage the External Audit process, prepare the Annual report, Statement of Accounts and associated documents (e.g. Annual Governance Statement), in line with legislative requirements.

Deleted: Review and update the Financial Rules.

Deleted: Initiate disciplinary action if an employee is in breach of the Financial Rules.

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Responsibilities of the Audit Services Manager

- 4.9.52 Submit at least annually, to senior management and Audit & Risk Committee a risk based Internal Audit plan for review and approval, which is reviewed, adjusted and communicated as necessary, in response to changes to Chelmsford City Council's operations, risks, programmes, systems and controls
- 4.9.53 Ensure each engagement of the Internal Audit plan is executed, including the establishment of objectives and scope, the assignment of appropriate and adequately supervised resources, the documentation of work programmes and testing results, and the communication of engagement results with applicable conclusions

and recommendations to appropriate parties.

- 4.9.54 Follow up on engagement findings and corrective action, and report periodically to senior management and the Audit & Risk Committee any corrective actions not effectively implemented.
- 4.9.55 Deliver an annual audit opinion and report that can be used by the Council to inform its governance statement. The annual opinion will conclude on the overall adequacy and effectiveness of the organisation's framework of governance, risk management and control.
- 4.9.56 Undertake work which does not contribute explicitly to the overall audit opinion. This might include certification of grant claims or consulting activities where Internal Audit provide independent and objective advice and guidance to management on risk and control issues within individual systems to improve those systems and processes where necessary.

Oversee the corporate risk management framework, including periodic review of the Risk Management Strategy

Prepare Risk Management Reports for Management Team and Audit & Risk Committee.

Investigate any suspected cases of fraud and corruption and inform the Cabinet Member with responsibility for Finance, Audit and Risk Committee Chair and keep the Accountancy Services Manager (Section 151 Officer) informed of the findings of the investigation and agree the course of any investigation.

Maintain the Council's Strategy on Anti-Fraud and Corruption.

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APPENDIX 1

Virements and Supplementary Estimates

General Principles

These principles form the basis of the Virement and Supplementary estimate rules:

- i. Annually the Council will approve service budgets.
- ii. The purpose of the rules governing changes to approved budgets is to ensure key decisions are scrutinised effectively.
- iii. Changes to budgets that result from the transfer of functions between Directorates do not need formal approval.
- iv. Changes to budgets that do not impact on the objectives set by Council should where possible be dealt with under delegation. The financial limits on budget changes support this objective.
- v. Journals must not be used to reduce expenditure to match budgets on individual codes, nor should orders made against an inappropriate code, as this distorts the true budget position, does not reflect accurately expenditure and lacks appropriate authorisation.
- vi. When seeking approval for new budgets or changes of use of existing budgets, officers must provide sufficient information to give transparency to members as to the nature of spend but balanced with providing flexibility to amend details to achieve the outcome desired by members.

V1 Virements

- V1.1 A virement is an individual movement between lines in the approved budget and is an essential feature of budgetary control, allowing Directors and Cost Centre managers to maintain their budgets with flexibility to react to the changing patterns of spend or unforeseen cost increases or income reductions.
- V1.2 Virement limits and by whom the authorisation can be given are reviewed annually and are currently set as shown below and apply to capital and revenue:
- i. Up to and including £25,000 - by Directors who must inform Financial Services
 - ii. Over £25,000 and up to £200,000 - by Directors, subject to prior consultation with the Section 151 Officer, the relevant Service Cabinet Member and the Cabinet Member with responsibility for finance
 - iii. Over £200,000 and up to £1,000,000 - by Cabinet report

- iv. In excess of £1,000,000 – by Full Council
- v. Virements to allocate approved centrally held budgets to Services, can be undertaken by the Section 151 Officer.

Specific exceptions to the above rules:

- Director Public places after consultation with the appropriate Cabinet Members, can allocate all or any building maintenance budgets according to priority on an ongoing basis.
- Allocations of central held provisions or budgets e.g. for pay can be allocated (vired) by the Chief Finance officer after consultation with the Cabinet Member responsible for Finance.

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SE1 Supplementary Estimate

SE1.1 A supplementary estimate is a permission to increase or reduce the approved budget to fund additional expenditure. Approval for a supplementary estimate must be sought before the expenditure can be incurred.

SE1.2 Supplementary estimate limits and their authorisation levels are set as shown below and apply to capital and revenue:

- i. Up to and including £200,000 - by Directors, subject to prior consultation with the Section 151 Officer, the relevant Service Cabinet Member and the Cabinet Member with responsibility for finance.
- ii. Over £200,000 and up to £1,000,000 - by Cabinet report
- iii. Over £1,000,000 - by Full Council

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Specific exceptions to the above rules

The Chief Finance officer can add to capital and revenue estimates where funding is passing through the Council accounts to third parties. This could include s106 funds or government grants. Where such passporting requires a contribution of existing budget resource then this too can be undertaken by officer delegation in consultation with appropriate Cabinet members.

APPENDIX 2

List of Practice Notes

Practice Note 1 – Assets

Practice Note 2 – Fraud and Corruption

Practice Note 3 – Preparation of Budgets

Practice Note 4 – Purchase Ordering, Invoice Payments & Procurement Cards

Practice Note 5 – Budgetary Control

Practice Note 6 – Insurance and Risk Management

Practice Note 7 – Contracts, External Partners and Third party working

Practice Note 8 – Income Collection and Debt Management

Practice Note 9 – Project Appraisal Reviews

Practice Note 10 – Financial Arrangements for Partnerships



Governance Committee

11 June 2025

Local Government and Social Care Ombudsman Complaint Handling Code update report

Report by:
Monitoring Officer

Officer Contact:
Lorraine Browne, Legal & Democratic Services Manager & Monitoring Officer,
email: lorraine.browne@chelmsford.gov.uk, tel: 01245 606560

Purpose

To update members in relation to the Council's position relating to the adoption of the LGSCO complaint handling code.

Recommendations

1. That the report is noted.
-

1. Background

- 1.1 The Local Government and Social Care Ombudsman (LGSCO) issued a new complaint handling code in February 2024. The LGSCO encourages

Councils to adopt the Code as quickly as they are able to and has indicated that the Code will be considered in ombudsman casework from April 2026.

- 1.2 The code has been issued as “advice and guidance” for all local councils in England under section 23(12A) of the Local Government Act 1974. This means that councils should consider the Code when developing complaint handling policies and procedures and when responding to complaints. If a council decides not to follow the Code it is expected to have a good reason for doing so.
- 1.3 The Code only applies to complaints where there is no statutory process in place. So, for example, it does not apply to complaints about the behaviour of councillors although the ombudsman can consider how the Council has dealt with such a complaint.
- 1.4 The purpose of the Code is to enable the resolution of complaints raised by individuals promptly, and to use the data and learning from complaints to drive service improvements. It is also designed to help create a positive complaint handling culture amongst staff and individuals. The LGSCO has also provided guidance and training tools to support the Council in addressing how best to adopt and comply with the code.
- 1.5 There is also a separate Housing Ombudsman which has statutory reporting requirements and code. In relation to the Council’s homeless duties these fall under the LGSCO.

2. City Council adoption of the new Complaint handling code

- 2.1 The Council’s complaint policy and operational arrangements are broadly compliant with the complaint handling code, but steps to improve reporting and scrutiny arrangements are necessary to ensure full compliance. The Council has now moved to a new complaint management system, the Feedback Hub and is gearing up to adopt the complaints handling code. The policy is to be updated to clarify the difference between a service request and a complaint.
- 2.2 Management Team has approved the following actions which have been or are being implemented: -

Lead officer (Director of Connected Chelmsford) has been appointed

Lead Member (Deputy Leader) has been appointed

Quarterly reporting of performance in relation to complaints is being introduced. This will include circulation to the Lead Officer/Management Team, Statutory Officers meeting and Lead member.

An annual Complaints Report will be introduced for Cabinet to scrutinise performance.

- 2.3 The existing report from the LGSCO is already reported to Governance Committee annually. An assurance report in relation to compliance with the complaints handling code will be included in the Governance Committee forward plan. It should be noted that the LGSCO is changing their approach to annual reporting. In future, data will be provided to all Councils annually, but a detailed report will only be issued where necessary.

List of Appendices

Appendix 1 LGSCO complaint handling code

Appendix 2 Self-assessment template for assurance report to Governance Committee

Background papers: Nil

Corporate Implications

Legal/Constitutional: The LGSCO will consider the new complaints handling code in case work from April 2026. Accordingly, it is sensible for the Council to adopt the complaint handling code and work towards full compliance as quickly as possible.

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees: None

Relevant Policies and Strategies:

Council Complaints Policy

Local Government &
Social Care
OMBUDSMAN



Complaint Handling Code

Date published: February 2024

Date applicable: April 2024

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Introduction

Good complaint handling requires effective procedures and well-trained staff alongside a positive complaints culture that enables those procedures to achieve maximum impact. This code sets out what an organisation should do procedurally to handle complaints.

Organisations should embrace complaints through increased transparency, accessibility, and complaint handling governance. Demonstrating that individuals are at the heart of its service delivery and good complaint handling is central to that.

Some organisations see complaints as a form of negative feedback. However, there are many benefits to be gained from having an effective and efficient complaints process:

- > Good complaint handling promotes a positive relationship between an organisation and service users.
- > Complaints allow an issue to be resolved before it becomes worse. Those issues not resolved promptly can take significant resource and time to remedy.
- > Involvement in complaint resolution develops staff ownership, decision-making and engagement.
- > Complaints provide senior staff with essential insight into day-to-day operations, allowing them to assess effectiveness and drive a positive complaint handling culture.
- > Data collected about complaints can be analysed and used to inform key business decisions to drive improvement in service provision.

The Complaint Handling Code ('the Code'), sets out a process for organisations that will allow them to respond to complaints effectively and fairly. The purpose of the Code is to enable organisations to resolve complaints raised by individuals promptly, and to use the data and learning from complaints to drive service improvements. It will also help to create a

positive complaint handling culture amongst staff and individuals.

The Code will act as a guide for individuals setting out what they may expect from an organisation when they make a complaint. Organisations should seek feedback from individuals in relation to their complaint handling as part of the drive to encourage a positive complaint and learning culture.

Organisations should have a single policy for dealing with complaints covered by the Code.

The principles, process and timescales in this Code are aligned with the Complaint Handling Code issued by the Housing Ombudsman. This means that organisations who fall under the jurisdiction of both Ombudsmen should be able to provide a co-ordinated complaint handling process across services covered by both Codes.

The Local Government and Social Care Ombudsman's powers and approach

The Code is issued under the Local Government and Social Care Ombudsman's powers to provide "guidance about good administrative practice" to organisations under section 23(12A) of the Local Government Act 1974. For the Local Government and Social Care Ombudsman, this Code constitutes important advice and guidance to councils, rather than instructions.

We have issued the Code for local councils in England. Other organisations in the Ombudsman's jurisdiction may find the Code helpful in setting out good practice.

We can recommend an organisation takes action to improve services or provide a personal remedy where it finds fault causing injustice to an individual or group of individuals. Unlike the Housing Ombudsman, we have no specific responsibility for monitoring compliance with the Code in addition to our role investigating complaints of maladministration and service failure.

Using the Code

We expect local councils to carefully consider the Code when developing policies and procedures. Where an organisation decides that it will depart from the Code, it should ensure local decision-making processes have been properly followed.

We may make a finding of maladministration where local councils' policies and procedures depart from the Code without sufficient explanation. We may also make a finding of maladministration where a local council, without good reason, does not meet the standards in the Code when responding to an individual complaint.

Where an organisation is unable to comply with its policies and procedures when dealing with an individual complaint, the individual should be provided with a suitable explanation and signposted to the Ombudsman.

The Code should be considered along with other guidance issued by the Local Government and Social Care Ombudsman.

The Code does not replace any existing statutory complaint processes such as The Children Act 1989 Representations Procedure (England) Regulations 2006 or Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

The Complaint Handling Code

1. Definition of a service request and complaint

- 1.1 Effective complaint handling enables individuals to be heard and understood. The starting point for this is a shared understanding of what constitutes a service request and what constitutes a complaint. In most cases organisations should be able to put things right through normal service delivery processes.
- 1.2 A service request may be defined as:
‘a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision.’
- 1.3 This provides organisations with opportunities to resolve matters to an individual’s satisfaction before they become a complaint.
- 1.4 A complaint may be defined as:
‘an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group of individuals.’
- 1.5 An individual should not have to use the word ‘complaint’ for it to be treated as such. A complaint that is submitted via a third party or representative should still be handled in line with the organisation’s complaints policy.
- 1.6 Organisations should recognise the difference between a service request and a complaint. This should be set out in their complaints policy.
- 1.7 Service requests are not complaints but may contain expressions of dissatisfaction. Organisations should have the opportunity to deal with a service request before a complaint is made. A complaint may be raised when the individual expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. An organisation should not stop its efforts to address the service request if the individual complains.
- 1.8 Service requests should be recorded, monitored and reviewed regularly.

2. Exclusions

- 2.1 An organisation should accept a complaint unless there is a valid reason not to do so. If the organisation decides not to accept a complaint, it should be able to evidence its reasoning. Each complaint should be considered on its own merits.
- 2.2 Organisations should accept complaints referred to them within 12 months of the issue occurring, or the individual becoming aware of the issue. Organisations should consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.
- 2.3 A complaints policy should set out the circumstances in which a matter might not be considered or escalated. Organisations should ensure that these are reasonable, and should not deny individuals access to redress.
- 2.4 If an organisation decides not to accept a complaint, an explanation should be provided to the individual setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman.
- 2.5 Organisations should not take a blanket approach to excluding complaints; they should consider the individual circumstances of each complaint.

3. Accessibility and awareness

- 3.1 Organisations should make it easy for individuals to complain by providing different channels through which they can make a complaint. Organisations must consider their duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of individuals who may need to access the complaints process.
- 3.2 Individuals should be able to raise their complaints in any way and with any member of staff. All staff should be aware of the complaints process and be able to pass details of the complaint to the appropriate person within the organisation.
- 3.3 High volumes of complaints should not be seen as a negative, as they can be indicative of a well-publicised and accessible complaints process. Low complaint volumes are potentially a sign that individuals are unable to complain.
- 3.4 Organisations should make their complaint policy available in a clear and accessible format for all individuals. This should detail the process, what will happen at each stage, and the timeframes for responding. The policy should also be published on the organisation's website.
- 3.5 The policy should explain how the organisation will publicise details of the complaints policy, including information about the Ombudsman and this Code.
- 3.6 Organisations should give individuals the opportunity to have a suitable representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the organisation.
- 3.7 Organisations should provide individuals with information on their right to access the Ombudsman service and how the individual can engage with the Ombudsman about their complaint.
- 3.8 Where an organisation asks for feedback about its services through a survey, it should provide details of how individuals can complain so they can pursue any dissatisfaction if they so wish.

4. Complaint handling resources

- 4.1 Organisations should have designated, sufficient resource assigned to take responsibility for complaint handling, including liaison with the relevant Ombudsman and ensuring complaints are reported to the governing body (or equivalent).
- 4.2 Anyone responding to a complaint should have access to staff at all levels to facilitate the prompt resolution of complaints. They should also have the authority and autonomy to act to resolve disputes promptly and fairly.
- 4.3 Organisations are expected to prioritise complaint handling and a culture of learning from complaints. All relevant staff should be suitably trained in the importance of complaint handling. It is important that complaints are seen as a core service and resourced accordingly

5. The complaint handling process

- 5.1 Organisations should have a single policy for dealing with complaints covered by the Code.
- 5.2 The early and local resolution of issues between organisations and individuals is key to effective complaint handling. Organisations should not have extra named stages (such as 'stage 0' or 'informal complaint') as this causes unnecessary confusion.
- 5.3 When an individual expresses dissatisfaction that could meet the criteria for a complaint as set out in section 1 of the Code, they should be given the opportunity to make a complaint. Organisations should recognise that individuals may be reluctant to raise complaints out of fear it may impact services they receive in future.
- 5.4 The person responding to the complaint should:
- clarify with the individual any aspects of the complaint they are unclear about;
 - deal with complaints on their merits, act independently, and have an open mind;
 - give the individual a fair chance to set out their position;
 - take measures to address any actual or perceived conflict of interest; and
 - consider all relevant information and evidence carefully.
- 5.5 Where a response to a complaint will fall outside the timescales set out in this Code the organisation should inform the individual of when the response will be provided and the reason(s) for the delay.
- 5.6 Organisations must make reasonable adjustments for individuals where appropriate under the Equality Act 2010.
- Organisations should keep a record of any reasonable adjustments agreed. Any agreed reasonable adjustments should be kept under active review.
- 5.7 Organisations should not refuse to escalate a complaint through all stages of the complaints procedure unless there are valid reasons to do so. Organisations should clearly set out these reasons, and they should align with the approach to exclusions set out in section 2 of the Code.
- 5.8 A full record should be kept of the complaint, and the outcomes at each stage. This should include the original complaint and the date received, all correspondence with the individual, correspondence with other parties, and any relevant supporting documentation such as reports. This should be retained in line with the organisation's data retention policies.
- 5.9 Organisations should have systems in place to ensure that a complaint can be remedied at any stage of its complaints process. Organisations should ensure that appropriate remedies can be provided at any stage of the complaints process without the need for escalation to stage 2 or the Ombudsman.
- 5.10 Organisations should have policies and procedures in place for managing unacceptable behaviour from individuals and/or their representatives. Organisations should be able to evidence reasons for putting any restrictions in place and should keep an individual's restrictions under regular review.
- 5.11 Any restrictions placed on an individual's contact due to unacceptable behaviour should be proportionate and demonstrate regard for the provisions of the Equality Act 2010.

6. Complaints stages

Stage 1

- 6.1 Organisations should have processes in place to consider which complaints can be responded to as early as possible, and which require further consideration. Organisations should consider factors such as the complexity of the complaint and whether the individual is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the individual.
- 6.2 Complaints should be acknowledged, and logged at stage 1 of the complaints procedure **within five working days of the complaint being received**.
- 6.3 Organisations should provide a full response to stage 1 complaints **within 10 working days** of the complaint being acknowledged.
- 6.4 Organisations should decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform individuals of the expected timescale for response. Any extension should be no more than 10 working days without good reason, and the reason(s) should be clearly explained to the individual.
- 6.5 When an organisation informs an individual about an extension to these timescales, they should be provided with the details of the relevant Ombudsman.
- 6.6 A complaint response should be provided to the individual when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions should still be tracked and actioned promptly, with appropriate updates provided to the individual.
- 6.7 Organisations should address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate. Organisations should be clear which aspects of the complaint they are, and are not, responsible for and clarify any areas where this is not clear.
- 6.8 At the conclusion of stage 1 organisations should provide details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.
- 6.9 Where individuals raise additional complaints during stage 1, these should be incorporated into the stage 1 response if they are related, and the stage 1 response has not been provided. Where the stage 1 response has been provided, the new issues are unrelated to the issues already being considered, or it would unreasonably delay the response, the new issues should be logged as a new complaint.
- 6.10 Organisations should have systems in place to ensure that a complaint can be remedied at any stage of its complaints process. Individuals should not have to escalate a complaint in order to get an appropriate remedy.

Stage 2

- 6.11 If all or part of the complaint is not resolved to the individual's satisfaction at stage 1, it should be progressed to stage 2 of the organisation's procedure. Stage 2 is the organisation's final response..
- 6.12 Requests for stage 2 should be acknowledged and logged at stage 2 of the complaints procedure within **five working days of the escalation request being received**. Within the acknowledgement, organisations should set out their understanding of any outstanding issues and the outcomes the individual is seeking. If any aspect of the complaint is unclear, the individual should be asked for clarification.
- 6.13 Individuals should not be required to explain their reasons for requesting a stage 2 consideration. Organisations should make reasonable efforts to understand why an individual remains unhappy as part of its stage 2 response.
- 6.14 The person considering the complaint at stage 2 should not be the same person that considered the complaint at stage 1.
- 6.15 Organisations should issue a final response to the stage 2 **within 20 working days** of the complaint being acknowledged.
- 6.16 Organisations should decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform individuals of the expected timescale for response. Any extension should be no more than 20 working days without good reason, and the reason(s) should be clearly explained to the individual.
- 6.17 When an organisation informs an individual about an extension to these timescales they should be provided with the details of the relevant Ombudsman.
- 6.18 Organisations should confirm the following in writing to the individual at the completion of stage 2 in clear, plain language:
- a. the complaint stage;
 - b. the organisation's understanding of the complaint;
 - c. the decision on the complaint;
 - d. the reasons for any decisions made;
 - e. the details of any remedy offered to put things right;
 - f. details of any outstanding actions; and
 - g. details of how to escalate the matter to the Ombudsman if the individual remains dissatisfied.
- 6.19 Stage 2 should be the organisation's final response and should involve all suitable staff members needed to issue such a response.
- 6.20 A process with more than two stages will make the complaint process unduly long and delay access to the relevant Ombudsman. A process with a single stage means the organisation may lack the ability to check its response before an individual comes to the Ombudsman.
- 6.21 Where an organisation's complaint response is handled by a third party (e.g. a contractor) or independent adjudicator at any stage, it should form part of the two stage complaints process set out in this Code. Individuals should not be expected to go through two complaints processes.
- 6.22 Organisations are responsible for ensuring that any third parties handle complaints in line with the Code.

7. Putting things right

7.1 Where something has gone wrong an organisation should acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include:

- > Apologising;
- > Acknowledging where things have gone wrong;
- > Providing an explanation, assistance or reasons;
- > Taking action if there has been delay;
- > Reconsidering or changing a decision;
- > Amending a record or adding a correction or addendum;
- > Providing a financial remedy;
- > Changing policies, procedures or practices.

7.2 Any remedy offered should reflect the impact on the individual as a result of any fault identified.

7.3 The remedy offer should clearly set out what will happen and by when, in agreement with the individual where appropriate. Any remedy proposed should be followed through to completion.

7.4 If a proposed remedy cannot be delivered, the individual should be informed of the reasons for this, provided with details of any alternative remedy and reminded of their right to complain to the Ombudsman,

7.5 Organisations should take account of the good practice guides issued by the Ombudsman when deciding on appropriate remedies.

8. Performance reporting and self-assessment

- 8.1 Organisations should produce an annual complaints performance and service improvement report for scrutiny and challenge, which should include:
- a. an annual self-assessment against this Code to ensure its complaint handling policy remains in line with its requirements.
 - b. a qualitative and quantitative analysis of the organisation's complaint handling performance. This should also include a summary of the types of complaints the organisation has refused to accept;
 - c. any findings of non-compliance with this Code;
 - d. the service improvements made as a result of the learning from complaints;
 - e. the annual letter about the organisation's performance from the Ombudsman; and
 - f. any other relevant reports or publications produced by the Ombudsman in relation to the work of the organisation.
- 8.2 The annual complaints performance and service improvement report should be reported through the organisation's governance arrangements and published on the section of its website relating to complaints. The response to the report from the relevant governance arrangement should be published alongside this.
- 8.3 Organisations should also carry out a self-assessment following a significant restructure, merger and/or change in procedures.

9. Scrutiny & oversight: continuous learning and improvement

- 9.1 Organisations should look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from the complaint.
- 9.2 A positive complaint handling culture is important to the effectiveness with which organisations resolve disputes. Organisations should use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.
- 9.3 Accountability and transparency are also integral to a positive organisational culture. Organisations should report back on wider learning and improvements from complaints to stakeholders, such as citizens' panels, staff and relevant committees.
- 9.4 The organisation should appoint a suitably senior person to oversee its complaint handling performance. This person should assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.
- 9.5 In addition to this, organisations should assign lead responsibility for complaints in governance arrangements to support a positive complaint handling culture. We refer to this as the 'Member Responsible for Complaints' (the Member). This role could be carried out by an individual or committee depending on the governance arrangements in place.
- 9.6 The Member should receive regular information on complaints that provides insight on the organisation's complaint handling performance. The Member should have access to suitable information and staff to perform this role and report on their findings.
- 9.7 As a minimum, the Member should receive:
 - a. regular updates on the volume, categories, and outcomes of complaints, alongside complaint handling performance
 - b. regular reviews of issues and trends arising from complaint handling; and
 - c. the annual complaints performance and service improvement report.
- 9.8 Organisations should have a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to:
 - > have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments;
 - > take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and
 - > act within the professional standards for engaging with complaints as set by any relevant professional body.

Appendix A: Self-assessment

A self-assessment should be completed and shared with the organisation's governance arrangements as part of the complaints performance and service improvement report.

Evidence should show how the organisation follows the Code and its own policies. It should also set out how well it is performing and provide information about service improvements which have been implemented following complaints.

For example, this could include records of quality assurance checks on complaint responses, exclusions and feedback from relevant staff. If the failure to meet an expectation only relates to one service area or department this should be made clear.

When completing the self-assessment, organisations should not focus on the number of complaints received. Recording a high number of complaints may be an indication that the organisation welcomes complaints and that individuals are able to access the complaints process easily. Organisations should focus on timescales for responding to complaints and complaint outcomes.

A suggested self-assessment format is included here, but organisations may adopt their own version to meet local needs and reporting requirements.

Example: Self-assessment against the requirements of the Code

| Code section | Action | Do we follow the code Yes/No | Explanations and Commentary |
|---|--|---------------------------------|--------------------------------|
| 1: Definition of a service request and complaint | We recognise the difference between a service request and a complaint and these are defined in our policies and procedures. | | |
| 2: Exclusions | Our complaints policy sets out circumstances where we would not consider a complaint. These are reasonable and do not deny individuals access to redress. | | |
| 3: Accessibility and awareness | We provide different channels through which individuals can make complaints. These are accessible and we are able to make reasonable adjustments where necessary. | | |
| 4: Complaint handling resources | We have designated, sufficient resource assigned to take responsibility for complaint handling. Complaints are viewed as a core service and resourced accordingly. | | |

| Code section | Action | Do we follow the code Yes/No | Explanations and Commentary |
|---|--|---------------------------------|--------------------------------|
| 5: The complaint handling process | We have a single policy for dealing with complaints covered by the Code and individuals are given the option of raising a complaint where they express dissatisfaction that meets the definition of the complaint in our policy. | | |
| 6: Complaints stages (Stage 1) | We process stage 1 complaints in line with timescales and processes set out in the Code. | | |
| 6: Complaints stages (Stage 2) | We process stage 2 complaints in line with timescales and processes set out in the Code. | | |
| 7: Putting things right | When something has gone wrong we take action to put things right. | | |
| 8: Performance reporting and self-assessment | We produce an annual complaints performance and service improvement report for scrutiny and challenge which includes a self-assessment against the Code. | | |
| 9: Scrutiny & Oversight | We have appropriate senior leadership and governance oversight of the complaints process and performance. | | |

Local Government and Social Care Ombudsman

PO Box 4771
Coventry
CV4 0EH

Phone: 0300 061 0614
Web: www.lgo.org.uk
Twitter: [@LGOmbudsman](https://twitter.com/LGOmbudsman)

Example: Self-assessment against the requirements of the Code

| Code section | Action | Do we follow the Code: Yes/No | Explanations and Commentary |
|---|--|----------------------------------|-----------------------------|
| 1: Definition of a service request and complaint | We recognise the difference between a service request and a complaint, and these are defined in our policies and procedures. | | |
| 2: Exclusions | Our complaints policy sets out circumstances where we would not consider a complaint. These are reasonable and do not deny individuals access to redress. | | |
| 3: Accessibility and awareness | We provide different channels through which individuals can make complaints. These are accessible and we can make reasonable adjustments where necessary | | |
| 4: Complaint handling resources | We have designated, sufficient resource assigned to take responsibility for complaint handling. Complaints are viewed as a core service and resourced accordingly. | | |

| Code section | Action | Do we follow the Code: Yes/No | Explanations and Commentary |
|---|--|----------------------------------|-----------------------------|
| 5: The complaint handling process | We have a single policy for dealing with complaints covered by the Code and individuals are given the option of raising a complaint where they express dissatisfaction that meets the definition of the complaint in our policy. | | |
| 6: Complaints stages (Stage 1) | We process stage 1 complaints in line with timescales and processes set out in the Code. | | |
| 6: Complaints stages (Stage 2) | We process stage 2 complaints in line with timescales and processes set out in the Code. | | |
| 7: Putting things right | When something has gone wrong we take action to put things right. | | |
| 8: Performance reporting and self-assessment | We produce an annual complaints performance and service improvement report for scrutiny and challenge which includes a self-assessment against the Code. | | |
| 9: Scrutiny & Oversight | We have appropriate senior leadership and governance oversight of the complaints process and performance. | | |



Governance Committee

11 June 2025

Annual Report of the Governance Committee 2024/25

Report by:
Monitoring Officer

Officer Contact:

Monitoring Officer – Lorraine Browne, tel: 01245 606560, email:
lorraine.browne@chelmsford.gov.uk

Purpose

To report on the work of the Governance Committee in 2024/25

Recommendations

1. That the Council is recommended to approve the Committee's Annual Report 2024/25 for subsequent publication
-

1. Background

- 1.1. The Council annually adopts a Code of Corporate Governance and Annual Governance Statement, which reflect the Council's approach to governance arrangements;
 - On how well the Council has achieved these in the relevant year and targets set in the previous year for improvement; and then
 - Identifies future targets for creating a more robust set of arrangements and compliance with them.

1.2 The suite of documents for 2024/25 was reported for approval to the Joint Audit and Governance Committee that met earlier this evening.

1.3 Annual reports on the Audit and Overview & Scrutiny functions have been presented to and agreed by Full Council at its July meeting for a number of years. There is no statutory requirement to produce an annual report by the Governance Committee but it is recognised as good practice, and Full Council approved the first of such reports in December 2016. This report seeks approval of the Annual Report for the Municipal year ending in May 2025 which appears at the Appendix to this report.

1.4 Members views are sought on the content and to recommend that Full Council approves the Committee's Annual Report for subsequent publication.

[List of appendices:](#)

Appendix 1 – Annual Report on the work of the Governance Committee 2024/25

[Background papers:](#)

Nil

[Corporate Implications](#)

Legal/Constitutional: These are set out in the report

Financial: The cost of managing the statutory arrangements for dealing with complaints and undertaking standards investigations is borne by the City Council

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: This is set out in the report

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees:

Chair of the Governance Committee

Relevant Policies and Strategies:

The Councillor Code of Conduct and associated complaints procedure



CHELMSFORD CITY COUNCIL ANNUAL REPORT ON THE WORK OF THE GOVERNANCE COMMITTEE 2024/25

**Councillor K Franks
(Chair of Governance Committee)**

www.chelmsford.gov.uk

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1. **Background**

Statutory and Procedural requirements under the Standards Regime

- 1.1 The Localism Act 2011 places all local authorities under a duty to promote high standards of conduct by Councillors. Councils are required to adopt a Code of Conduct which is consistent with the principles set out in the Act, historically known as the “Nolan Principles”, namely selflessness, integrity, objectivity, accountability, openness, honesty and leadership. The City Council adopted the LGA Model Code of Conduct without amendment and this is [Part 5.1.1 of the Constitution](#) and was adopted in 2022.
- 1.2 Local Authorities must also have in place arrangements for dealing with any allegations that the Code has been breached. The adopted Complaints Procedure, in [part 5.1.2 of the Council's Constitution](#), deals with how complaints made about City Councillors, and those of the Parish Tier Councils in its administrative area, will be handled.
- 1.3 The Council's Monitoring Officer is Lorraine Browne, the Legal & Democratic Services Manager and they have appointed a deputy, Mr William Butcher the Legal Services Manager.
- 1.4 The Monitoring Officer has considerable responsibilities under the standards regime including duties to:
 - i. Maintain a register of interests for the City and Parish Tier Councillors, who are all required to declare such interests to them.
 - ii. Consider the best course of action in relation to alleged breaches of the Code, including the responsibility for informally resolving complaints where appropriate in their view.
 - iii. Consult an Independent Person at various stages in the Complaints Procedure.
 - iv. Liaise with the Police where the allegation concerns an alleged breach of the Disclosable Pecuniary Interests requirements.
- 1.5 As part of the Complaints Procedure the Council is required to establish a committee, which will be responsible for dealing with standards issues that cannot be dealt with by the Monitoring Officer or on which they decide Councillors' views are important. This includes where a formal hearing is necessary to determine if a breach has occurred and if so, what penalties are appropriate. The City Council chose in 2012 to comply with this requirement by establishing the Governance Committee.
- 1.6 The Council is also obliged to appoint at least one Independent Person. Their role is to ensure that the Council is appropriately applying the statutory requirements and its adopted Policies and Procedures in dealing with any complaints received. They:
 - i. Must be consulted before the Council makes a finding as to whether a Councillor has failed to comply with the Code of Conduct or to decide on appropriate sanctions or other measures to be taken in respect of that Councillor;

- ii. May be consulted at other stages of the Complaints Procedure by the Council or by a member or co-opted member of the Councils covered by that Procedure.

Other Statutory, Governance Responsibilities and Terms of Reference

- 1.7 In establishing the Governance Committee, the Council allocated a wide set of governance roles and responsibilities, which is broader than dealing with the standards regime alone. The Committee's Terms of Reference are set out in [Part 3.2.3\(c\) of the Council's Constitution](#). These include:
 - i. Oversight of the Council's arrangements for dealing with all complaints.
 - ii. Reviewing the use of the powers exercised by the Council under the Regulation of Investigatory Powers Act 2000 (RIPA)
 - iii. Approving and monitoring the Code of Corporate Governance and Annual Governance Statement together with the Audit Committee
 - iv. Making recommendations on proposed changes to the Council's Constitution.
- 1.8 Whilst the Committee is "politically balanced", in that membership across all committees are drawn from all the parties represented on the Council and in the same proportions, decisions taken, especially those related to the standards regime are not taken on a political basis. In particular, the Mayor, Deputy Mayor & Leader of the Council cannot be members of the Committee and no more than two members of the Cabinet can sit on the committee at any time.

Membership of the Committee

- 1.9 The Committee consists of 7 City Councillors and 3 Parish tier Councillors. In 2024/25 the membership of the Committee comprised the following:
 - Liberal Democrats: Councillors K Franks (Chair), I Fuller, S. Rajesh, J. Sosin & Young
 - Conservatives: Councillors B Massey and M. Steel
 - Parish-Tier Councillors:
 - Keith Bentley – South Woodham Ferrers Town Council
 - Kuldeep Golla – Chelmsford Garden Community Council,
 - Peter Jackson - Great Waltham Parish Council
- 1.10 ***Parish-Tier Council representatives*** - At least one must be present when issues affecting a Parish Tier Councillor are discussed. They cannot vote but they provide a valuable perspective and insight into how those organisations and their councillors are expected to behave.
- 1.11 ***Independent Members*** - They are also invited to attend Committee meetings. They receive an allowance for the services they provide. Whilst they attend the

Governance Committee, when standards issues are to be debated or decided, they too have no voting rights. Nevertheless, their input is invaluable to give assurance that the procedures are being correctly applied. The Independent Persons during 2024/25 were Mrs C Gosling, Mr P Jeremiah, Mr D Lamb and Mrs P Mills. Their contribution is much appreciated by the Monitoring Officer and the Governance Committee.

Programme of Meetings

- 1.12 The Committee receives regular reports on the areas for which it has responsibility. In 2024/25 the Committee met on three occasions and the remainder of this report addresses how the Committee has approached its work during the year.

Publication of Information

- 1.13 The agendas for the Committee's meetings are published on the Council's website not later than five clear days before the date of each meeting. This is a requirement of the Local Government Act 1972, which is explained in and complies with the Access to Information Rules in [Part 4.6 of the Council's Constitution](#). The minutes of each meeting are also [published on the website](#) as soon as possible after each meeting has taken place.

2. Work Programme 2024-25

- 2.1 The main areas of activity considered by the Committee during the municipal year (May to May) 2024-25 were as follows:

| <u>Issues addressed</u> | <u>Meetings</u> |
|--|------------------------|
| Code of Corporate Governance and the Annual Governance Statement for 2024/25 considered by the Joint Audit and Governance Committee | 17 July 2024 |
| Monitoring Officer report | 16 October 2024 |
| Information Governance update | 16 October 2024 |
| Senior Responsible Officer's Report in relation to Council's RIPA arrangements | 16 October 2024 |
| Complaints to the Local Government and Social Care Ombudsman – Annual Review | 16 October 2024 |
| Annual report of the Governance Committee 23/24 | 16 October 2024 |
| Update on Register of Interests in City and Parish-Tier Councils | 16 October 2024 |
| Work programme | 16 October 2024 |
| Monitoring Officer report | 15 January 2025 |
| Polling District review report | 15 January 2025 |
| Update Member and Officer Code of Conduct and Register of Interests report | 15 January 2025 |

| | |
|-------------------------------------|-----------------|
| Gifts and Hospitality Report | 15 January 2025 |
| Annual Whistleblowing report | 15 January 2025 |
| Work programme | 15 January 2025 |

3. Complaints About Councillors

- 3.1.1 The Monitoring Officer regularly reports to the Governance Committee regarding complaints received. The statistical information is then published on the Council's website.
- 3.1.2 For period 1 May 2024 to 1 May 2025, 33 new complaints were received. In relation to these cases none of these complaints required investigation and were dealt with by the Monitoring Officer in consultation with an Independent Person, as necessary. Of the 33 cases there were 4 cases that overlapped with criminal allegations and in accordance with the Monitoring Officer and Police Protocol, the standards complaints were held in abeyance until the criminal matters had been concluded. No further action was taken by Essex Police.

4. Future Work Programme

- 4.1 The work of the Committee as regards the Standards Regime is reactive. There are, however, annual reports as well as reviews on the main areas for which the Committee is responsible and these are reflected in paragraph 2.1 above.

5. Training and Development

- 5.1 The Monitoring Officer provides advice and assistance throughout the year to Councillors, members of the public and Parish tier clerks in relation to the Standards regime. This has resulted in the development of Practice Notes which reflect this advice and the processes and procedures in place. In addition, they provide advice to the Committee and by extension, the public, at Committees by way of open and frank discussion.

6. Conclusion

- 6.1 The arrangements the Council has put in place to promote high standards of behaviour are well established but improvements have been identified and approach updated to address these to make it clearer. The transparency of the processes and procedures is being continually reviewed and guidance issued to assist understanding.
- 6.2 As is evidenced by queries and complaints received, there is a good understanding of the availability of the complaints process and few cases are significantly serious to warrant investigation. Complaint casework is dealt with efficiently and the parties are kept informed. The Committee members and the Independent Persons have been a key part in achieving this.

- 6.3 The Committee's focus on its other responsibilities is clear through the use of a published work programme and regular updates. As was set out in the Code of Corporate Governance and Annual Governance Statement adopted in the summer, there are many examples of good practice and transparency.



Governance Committee

11 June 2025

Multi hatted councillor dispensation Report

Report by:
Monitoring Officer

Officer Contact:
Lorraine Browne, Legal & Democratic Services Manager & Monitoring Officer,
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Purpose

To seek a general dispensation for multi hatted members. It should be noted that due to the fact that most voting committee members are multi hatted the Monitoring Officer has granted a dispensation, in consultation with an independent person, to any multi hatted Governance Committee member to vote in relation to this agenda item.

Recommendations

1. That the dispensation approved by the Monitoring Officer to any multi hatted councillor attending Governance Committee in relation to the above dispensation to enable committee to reach a decision is noted.
2. That Governance Committee grants a dispensation to any city councillor who (i) is also a County and/or Parish Tier Councillor or (ii) whose Spouse or Partner is a County and/or Parish Tier Councillor within Essex and who might have a Disclosable Pecuniary Interest or Other Registrable Interest in any decision making or scrutiny matter at Chelmsford City Council notwithstanding the fact that they and/or their spouse or partner is a member of other public bodies.

3. The dispensation does not apply to :-

-
- a. The consideration of any approval, consent, licence or permission or registration in relation to that authority: or
 - b. The award of a contract to that authority following a competitive procurement.
-
4. This will enable any multi hatted member to fully participate in decision making and scrutiny including speaking, voting and in relation to cabinet members taking executive decisions, as necessary. By way of example, this includes items of business about devolution, local government reorganisation and community governance.
-

1. Background and proposal in relation to Multi hatted members

- 1.1. The City Council currently has 57 Councillors of which many are also County and/or Parish Tier Councillors, including two councillors who are representatives across all 3 tiers of local government (collectively called “multi-hatted”). There are also a number whose spouse or partner are also councillors.
- 1.2. Indeed, there is an insufficient quorum of voting members appointed to this committee who are not multi hatted which has led to the Monitoring Officer granting a dispensation under Section 33(1)(a) of the Localism Act 2011 to relevant members of this committee to enable this decision to be considered and voted upon.
- 1.3. Under the Code of Conduct these City Councillors might be considered to have a disclosable pecuniary interest (DPI) or other registrable interest (ORI) in any matter coming before a meeting which would impact on the County or Parish tier Council eg where they (or their Spouse/Partner) are in receipt of a member’s allowance from that other Council.
- 1.4. The City Council already has in place several general dispensations and it is proposed that the above is added to these. This will put beyond doubt that councillors can fully participate in important forthcoming decisions that may arise at Chelmsford City Council.

- 1.5. Agree that the dispensation should last for a period of 4 years, or in the event that the Council be abolished in April 2028 (as a result of local government reorganisation), whichever is the sooner.

List of Appendices

Appendix 1 – proposed change to standing dispensations

Background papers: Nil

Corporate Implications

Legal/Constitutional: The Monitoring Officer has approved a dispensation in consultation with an independent person under ground (a) as there would be insufficient quorum to take the decision without the dispensation being granted to all multi hatted members that sit on the committee or maybe substituted to sit on the committee when this decision is made. This will enable all city councillors to participate and vote in relation to the general dispensation thus enabling the council to take a decision.

The general dispensation is sought to put beyond doubt whether it is appropriate for multi hatted members to participate in decisions and scrutiny including those relating to devolution, local government reorganisation and/or community governance matters. So far as the Monitoring Officer is concerned there is no reason why councillors should not be able to fully participate in such matters simply because they are multi hatted councillors. Appropriate exclusions are proposed for scenarios where it would not be ethical for the councillor to participate or vote. It is recommended that the general dispensation is approved to avoid multiple unnecessary declarations to be made or confusion arising in relation to forthcoming decisions.

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees: None

Relevant Policies and Strategies:

None



Chelmsford City Council Governance Committee

11 June 2025

Work Programme

Report by:
Monitoring Officer

Officer Contact:

Lorraine Browne, Monitoring Officer, tel:01245 606560, email:
lorraine.browne@chelmsford.gov.uk

Purpose

The purpose of this report is to receive members' comments on the Committee's future work programme.

Recommendations

1. Members are invited to comment on the Committee's work programme, attached as Appendix 1 to this report, and make any necessary amendments to it.
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1. Background

- 1.1. The Work Programme is reviewed by the Committee at each meeting. The current version is attached at Appendix 1 to this report and includes the proposed work for future meetings, based on the Programme content for recent years.

2. Conclusion

- 1.1. Members are invited to comment on the Committee's work programme and make any necessary amendments to it.

List of appendices:

Appendix 1 – Governance Committee Work Programme

Background papers:

Nil

Corporate Implications

Legal/Constitutional: None

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees:

None

Relevant Policies and Strategies:

Not applicable

Governance Committee Work Programme

Appendix 1

16 October 2024

Monitoring officer report

Annual SIRO report

Annual Ombudsman report

Annual SRO RIPA report

14th January 2026

Monitoring officer report

Annual ROI report

Annual Gifts and Hospitality report

Annual Whistleblowing report

Training update

4th March 2026

committee training session ?

June 2026 (TBC)

Monitoring Officer report

Annual Review of Constitution

Annual report for Governance Committee

Ad hoc reports

- Politically exempt officer posts

Training