

# Public Document Pack



Ribble Valley  
Borough Council

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Dear Councillor

The next meeting of the **POLICY AND FINANCE** will be held at **6.30 pm** on **TUESDAY, 19 JANUARY 2021** by **ZOOM**.

I do hope you can be there.

Yours sincerely

*M. H. Scott*

CHIEF EXECUTIVE

## AGENDA

1. **APOLOGIES FOR ABSENCE**
2. **TO APPROVE THE MINUTES OF THE PREVIOUS MEETING** (Pages 5 - 16)
3. **MINUTES OF EMERGENCY COMMITTEES DATED 25 NOVEMBER 2020 AND 8 DECEMBER 2020** (Pages 17 - 26)

Enclosed

4. **DECLARATIONS OF PECUNIARY AND NON PECUNIARY INTERESTS**

Members are reminded of their responsibility to declare any pecuniary or non-pecuniary interest in respect of matters contained in the agenda.

5. **PUBLIC PARTICIPATION**

### **ITEMS FOR DECISION**

6. **REVISED REVENUE BUDGET 2020/21** (Pages 27 - 40)  
Report of Director of Resources enclosed.
7. **FEES AND CHARGES** (Pages 41 - 48)  
Report of Director of Resources enclosed.
8. **ORIGINAL REVENUE BUDGET 2021/22** (Pages 49 - 60)  
Report of Director of Resources enclosed.

9. **REVISED CAPITAL PROGRAMME 2020/21** (Pages 61 - 66)  
Report of Director of Resources enclosed.
10. **CAPITAL PROGRAMME REVIEW 2021/22 - 2024/25** (Pages 67 - 70)  
Report of Director of Resources enclosed.
11. **LOCAL TAXATION WRITE OFFS** (Pages 71 - 74)  
Report of Director of Resources enclosed.
12. **REVIEW OF STANDING ORDERS** (Pages 75 - 104)  
Report of Chief Executive enclosed

#### **ITEMS FOR INFORMATION**

13. **TREASURY MANAGEMENT MONITORING 2020/21** (Pages 105 - 118)  
Report of Director of Resources for information.
14. **REVENUES AND BENEFITS GENERAL REPORT** (Pages 119 - 122)  
Report of Director of Resources for information.
15. **INVESTIGATORY POWERS COMMISSIONERS REPORT** (Pages 123 - 156)  
Report of Chief Executive enclosed
16. **OMBUDSMAN ANNUAL REVIEW LETTER 2020** (Pages 157 - 162)  
Report of Chief Executive enclosed for information
17. **COVID-19 DELEGATED DECISIONS** (Pages 163 - 164)  
Report of the Chief Executive for information.
18. **REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES**  
None.
19. **EXCLUSION OF PRESS AND PUBLIC**

#### **ITEMS FOR DECISION**

20. **LONGRIDGE ASSETS** (Pages 165 - 170)  
3  
Report of Director of Economic Development and Planning enclosed
21. **LOCAL TAXATION AND HOUSING BENEFIT WRITE OFFS** (Pages 171 - 174)  
1  
Report of Director of Resources enclosed.

## ITEMS FOR INFORMATION

Electronic agendas sent to members of Policy and Finance – Councillor Stephen Atkinson (Chair), Councillor Susan Bibby, Councillor Alison Brown, Councillor Stuart Carefoot, Councillor Judith Clark, Councillor Stewart Fletcher, Councillor Mark French, Councillor Jonathan Hill, Councillor Mark Hindle, Councillor Stuart Hirst, Councillor Simon Hore (Vice-Chair), Councillor Allan Knox, Councillor David Peat, Councillor James (Jim) Rogerson and Councillor Robert Thompson.

Contact: Democratic Services on 01200 414408 or [committee.services@ribblevalley.gov.uk](mailto:committee.services@ribblevalley.gov.uk)

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## Minutes of Policy & Finance Committee

Meeting Date: Tuesday, 17 November 2020, starting at 6.30pm  
Present: Councillor S Atkinson (Chair)

Councillors:

S Bibby	M Hindle
A Brown	S Hirst
S Carefoot	S Hore
J Clark	D Peat
S Fletcher	J Rogerson
M French	R Thompson
J Hill	

In attendance: Chief Executive, Director of Resources, Director of Community Services, Director of Economic Development and Planning, Head of Financial Services, Head of Revenues and Benefits, ICT Manager.

Also in attendance: Councillor R Newmark

### 798 APOLOGIES

Apologies for absence from the meeting were submitted on behalf of Councillor A Knox.

### 799 MINUTES

The minutes of the meetings held on 21 January 2020 and 4 February 2020 were approved as a correct record and signed by the Chairman.

### 800 MINUTES OF EMERGENCY COMMITTEES

The minutes of the meetings held on 20 August 2019, 23 October 2019, 9 March 2020, 7 May 2020, 5 June 2020 and 10 August 2020 were circulated to the Committee.

In relation to Minute 650 of the Emergency Committee held on 7 May 2020 it was suggested that with reference to appointments being carried forward into the 2020/21 municipal year that the Mayor and Deputy Mayor receive 50% of their allowance.

RESOLVED: That Committee

1. approve the minutes of the Emergency Committees; and
2. agree to pay 50% of the Mayoral and Deputy Mayoral allowance for the financial year 2020/21.

### 801 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

There were no declarations of pecuniary and non-pecuniary interest.

802 PUBLIC PARTICIPATION

There was no public participation.

803 REPRESENTATIVES ON OUTSIDE BODIES

There were no reports from Representatives on Outside Bodies.

804 COVID-19: FINANCIAL UPDATE

The Director of Resources submitted a report providing an update regarding the latest financial information concerning Covid-19 and asking Members to agree next steps with regard to budget preparation for 2020/21.

The Secretary of State for MHCLG had announced various tranches of un-ringfenced emergency funding for local authorities for Covid related spending pressures. Ribble Valley Borough Council had been allocated £803,272. Each month a detailed Government survey had to be completed on Covid-19 local authority financial management information outlining estimated spend, income and cash pressures attributable to Covid-19 and expenditure of emergency Covid-19 funding. Details regarding the expenditure were outlined for the Committee. To date £671k had been identified as total spending pressure, leaving a balance of £132k unallocated at this stage.

On 2 July 2020 the Secretary of State had also announced a new scheme to reimburse councils for lost income from sales, and fees and charges due to Covid-19. Detailed guidance had been issued which set out the various principles that defined relevant losses. Councils would absorb the first 5% of all relevant irrecoverable losses compared to their original budget, with the Government compensating councils for 75p in every pound of loss thereafter. The first return for the period April – July had resulted in a claim of £193k in respect of losses.

The Director of Resources also reported upon other specific Covid funding including that for small business grants, retail, hospitality and leisure grants and discretionary business grants for which £18.926m had been received; surge enforcement funding for which £21,956 had been received; and test and trace support payment scheme for which a total of £55,684 had been allocated to cover programme costs, administration costs and discretionary payments.

She reported that on 17 October 2020 when Lancashire entered the Tier 3 Very High alert level the Department of Health and Social Care had announced funding to support proactive containment and intervention measures at a level equivalent to £8 per head of population. This equated to around £480k for the Ribble Valley area and was expected to be paid to LCC for onward disbursement. In addition to support for closed businesses there was additional funding equivalent to £20 per head would also be provided by the Government to support businesses more generally who are a key part of the local economy.

Following the announcement of the second national lockdown on 5 November 2020 guidance had been issued to Clinically Extremely Vulnerable (CEV) individuals on how to protect themselves during this period. Funding would come via LCC and was expected to be approximately £28k based on our numbers.

The Director of Resources informed Committee that on the same returns referred to earlier, estimated losses on Business Rates and Council Tax had to be included. Discussions had taken place with council taxpayers who were in arrears to make alternative payment arrangements and the Government had announced a Council Tax Hardship Fund for which we received £222k although it was anticipated our total payments would exceed that amount by the end of the financial year. Contact was also being made with business ratepayers who are in arrears to discuss payment arrangements.

With regard to business rates for 2021/22, the Government had announced that the Fair Funding review and implementation of 75% Business Rate Retention would no longer be implemented in 2021/22. Following a question raised with regard to pooling preferences, after careful consideration the Council had responded that we wished to continue as a member of the Lancashire Pool next year although it was acknowledged that any member could pull out once the provisional local government settlement was announced which would mean the whole pool would fall.

With regard to budget preparation for 2021/22, the Director of Resources reported that the Government had reduced the planned spending review to a one-year review for 2021/22 which would be announced on 25 November 2020. The Budget Working Group had met and concluded that due to the uncertainty surrounding the Covid pandemic that the budget should be prepared on the base budget plus inflation with the expectation that any variance due to Covid would be made good by the Government. It had also agreed that a new fifth year should not be added to the 5 year capital programme at this stage.

Members acknowledged the difficult and ever changing aspects of the pandemic and the position this put the Council in with regard to finances.

RESOLVED: That Committee

1. agree with the actions taken with regard to Covid financial matters; and
2. agree with the Budget Working Group that the 2021/22 budget preparations be based on the base budget plus inflation with the expectation that any variance due to Covid would be made good by the Government and that a fifth year is not added to the 5 year capital programme at this time.

805 COVID-19: GRANTS UPDATE

The Director of Resources submitted a report providing Committee with an update regarding the various Business Support Grants awarded during the Covid pandemic and informing them of the latest grant schemes announced due to further local and national restrictions.

She reminded Members that back in March in response to Covid-19 the Government had announced support for small businesses, and businesses in the retail, hospitality and leisure sectors. The Council was awarded £18.926m for these two grant funding schemes a total of £17,260,000 had been paid out to 1,544 businesses.

On 1 May 2020 additional discretionary funding of £867,750 was also made available to target small businesses with high fixed property-related costs that were not eligible under the prior schemes. For this, authorities had to design their own scheme under the guidance issued. This had been done in consultation with the Leader and Shadow Leader using the delegated powers of the Chief Executive and three application rounds had followed with a total of £867,000 being awarded.

The Director of Resources informed Committee of the latest support schemes for businesses following both the Tier 3 local restrictions and national restrictions. £30m had been negotiated for Lancashire for Tier 3 restrictions and further grant support was now available for the national restrictions.

The Director of Resources gave an update at the meeting of the grants currently being administered. These included the Local Restriction Support Grant (Closed) Tier 3 Scheme that had gone live on 2 November 2020. To date 60 applications had been received out of an anticipated 90, of which 30 had been processed for payment. The Local Restriction Support Grant (Closed) Addendum – National Lockdown Scheme had gone live on 12 November 2020 with grants payable based on rateable values. Over 200 had been received out of an anticipated 750 that were currently being processed. This scheme had now been more widely publicised.

The Local Restriction Support Grant (Open), to primarily support businesses in the hospitality, leisure and accommodation sectors during Tier 2 and Tier 3 restrictions had commenced on 22 September 2020 and ended on 5 November 2020 when we entered national lockdown restrictions. There would be no separate application process for Open grants, as they would be automatically considered when processing LRS (closed) applications

The final grant available at this stage was the Additional Restrictions Grant that had yet to be determined. The Council had received a one-off sum of £1.2m to last the next 6 – 18 months to support businesses who had been severely impacted by restrictions but who were not eligible under any of the other schemes. A priority order was suggested for the distribution of this fund.

Committee thanked the officers for the work carried out in administering all the different grants.

**RESOLVED:** That Committee agree with the approach taken to administer the Local Restrictions Support Grants, specifically that:

- two online application processes had been opened - one for businesses who were legally required to close due to the Tier 3 local restrictions and one for businesses who were required to close due to the national restrictions;
- eligibility for Tier 2 and Tier 3 Open grants would automatically be considered whilst processing successful applications for closed businesses in the hospitality, leisure and accommodation sectors;
- businesses that have remained open and not been legally required to close due to the local Tier 3 and the national lockdown restrictions and operate in the hospitality, leisure and accommodation sectors may be

eligible to receive an Additional Restrictions Support Grant (ARG) when the Council launches this scheme; and

- the Emergency Committee be convened to consider and approve the Council's Additional Restrictions Grant Scheme.

806            TREASURY MANAGEMENT POLICIES AND PRACTICES 2020/21

The Director of Resources submitted a report asking Committee to review, approve and adopt the Treasury Management Policy Statement and Practices for 2020/21.

The Treasury Management Policies and Practices document governs the way we manage our investments. It is reviewed on an annual basis to comply with the Chartered Institute of Public Finance and Accountancy (CIPFA) Code. The Code identifies 12 areas where statements of treasury management practices should be developed to implement the full requirements of the Code.

The Treasury Management Practices are split in to key principles and schedules which cover the detail of how the Council will apply the key principles in carrying out its operational treasury activities.

Since the Treasury Management Policy Statement and Treasury Management Practices were approved in April 2019, there had been a number of minor updates made to the Schedules within the document which had been highlighted accordingly.

RESOLVED: That Committee

1. formally adopt the Treasury Management Policies and Practices document as outlined in the report, incorporating:
  - Treasury Management key principles;
  - Treasury Management Policy Statement;
  - Treasury Management clauses;
  - Treasury Management practices and schedules; and

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2. recommend to Council the Treasury Management Policies and Practices 2020/21.

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807            CAPITAL AND TREASURY MANAGEMENT STRATEGY

The Director of Resources submitted a report seeking Committee's approval for the Council's Capital and Treasury Management Strategy for the 2020/21 financial year.

The report outlined that Local Authorities are required by the Local Government Act 2003 to have regard to both CIPFA's Code of Practice on Treasury Management in the Public Service and to CIPFA's Prudential Code for Capital Finance in Local Authorities.

It is a key principle of the Code of Practice on Treasury Management that public service organisations should put in place comprehensive objectives, policies and

practices, strategies and reporting arrangements for the effective management and control of their treasury management activities. The Prudential Code imposed on Local Authorities clear governance procedures for the setting and revising of a range of Prudential Indicators that are designed to deliver accountability in taking capital financing, borrowing and treasury management decisions.

A full review of the document had taken place and updated where necessary and was attached for committee's approval prior to approval by Council.

\*\*\* RESOLVED: That Committee recommend to Council the Capital and Treasury Management Strategy as set out in the report. \*\*\*

#### 808 LOCAL COUNCIL TAX SUPPORT SCHEME 2021/22

The Director of Resources submitted a report recommending a Local Council Tax Support Scheme for 2021/22 to Full Council.

Committee were reminded that as part of the package of welfare reform measures, the Government had decided to abolish Council Tax benefit from 1 April 2013 and replace it with locally determined schemes of Council Tax support. Our scheme matched the previous Council Tax benefit scheme but was set to cap the maximum reduction in support for working age claimants to 12% each year. Each billing authority was required to consider the scheme that it has in place each year and a table outlining the position across Lancashire was included in the report.

The Local Government Finance Bill imposes a duty on billing authorities to consider whether to revise or replace its scheme by 11 March each year and to consult with major precepting authorities and other persons likely to have an interest in the scheme if any significant changes are proposed.

Ribble Valley Borough Council currently grant approximately £1.06m in Local Council Tax Support to 1,012 pensioners and £1.113m to 1,286 working age claimants.

Committee were informed that no significant changes other than maintaining and uprating income disregards, non-dependant deductions, applicable amounts and premiums in line with housing benefit were proposed.

In March the Government had announced a Council Tax Covid-19 Hardship Fund 2020/21 to deliver relief to council tax payers. The allocated sum of £222,053 was based on our share of the national caseload for working age Local Council Tax Support recipients at 31 December 2019 and the Government expected us to provide a further £150 reduction in their annual bills. As a result of the Covid-19 pandemic, the working age caseload has increased by 25.1% and to date £209,149.29 had already been paid out. Based on these current demands for awards it was anticipated that our allocation would be spent in full by 31 December 2020. The Director of Resources informed committee that local authorities, including ourselves had made representation to the Government requesting additional funding.

RESOLVED: That Committee

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- i) recommend to Full Council the approval of the Local Council Tax Support Scheme for 2021/22 as outlined in the report; and
- ii) agree to continue to award the minimum £150 hardship payments to eligible Council Tax payers and lobby the Government to reimburse us accordingly.

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#### 809 COMMITTEE MEETINGS CYCLE FROM JANUARY TO MAY 2021

The Chief Executive submitted a report outlining the proposed meeting cycle for committees for the period January 2021 to May 2021. He reminded Members that following the onset of Covid-19 and the enforced national lockdown in March 2020 all Committee meetings had been cancelled. A subsequent meeting cycle had been agreed for the period July to December 2020 under the delegated powers of the Chief Executive in consultation with the Leader and Shadow Leader that had all taken place by ZOOM. A draft timetable had now been drawn up for the remainder of the municipal year from January – May 2021 for Members' approval. It was not yet known if these would take place in the Council Chamber or by ZOOM.

RESOLVED: That Committee approve the draft cycle of meetings for the period January to May 2021 as outlined in Appendix 1 to the report.

#### 810 ADOPTION OF WORKING DEFINITION OF ANTISEMITISM

The Chief Executive submitted a report asking Committee to consider whether the Council should adopt the non-legally binding working definition of antisemitism. He informed Committee that earlier in the year the Leader had received a letter from the Secretary of State for Housing, Communities and Local Government encouraging the Council to formally adopt the International Holocaust Remembrance Alliance's working definition of antisemitism.

Committee were supportive of this move.

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RESOLVED: That Committee recommend to Council that the International Holocaust Remembrance Alliance's working definition of antisemitism be adopted.

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#### 811 REFERENCES FROM COMMITTEE – HEALTH & HOUSING COMMITTEE

- i) Purchase of an Affordable Property in Clitheroe

The Director of Resources submitted a report asking Committee to consider a request from the Health and Housing Committee to agree to the approval of additional capital budget of £140,840 in 2020/21 for the purchase of an affordable property in Clitheroe and the associated repair works.

At its meeting the Health and Housing Committee had approved the request and the resolution of the meeting was outlined for Committee's information.

RESOLVED: That Committee

1. approve the request for the additional capital budget of £140,840; and
2. approve the use of the commuted sums to fund the additional revenue budget approval.
  - ii) Proposed Amendment to Disabled Facilities Grants Discretionary Grant Policy

The Director of Resources submitted a report asking Committee to consider a request from Health and Housing Committee to agree and approve the financial implications of the proposed changes to the Disabled Facilities Grants Discretionary Grant Policy.

At its meeting the Health and Housing Committee had approved the changes to the policy subject to this Committee approving the financial implications. A summary of the forecast financial impact was provided for 2019/20 and 2020/21 which showed the change to be affordable. However, it was pointed out that it should be borne in mind that there may be an increase in applications and that budgets available fluctuate yearly and that in this context it should be closely monitored.

RESOLVED: That Committee approve the proposed changes to the DFG policy from a financial perspective on the grounds that:

- the estimated additional costs in 2020/21 are likely to be contained within the 2020/21 DFG budget available; and
- The DFG budget would continue to be monitored so that all grant approval commitments in-year are confined to the yearly DFG budget available.

## 812 COVID-19 DELEGATED DECISIONS

The Chief Executive submitted a report for Members' information outlining the decisions taken by himself in consultation with the Leader, Deputy Leader and Shadow Leader under delegated powers given by the Emergency Committee on 7 May 2020 with regard to the Local Government Act 1972, the Coronavirus Act 2020 and other legislation governing local authority decision making.

RESOLVED: That the report be noted.

## 813 REVENUE AND CAPITAL OUTTURN 2019/20 AND MONITORING 2020/21

The Director of Resources submitted reports for committee's information on the following:

- i) Revenue Outturn 2019/20
- ii) Capital Outturn 2019/20
- iii) Overall Revenue Outturn 2019/20
- iv) Overall Capital Outturn 2019/20

- v) Revenue Monitoring 2020/21
- vi) Capital Monitoring 2020/21
- vii) Overall Revenue Monitoring 2020/21
- viii) Overall Capital Monitoring 2020/21

RESOLVED: That the report be noted.

814 COUNCIL TAX BASE 2021/22

The Director of Resources submitted a report for Committee's information on the Council Tax base for 2021/202. The Council Tax base was set each year between 1 December and 31 January and is an important calculation which sets out the number of dwellings to which Council Tax is chargeable in an area or part of an area.

To calculate the Tax base for an area, the number of dwellings in each Council Tax band is adjusted to take account of any discounts, premiums or exemptions. The resulting figure for each band is then multiplied by its proportion relative to Band D and the total across all eight bands is calculated. These are then multiplied by the authority's estimated collection rate for the year.

In respect of property in common occupation and also empty dwellings, as last year it was not proposed that any changes be introduced for the forthcoming year.

The Council Tax base has increased steadily over the period 2007/08 to 2013/14 but reduced in 2013/14 as a result of the introduction of the local Council Tax Support Scheme. However since then increases have averaged at 1.5% to 2% each year. The Council Tax base for 2021/22 is 24,007.

RESOLVED: That the report be noted.

815 REVENUES AND BENEFITS GENERAL REPORT

Committee considered a report which covered the following:

- National Non-Domestic Rates (NNDR);
- Council Tax;
- Sundry debtors;
- Housing Benefit and Council Tax support performance; and
- Housing Benefit overpayments.

RESOLVED: That the report be noted.

816 TREASURY MANAGEMENT ACTIVITIES AND PRUDENTIAL INDICATORS

The Director of Resources submitted a report informing Committee of the 2019/20 Treasury Management operations and the outturn calculations of the Council's capital and treasury management prudential indicators. It is a requirement of the Treasury Management Policies and Practices that Committee receives an annual report on the Council's Treasury Management activities that took place during the preceding financial year.

The report outlined the interest rates, borrowing requirements, investments, Prudential indicators and the Local Government Bonds Agency.

RESOLVED: That the report be noted.

817 TREASURY MANAGEMENT MONITORING 2020/21

The Director of Resources submitted a report for Committee's information on the Treasury Management activities for the period 1 April 2020 to 30 September 2020. The report outlined the following topics:

- Covid impact on operations;
- Public Works Loan Board;
- borrowing requirements;
- temporary investments;
- Prudential indicators;
- approved organisations;
- recent events; and
- exposures to risk.

RESOLVED: That the report be noted.

818 BUDGET WORKING GROUP MINUTES

The minutes of the Budget Working Groups held on 16 and 23 January 2020 were submitted for information.

819 REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES

Councillor Richard Sherras submitted a report for information on the work of the Armed Forces Champion and the Armed Forces Covenant and Councillor Hore submitted one as a representative on the Police and Crime Panel.

820 EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That by virtue of the next items of business being exempt information under Categories 1 and 3 of Schedule 12A of the Local Government Act the press and public be now excluded from the meeting.

821 LOCAL TAXATION AND HOUSING BENEFIT WRITE-OFFS

Committee considered a report asking them to approve the writing-off of a Council Tax debt and a Housing Benefit debt relating to overpayments created as a result of local authority error that cannot be recovered from the claimant.

RESOLVED: That Committee approve the writing-off of £1,225.27 of Council Tax debt and £3,997.72 of Housing Benefit debt where it had not been possible to collect the amounts due.

822 MICROSOFT 365 IMPLEMENTATION

The Director of Resources submitted a report seeking member approval for the preferred course of action for the successful implementation of Microsoft 365 and

approval of the additional resources required. This specifically related to the external provision of implementation work and resources for additional backup and security software required due to the nature of the organisation.

A number of quotes had been sought for the implementation work in line with the Council's Contract Procedure Rules and following evaluation of the 4 quotations received the most advantageous option was from Insight at a cost of £13,630. With regard to the additional software required, a number of quotes had been sought and evaluated with the most advantageous option being at a cost of £22,240 per annum.

Proposals for financing the costs were outlined in the report.

RESOLVED: That Committee

1. approve the appointment of consultancy services as proposed from Insight at a cost of £13,630 and that the associated increase in budget be funded from the Business Rates Growth Earmarked Reserve; and
2. approve the procurement of additional software as outlined at a total cost of £22,240 and that the associated increase in the budget be partly funded from savings seen in the vacant post of ICT Apprentice and partly from the Equipment Earmarked Reserve for 2020/21, and that going forward these costs are brought into the base budget.

823 REFERENCES FROM COMMITTEE – ECONOMIC DEVELOPMENT COMMITTEE

i) Clitheroe to Hellifield Rail Project

The Director of Resources submitted a report asking Committee to consider a request from the Economic Development Committee to agree to the overall budget in 2020/21 in respect of the production of a Strategic Outline Business Case to support the Clitheroe to Hellifield Rail Project which is identified in the Council's Economic Plan which also involves the approval of a virement of budget to this project.

At its meeting the Economic Development Committee had approved the request and the resolution of the meeting was outlined for Committee's information. It was pointed out that a virement would be required to transfer the available budget for use on this specific scheme.

RESOLVED: That Committee

1. approve the summary budget as outlined in the report, recognising that £20,230 be supported by a virement from the general Economic Development budget; and
2. approve the request for the virement of revenue budget of £20,230 from the general Economic Development budget to be used for this project.

The meeting closed at 8.10pm

If you have any queries on these minutes please contact Jane Pearson (425111).

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## Minutes of Emergency Committee

Meeting Date: Wednesday, 25 November 2020, starting at 5.00pm  
Present: Councillor S Atkinson (Chair)

Councillors:

A Brown  
S Hore  
A Knox

In attendance: Chief Executive, Director of Community Services, Director of Resources, Director of Economic Development and Planning, Head of Revenues and Benefits.

Also in attendance: Councillor Judith Clark.

### 824 APOLOGIES

There were no apologies for absence from the meeting.

### 825 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

There were no declarations of pecuniary and non-pecuniary interest.

### 826 PUBLIC PARTICIPATION

There was no public participation.

### 827 ADDITIONAL RESTRICTIONS SUPPORT GRANT SCHEME

The Director of Resources submitted a report asking Committee to agree a scheme for the Additional Restrictions Support Grant (ARG) that had been allocated to the Council to provide support to businesses that had been severely impacted directly by the Tier 3 or National Lockdown restrictions but did not qualify for funding under the Local Restrictions Support Grant schemes.

Local Councils had been given the freedom to determine the eligibility criteria for these grants for which guidance had been issued by the Department for Business, Industry and Strategy (BEIS).

The Director of Resources informed Committee of the intention to launch the scheme as soon as possible and as such set out a suggested approach for the Council's scheme that would need careful consideration by the Committee to ensure it met the Council's priorities in terms of business support.

She outlined the proposed scheme including a timeline for applications being submitted; qualifying periods; eligibility criteria for each period; exclusions; grant levels; supply of evidence; general conditions and managing the risk of fraud. She also explained some of the terms used to clarify the eligibility.

Committee discussed the proposed scheme and suggested a number of amendments including the level of grants to be paid. They confirmed there should be no appeal process for these grants and also requested that canvassing of officers and members would result in an application being disqualified. The Director of Resources would make these amendments before the scheme went live the following day.

An update on the other various business support grants paid was also given.

RESOLVED: That Committee approve the scheme for the Additional Restrictions Support Grants as attached to these minutes.

The meeting closed at 5.55pm

If you have any queries on these minutes please contact Marshal Scott (414440).

### Additional Restrictions Grant (ARG)

The Government recognised that some businesses that are required to close may not have rateable commercial premises (and therefore won't be covered by the LRSG scheme), and others won't have been forced to close, but they will be severely impacted due to Local and/or National Lockdown restrictions. As such Local Authorities have been allocated Additional Restrictions Grant (ARG), which will cover businesses that fall into these categories.

This grants scheme is funded by a grant allocation we have received from Central Government and the funds will be administered by the Council in accordance with the guidance <https://www.gov.uk/guidance/check-if-youre-eligible-for-the-coronavirus-additional-restrictions-grant>

### Timeline

Applications for the Additional Restrictions Grant will need to be submitted using the online application form by 31 December 2020.

There will be 2 qualifying periods for these grants;

- **Period 1 Grant**- 44 days in total from 22 September 2020 to 4 November ie the Period that Ribble Valley was in the Tier 2 followed by the Tier 3 Local restrictions
- **Period 2 Grant** - 28 days from 5 November 2020 to 2 December 2020 ie the Period of National Lockdown restrictions.

**Businesses may qualify for both Periods of funding or just Period 2 depending on them meeting the eligibility criteria below**

Beyond these periods, this policy will be reviewed if a national or localised lockdown is implemented or extended. This grant will not be cover periods of impact before these dates.

### Eligibility Criteria

#### To be eligible for Period 1 Grants

1. Ribble Valley businesses which are on the rating list **and**
  - Supply goods or services to the Hospitality, Leisure and Accommodation sectors but not been legally required to close (and therefore ineligible for the Local Restrictions Support Grant Closed schemes) **and**
  - Were severely impacted by the Tier 2/Tier 3 restrictions
2. Ribble Valley Bed and Breakfast businesses which are not on the rating list but registered for Council Tax and which were severely impacted\* by the Tier 2/Tier 3 restrictions

### To be eligible for Period 2 Grants:

1. Ribble Valley businesses which are not on the rating list (and are therefore ineligible for the Local Restrictions Support Grant Closed schemes) that occupy premises (with fixed property costs\*\*) and have been legally required to close due to the National Lockdown restrictions,
2. Ribble Valley businesses, with or without rateable premises, which are severely impacted\* by business closures caused by the National Lockdown Restrictions **but which may not be required to close themselves**. These businesses will include those that provide products and services to closed businesses in the non-essential retail, hospitality, and leisure sectors, or businesses in the events sector.

\* Severely Impacted – A statement will be required from the company showing that at least 50% of their revenue comes from businesses required to close within the defined sectors, and that this will have an impact on their income of at least 30%.

\*\* Fixed Costs – any costs relating to the operation of the business that cannot be cancelled during this period. These could include property costs such as rent for non-rateable commercial premises, utilities, etc. Fixed costs do not include employee costs.

### Exclusions to the Additional Restrictions Grant

1. Businesses that are eligible for the Local Restrictions Support Grants
2. Businesses that are able to continue to trade and have suffered a drop in income of less than 30%
3. Businesses that have chosen to close but not been required to will not be eligible for this grant, unless they can demonstrate Severe Impact\*\* through cancelled orders for products and services to closed businesses in the non-essential retail, hospitality, leisure or events sectors.
4. Where a number of businesses share premises with a common ownership, then if approved only one grant (LRSG or ARG) will be awarded.
5. Businesses which have already received grant payments that equal the maximum levels of State aid permitted under the de minimis and the Covid-19 Temporary State Aid Framework.
6. The ARG scheme is not intended to act as a wage support measure for individuals/self-employed.
7. For the avoidance of doubt, businesses that are in administration, insolvent or where a striking-off notice has been made, are not eligible for funding under this scheme.

## Grant Levels

Grants will be awarded on the following basis:

	<b>Period 1</b>	
Rateable Value	28 Days 22 September 2020 to 19 October 2020	16 Days 20 October 2020 to 4 November 2020
Less than or equal to £15,000	£934	£534
Greater than £15,000 but less than £51,000	£1,400	£800
Greater than or equal to £51,000	£2,100	£1,200

<b>For businesses not required to close</b>	<b>Period 2</b>
Rateable Value or equivalent (see below)	28 Days 5 November 2020 to 2 December 2020
No rateable value and low fixed costs	£500
less than or equal to £15,000	£934
Greater than £15,000 but less than £51,000	£1,400
Greater than or equal to £51,000	£2,100

<b>For businesses legally required to close</b>	<b>Period 2</b>
Rateable Value or equivalent (see below)	28 Days 5 November 2020 to 2 December 2020
No rateable value and low fixed costs	£500
less than or equal to £15,000	£1,334
Greater than £15,000 but less than £51,000	£2,000
Greater than or equal to £51,000	£3,000

For Period 2, where a property does not have a rateable value or is part of a larger rateable value, rents paid, the size of the business to provide a professional judgement by officers on the level of grant that should be applied. For most businesses without a rateable value it is likely the maximum award will be £500.

### Evidence

Closed businesses applying for ARG funding will be required to make a statement that confirms their eligibility. The council places responsibility on the applicant to agree that their statement is correct to the best of their knowledge. In addition, businesses that are required to close will need to provide evidence of their trading status. This will be in the form of a bank statement (showing business/applicant's name, registered address with income within the last 3 months).

Open businesses that are applying for ARG funding will be required to make a statement that confirms their eligibility. The council places responsibility on the applicant to agree that their statement is correct to the best of their knowledge. In addition, businesses that are not required to close will need to provide evidence to demonstrate they supply companies that are required to close and an impact on income. This will be in the form of a bank statement (showing the business name or applicant's name, registered address with income within the last 3 months) and an invoice (showing the business name, client name and registered address dated within the last 3 months).

### General Conditions

1. Any canvassing of officers or members would result in an application being refused.
2. Businesses approved for funding will receive a one off grant award for the periods denoted under the ARG scheme.
3. The business will need to be trading\*\*\* within the Ribble Valley.
4. The business must have been actively trading on and before the day the restrictions commenced.
5. A business that has more than one property will be eligible to submit an application for each actively trading property.
6. Additional Restrictions Grants will be paid subject to State Aid regulations, meaning the business needs to check that they comply with State Aid rules and inform the Local Authority accordingly prior to payment being made. If State Aid rules are breached the responsibility lies with the applicant and, in line with the legislations, the Council can take action to recover the funding.
7. We reserve the right to close the scheme at short notice – potential applicants should apply without delay
8. Unsuccessful applicants will be advised of the outcome of an application by email. There is no right to appeal a decision
9. Payment will be made by BACS into the business bank account using the information provided in the application form.
10. Dependent on demand, we reserve the right to amend the level of grants as necessary. We also reserve the right to change the qualifying criteria at short notice if it feels it is appropriate to do so, reflecting changing circumstances and demand on funds.

\*\*\*Trading – a business that even if not registered within the borough on Companies House, has a presence in the area and is clearly trading from an address within the borough.

### Managing the risk of fraud

Government will not accept deliberate manipulation and fraud and any business caught falsifying their records to gain grant money will face prosecution and any issued funding will be subject to claw back, as may grants paid in error.

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## Minutes of Emergency Committee

Meeting Date: Tuesday, 8 December 2020 starting at 11am  
Present: Councillor S Atkinson (Chair)

Councillors:

A Brown  
S Hore  
A Knox

In attendance: Chief Executive, Director of Resources, Director of Community Services, Director of Economic Development and Planning, Head of Legal and Democratic Services.

Also in attendance: Councillors T Austin, D Berryman, D Birtwhistle, J Clark, L Edge, G Mirfin, M Robinson and R Sherras.

### 854 APOLOGIES

There were no apologies for absence from the meeting.

### 855 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

There were no declarations of pecuniary and non-pecuniary interest.

### 856 PUBLIC PARTICIPATION

There was no public participation.

### 857 EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That by virtue of the following item of business being exempt information under Category 5 of Schedule 12A of the Local Government Act 1972 the press and public be now excluded from the meeting.

### 858 PLANNING APPEAL DECISIONS

The Director of Economic Development and Planning submitted a report requesting Members' approval to issue proceedings in the High Court to challenge a recent Planning Inspectorate decision.

The reason for considering challenging the appeal decision was due to the interpretation of the Core Strategy Policies, and in particular DMG2. There had been three recent appeal decisions which interpret the policy differently, with particular reference to whether part 1 of the policy should be engaged for development outside of the settlement boundaries. It was important to gain clarity on this matter going forward.

Members were informed of the procedure for challenging a decision in the High Court and of the potential cost implications.

Councillors G Mirfin and R Sherras were given permission to speak on this item.

RESOLVED: That Committee approve the proposed action in respect of the Planning Inspectorate's decision.

The meeting closed 11.24am.

If you have any queries on these minutes please contact Mair Hill (414418).

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## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY AND FINANCE COMMITTEE

DECISION
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meeting date: 19 JANUARY 2021  
title: REVISED REVENUE BUDGET 2020/21  
submitted by: DIRECTOR OF RESOURCES  
principal author: VALERIE TAYLOR

### 1. PURPOSE

- 1.1. To agree a revised revenue budget for 2020/21 for this committee.

### 2. BACKGROUND

- 2.1. The original estimate for this current financial year was set in March 2020.
- 2.2. As members will be aware, there can be numerous variations to the budget that come to our attention as the year progresses, particularly through the budget monitoring process.
- 2.3. At this time of year we revise the estimates for the current financial year in order to predict the likely outturn. In essence the Revised Estimate is the council's latest forecast for the outturn on the current financial year's budget. This also assists us in preparing the original estimate for the coming financial year.
- 2.4. The budget this year has been particularly impacted by the Covid-19 pandemic. The pandemic has also brought about wider pressures on service resources to the extent that there has been a lighter touch review of the budgets this year, and the reporting this year is at a higher level than that usually provided.
- 2.5. Any impacts on fees and charges due to Covid-19 will be included within this committee's estimates. This also includes the estimated part funding towards these losses from the government towards such losses. Other Covid-19 response costs have been included under Policy and Finance committee as corporate emergency response costs.

### 3. REVISING THE ORIGINAL ESTIMATE

- 3.1. Since the budget was originally set we now have the benefit of information from the outturn position for 2019/20 and the variances that were experienced in that financial year. Furthermore, as we have been monitoring our budgets during the year we can also use this information to inform the revised budget process.
- 3.2. The original budget for 2020/21 included provision for pay increases at 3% and price increases at 2%.
- 3.3. Whilst our committee income and expenditure may increase or decrease at the revised estimate, items such as our budgeted core government funding and our council tax precept remain fixed. As a result, any compensating movement is within our earmarked reserves and general fund balances.
- 3.4. In addition to the use of data on past performance there have been discussions with budget holders and heads of service on past service provision and future plans. However, as previously highlighted, there has been a lighter touch review of the budgets this year due to Covid-19.
- 3.5. Furthermore, decisions and actions required as a result of committee meetings are incorporated in to the budget setting process, whilst financial implications would likely have already been identified as part of any committee decision.

3.6. As part of the setting of the revised estimate, this report is now presented to committee to seek comment and approval. Once approved by this committee, the revised estimate will be reported to Special Policy and Finance Committee.

3.7. The proposed revised estimate for this committee is now presented in the following section. There are also details of the current actual position as at the end of November against the profiled Original Estimate and alongside the proposed Revised Estimate at Annex 1.

#### 4. PROPOSED REVISED REVENUE BUDGET 2020/21

4.1. A comparison between the original and revised budgets for each cost centre is shown below, together with the associated movements in earmarked reserves.

Cost Centre and Description	Original Estimate 2020/21	Movement in Expenditure	Movement in Income	Movement in Support Services	Movement in Capital Charges	Revised Estimate 2020/21
CEXEC: Chief Executives Department	16,500	-79,640	-3,170	66,310	0	0
CIARA: Storm Ciara Response	0	4,500	-2,500	0	0	2,000
CIVCF: Civic Functions	60,520	-20,550	0	710	0	40,680
CIVST: Civic Suite	0	-3,540	0	1,200	2,340	0
CLOFF: Council Offices	0	17,530	960	-36,450	17,960	0
CLTAX: Council Tax	368,430	3,180	16,410	7,410	0	395,430
COMPR: Computer Services	0	29,490	0	-27,320	-2,170	0
CORPM: Corporate Management	344,540	0	0	11,730	0	356,270
COSDM: Cost of Democracy	504,140	-22,540	0	1,620	0	483,220
CSERV: Corporate Services	167,810	-15,240	0	4,600	0	157,170
ELADM: Election Administration	31,200	0	0	890	0	32,090
ELECT: Register of Electors	107,110	-15,710	0	1,740	0	93,140
EMERG: Community Safety	63,710	0	0	2,700	0	66,410
ERNET: Emergency Radio Network	0	850	-550	0	0	300
ESTAT: Estates	66,570	6,800	-1,000	1,770	-20,520	53,620

Cost Centre and Description	Original Estimate 2020/21	Movement in Expenditure	Movement in Income	Movement in Support Services	Movement in Capital Charges	Revised Estimate 2020/21
FGSUB: Grants & Subscriptions - Policy and Finance	168,030	-7,550	0	260	0	160,740
FMISC: Policy & Finance Miscellaneous	78,340	59,690	-9,410	1,390	-21,700	108,310
FREED: Freedom of the Borough	7,500	-7,500	0	0	0	0
LANDC: Land Charges	11,830	0	-20,270	3,010	0	-5,430
LICSE: Licensing	33,210	-2,690	8,580	7,590	0	46,690
LUNCH: Luncheon Clubs	15,930	0	0	120	0	16,050
NNDRC: National Non Domestic Rates	48,840	480	1,220	3,170	0	53,710
PARGR: Parish Council Grants	0	1,940	0	0	0	1,940
RESOR: Resources Department	0	-1,100	1,580	9,910	-10,390	0
SUPDF: Superannuation Deficiency Payments	101,000	-8,080	0	0	0	92,920
<b>Grand Total</b>	<b>2,195,210</b>	<b>-59,680</b>	<b>-8,150</b>	<b>62,360</b>	<b>-34,480</b>	<b>2,155,260</b>
<b>Associated Movements in Earmarked Reserves</b>						
FNBAL/H230 Election Reserve	30,000	0	0	0	0	30,000
FNBAL/H269 Revaluation of Assets Reserve	2,190	0	0	0	0	2,190
FNBAL/H294 Cyber Resilience Reserve	0	0	3,000	0	0	3,000
FNBAL/H302 Local Council Tax Support Reserve	0	-1,600	0	0	0	-1,600
FNBAL/H325 Vat Shelter Reserve	0	0	6,410	0	0	6,410
FNBALH328 Repairs and Maintenance Reserve	0	-27,950	0	0	0	-27,950
FNBAL/H335 Invest to Save Fund	0	0	5,510	0	0	5,510

Cost Centre and Description	Original Estimate 2020/21	Movement in Expenditure	Movement in Income	Movement in Support Services	Movement in Capital Charges	Revised Estimate 2020/21
FNBAL/H337 Equipment Reserve	0	-17,190	0	0	0	-17,190
FNBAL/H369 Pensions Triennial Revaluation Reserve	38,700	-38,700	0	0	0	0
FNBAL/H372 Parish Grants Reserve	0	-1,940	0	0	0	-1,940
FNBAL/H375 Flood Resilience Reserve	0	-2,000	0	0	0	-2,000
FNBAL/H376 Business Rates Growth Reserve	0	-29,750	0	0	0	-29,750
FNBAL/H377 Two Way Radio Reserve	0	-850	550	0	0	-300
<b>Net after Movements in Earmarked Reserves</b>	<b>2,266,100</b>	<b>-179,660</b>	<b>7,320</b>	<b>62,360</b>	<b>-34,480</b>	<b>2,121,640</b>

4.2. The difference between the revised and original estimate is a decrease in net expenditure of £39,950 or a decrease in net expenditure of £144,460 after allowing for movements on earmarked reserves.

#### 5. EARMARKED RESERVES

5.1. In the Original Estimate for 2020/21 this committee planned to add £70,890 to earmarked reserves to support its expenditure in future years. In revising this committee's estimates, the proposal included here is that this committee take £33,620 from earmarked reserves.

5.2. The table below provides a summary of the DRAFT Revised Estimate for 2020/21 together with the budgeted impact on the relevant earmarked reserves. Also detailed is a summary of the reasons for the movements on the earmarked reserves.

	DRAFT Revised Estimate 2020/21	Reason for Movement on Earmarked Reserve
<b>Committee Net Cost of Services</b>	<b>2,155,260</b>	
FNBAL/H230 Election Fund	30,000	Reserve established from monies set aside on an annual basis to smooth out the costs of the local elections held once every four years.  This contribution represents the annual contribution to the reserve for the financial year 2020/21.

	<b>DRAFT Revised Estimate 2020/21</b>	<b>Reason for Movement on Earmarked Reserve</b>
FNBAL/H269 Revaluation Reserve	2,190	Reserve established from monies set aside on an annual basis to smooth out the cost of the full revaluation of the council's assets carried out once every five years.  This contribution represents the annual contribution to the reserve for the financial year 2020/21.
FNBAL/H294 Cyber Resilience Reserve	3,000	The council successfully bid for cyber resilience grant funding from the Local Government Association during 2020/21.  Funds received have been set aside in this reserve and are forecast to be released next year when related training and consultancy expenditure is expected to take place.
FNBAL/H302 Local Council Tax Support Reserve	-1,600	In September 2019 Committee approved the release of £1,600 from this reserve to fund the year one revenue costs of an upgrade to the council's payment system (Civica Pay 3D Secure).  As the upgrade, which forms part of the Replacement PC's capital scheme, is expected to be completed this year the release from reserve has been brought into the revised estimate.
FNBAL/H325 VAT Shelter Reserve	6,410	Forecast VAT shelter income to be received in the current financial year from Onward Homes. To be transferred to the VAT shelter earmarked reserve.
FNBAL/H328 Repairs and Maintenance Reserve	-27,950	Release of funds set aside in this reserve in the 2018/19 financial year to pay for the painting of the council offices. An external company has been engaged to carry out the works, with the project being completed in stages to ensure continuing compliance with workplace social distancing.
FNBAL/H335 Invest to Save Fund	5,510	Reserve established to fund capital schemes that will generate recurring future savings as a result of the expenditure incurred. Additional income/savings generated are repaid back to the fund from completed capital projects up to the value of the original capital expenditure. Repayment to the fund this year for estimated additional rental income to be received as a result of the completed Queensway Garages capital scheme, the cost of which was originally funded from this reserve.

	<b>DRAFT Revised Estimate 2020/21</b>	<b>Reason for Movement on Earmarked Reserve</b>
FNBAL/H337 Equipment Reserve	-17,190	<p>Movement in reserve of £13.5k to part fund the year one software maintenance costs of Microsoft 365 as approved at P&amp;F Committee in November 2020 (£22,240 cost less £8,710 met from vacancy savings on ICT Apprenticeship position).</p> <p>The remaining movements are the release of funds set aside in previous years to meet the cost of purchases falling in the current year (£780 for final costs of the canteen refurb and £3k for equipment ordered but not received by the end of 2019/20).</p>
FNBAL/H372 Parish Grants Reserve	-1,940	Release of funds paid this financial year on approved parish grant schemes.
FNBAL/H375 Flood Resilience Reserve	-2,000	The balance of a grant received from central government for the response to the February 2020 floods that was remaining at the end of the 2019/20 financial year was set aside in this reserve to fund future residual costs. This release from reserve is to fund payments of community recovery grants that have been processed this financial year.
FNBAL/H376 Business Rates Growth Reserve	-29,750	<p>Movement in reserve of £13.6k to fund the implementation costs of Microsoft 365, as approved at P&amp;F Committee in November 2020.</p> <p>Release of £16.1k from reserve to part fund the increased cost of renewing the council's Microsoft licensing contract, as approved by Emergency Committee in June 2020 following options appraisal.</p>
FNBAL/H377 Two Way Radio Reserve	-300	Reserve established to set aside funds for the upkeep of the Lancashire Emergency Radio Network. The unspent balance of contributions received from various Lancashire Councils towards the upkeep of the Lancashire Emergency Radio Network that are set aside in this reserve have been released to meet current year net expenditure.
<b>Committee Net Cost of Services after Movements on Earmarked Reserves</b>	<b>2,121,640</b>	

6. KEY MOVEMENTS FROM ORIGINAL ESTIMATE TO REVISED ESTIMATE

6.1. Within the proposed Revised Estimate there are a number of substantial movements, and these are summarised in the table below.

Description	Variance Original Estimate 2020/21 to DRAFT Revised Estimate 2020/21 £
<p><b><u>CEXEC: Chief Executive's Department</u></b> Council staffing budgets at original estimate assume an average vacancy saving of 4% across the authority on estimated costs. Actual vacancy savings within the Chief Executive's Department have exceeded those built into the budget, bringing about an underspend for the year. Following a full analysis at revised estimate of year to date expenditure and estimated recruitment timescales the budget estimates have been reduced by -£70k at revised estimate.</p> <p>The savings above have been partially offset by the engagement of an external pest control service to ensure continuation of the service during a period of staff shortages (£4k).</p>	-66,090
<p><b><u>CIVCF - Civic Functions</u></b> Reductions to various estimated costs within the Civic Functions cost centre have reduced the overall expenditure estimate for the current financial year by 20k. Mainly due to the cancellation of annual council (-£3.5k), reductions to employee estimated costs (-£4.5k), movement on estimated food and drink expenditure budgets (-£3.4k) and reduced expenditure on the Mayoral and Deputy Mayoral allowances (-£5.9k).</p>	-20,550
<p><b><u>CLOFF - Council Offices</u></b> Funds were set aside in an earmarked reserve at the end of the 2018/19 financial year for the cost of redecorating the council offices. As the project has now started budgets for the expenditure and movement in reserve have been established at revised estimate.</p>	27,950
<p><b><u>CLTAX: Council Tax</u></b> As a result of the coronavirus pandemic summonses are not currently being issued in respect of council tax arrears, reducing income received for the recovery of direct and indirect costs.</p> <p>In September, Central Government launched the Local Government income compensation scheme for lost income from sales, fees and charges as a result of COVID-19. A budget has been brought in as an estimate for the net amount claimable in respect of the above.</p>	81,790
<p><b><u>COMPR: Computer Services</u></b> Funds received from the Local Government Association during the 2018/19 financial year to meet the cost of external consultancy support to undertake a review of the council's resilience and recovery arrangements are set aside in reserve. Due to service pressures the review is unlikely to take place in the current financial year and budgets that include provision for the cost of implementing recommendations that may arise as a result of the review have therefore been reduced at revised estimate.</p>	-6,690

Description	Variance Original Estimate 2020/21 to DRAFT Revised Estimate 2020/21 £
<p>Estimated annual software maintenance costs have been increased, mainly as a result of the implementation of Microsoft 365 which has brought about an additional annual cost of £22k for backup and security software (approved at P&amp;F Committee in November 2020). The costs for the 2020/21 financial year are to be funded partly from savings in the post of ICT Apprentice and partly from the equipment earmarked reserve.</p>	19,910
<p>Consultancy costs for implementation of Microsoft 365 as approved by P&amp;F Committee in November 2020. To be fully funded from the Business Rates Growth Earmarked Reserve.</p>	13,630
<p><b><u>COSDM - Cost of Democracy</u></b>            Delayed implementation of the modgov system, which is expected to be live early in 2021, has reduced annual software maintenance estimated costs for the current year.</p> <p>The annual estimated cost of members allowances has been revised down following review at revised estimate (-£5k), conference expenses are now expected to be minimal as conferences are cancelled as a result of COVID-19 (-£3k) and the budget for committee meeting expenses has been reduced as meetings under social distancing rules are being held online (-£3k).</p>	-7,090
<p><b><u>CSERV: Corporate Services</u></b>            The estimate for the cost of annual surveys this year has been reduced by -£7k following a delay to the issue of surveys including the biennial resident perception survey due to COVID-19.</p> <p>The estimated cost of producing the Ribble Valley News publication has reduced by -£5k this year following cancellation of the spring edition as a result of the pandemic and there are also estimated savings of around -£3k within the promotional activities budget.</p>	-7,430
<p><b><u>ELECT: Register of Electors</u></b>            It has not been necessary to employ staff this year to carry out the annual canvass because contact has been initiated over the telephone in order to comply with COVID-19 social distancing rules.</p> <p>The Cabinet Office have introduced changes to the annual canvass process from this financial year. Household property data is now securely matched with central government information prior to the posting of Household Enquiry Forms. Where data agrees it is not necessary to post reminders and this has reduced estimated postage and printing costs at revised estimate.</p>	-7,890
<p><b><u>FGSUB: Grants and Subscriptions</u></b>            The budget for estimated concurrent function grant expenditures for the year has been reduced down to £25k following the reimbursement of actual grant claims of £22.9k which are lower than that allowed for within the budget provision.</p>	-7,550

Description	Variance Original Estimate 2020/21 to DRAFT Revised Estimate 2020/21 £
<p><b><u>FREED: Freedom of the Borough march</u></b>  The regimental freedom parade which was due to take place in April 2020 was cancelled as a result of the pandemic and the budget has now been moved to the 2021/22 financial year.</p>	-7,500
<p><b><u>FMISC: Finance Miscellaneous</u></b>  Increase to the external audit fee budgets following a revision to fee structures as a result of additional work undertaken (Accounts and Audit Committee November 2020).</p> <p>The value of VAT shelter income to be received in the current financial year from Onward Homes has been forecast and a budget brought in. This will be transferred to the VAT shelter earmarked reserve at the end of the financial year.</p> <p>A lump sum payment in advance of the council's monthly pension liability was expected to be made to Lancashire County Council in April 2020 – rather than monthly payments. Cashflows were reviewed in March following the economic shock resulting from COVID-19 and the decision was made to pay the council's liability on a monthly basis without the advanced payment. A movement to the pensions triennial revaluation reserve for potential savings brought about as a result of the advance payment will no longer be taking place.</p>	21,990  -6,410  38,700
<p><b><u>LICSE: Licensing</u></b>  Income receipts from licensing fees have reduced this year as a result of the economic impact of COVID-19, mainly within the events (£4k) and taxi licensing income streams (£10k).</p> <p>In September, Central Government launched the Local Government income compensation scheme for lost income from sales, fees and charges as a result of COVID-19. A budget has been brought in as an estimate for the net amount claimable in respect of the licensing income stream for the year.</p>	14,310  -7,020
<p><b><u>LANDC: Land Charges</u></b>  Income estimates for land charges have been increased this year following a request from an organisation in November to undertake bulk searches on a number of properties within the Borough, generating income above that estimated within the base budget.</p>	-20,270
<p><b><u>RESOR: Resources Department</u></b>  Following a full review of current year costs at revised estimate, vacancy savings for the year within the Resources Department are expected to be lower than that built into the budget at original estimate, resulting in an increase to estimated employee costs.</p>	6,860
<p><b><u>SUPDF: Superannuation deficiency payments</u></b>  The annual estimated cost of the superannuation scheme deficiency payments has been revised down following a full review of payments to date.</p>	-8,080

Description	Variance Original Estimate 2020/21 to DRAFT Revised Estimate 2020/21 £
<p><b><u>VARIOUS: Travel and subsistence expenses</u></b>            There have been lower travel and subsistence expenses claims this year than allowed for within committee budgets, likely as a result of employee vacancies and compliance with COVID-19 social distancing rules. Chief Executives Department -£6k, Resources Department -£4k, Cost of Democracy -£4k.</p>	-14,340
<p><b><u>VARIOUS: Enterprise Agreements</u></b>            The council's three-year agreement for Microsoft licensing products ended this year and a tendering exercise was carried out for the renewal.</p> <p>Options were submitted to Emergency Committee in June 2020 and a new 3-year contract option was approved which increased costs within P&amp;F Committee by £19k for the 2020/21 financial year. The net impact of year one costs on the revised estimate is largely offset via funding of £16k out of the Business Rates Growth earmarked reserve.</p>	19,030
<p><b><u>Support Service Costs</u></b>            There is a net increase in inter-departmental costs to this committee following changes to various departmental cost allocations</p>	62,360
<p><b><u>Movement in capital (depreciation charges)</u></b>            There is a net reduction in the estimated capital charge for the 2020/21 financial year.</p>	-34,480

## 7 COVID-19 EMERGENCY RESPONSE COSTS

- 7.1 Grant received from the government for lost income under the Sales, Fees and Charges Lost Income compensation scheme has been included within committee estimates.
- 7.2 The Secretary of State for MHCLG, Robert Jenrick announced various tranches of un-ringfenced emergency funding for local authorities for Covid related spending pressures. As previously reported to this committee. In addition there have been numerous other funding streams for specific purposes, and also to support administration cost around grant support schemes.
- 7.3 As this emergency response sits outside the usual services for this committee, this emergency response cost and other resources have not been considered as part of this budget setting report.
- 7.4 As members will appreciate the position around this spend and the grant support received is one that is constantly, and rapidly evolving and the outturn position is likely to be quite different from any budget that could be set, and impossible to forecast, rendering it meaningless.
- 7.5 However, as an update for members at this point in time, the following grant support has been received to date, and not included under any other committee budget reports:

Grant	£
Residual Covid-19 Support Grant: Tranche 1 <i>Received in 2019/20 – balance in earmarked reserves</i>	-3,835
Covid-19 Support Grant: Tranche 2	-602,234

Grant	£
Covid-19 Support Grant: Tranche 3	-77,185
Covid-19 Support Grant: Tranche 4	-100,000
S31 Grant retail Hospitality and Leisure Grants and Small Business Grants – Admin Support Grant	-130,000
S31 Local Authority Discretionary Grants Fund – Admin Support Grant	-58,500
Local Authority Compliance and Enforcement	-21,956
Self-Isolation Payments Admin Funding	-23,199
S31 Grant Business Rates Discount Scheme Admin Grant	-11,700
S31 Council Tax Hardship Funding	-222,053
S31 Council Tax Hardship Funding Admin Grant	-7,210
Prevention of Rough Sleeping Grant	-1,650
Next Steps Accommodation Programme Grant (Rough Sleeping)	-5,690
Local Authority Test and Trace Service Support Grant <i>Day to day Health Protection Capacity</i>	-72,860
Local Authority Test and Trace Service Support Grant <i>Support Preventive and Responsive Approach</i>	-22,074
Local Authority Test and Trace Service Support Grant <i>Food and Essential Supplies</i>	-42,112
Contain Outbreak Management Fund (COMF) funding	-669,768
<b>Known Funding to Date</b>	<b>-2,072,026</b>

- 7.6 The above grants are those received to date and further funding is very likely to be received. Against this income there is obviously associated spend, and again, this is not recorded against committees, but separately together with the grant income shown above.
- 7.7 Much of the grant listed will be matched against costs incurred. Whilst the net position at the end of the year may not net to nil due to spend timing differences and overlap in to the next financial year, we will ensure that any additional costs in respect of our Covid-19 response is recorded against our grant support in order to help ensure all costs are funded.
- 7.8 Our closing position for the year on this spend will be fully reported to members at the end of the year, and updates will be provided at intervening meetings.
- 7.9 Please note that the above funding is towards our Covid-19 response costs and does not include grants received and paid out to businesses as financial support. Such grants are income and expenditure accounted for separately under agency arrangements with the government.
- 8 CONCLUSION
- 8.1 The difference between the revised and original estimate is a decrease in net expenditure of £144,460 after allowing for transfers to and from earmarked reserve.
- 8.2 This position excludes the grants and costs reported at section 7.

## 9 RISK ASSESSMENT

### 9.1 The approval of this report may have the following implications

- Resources: approval of the revised estimate would see a decrease in net expenditure of £39,950 or £144,460 after movements on earmarked reserves.
- Technical, Environmental and Legal: none identified
- Political: none identified
- Reputation: sound financial planning safeguards the reputation of the Council
- Equality and Diversity – Equality and diversity issues are considered in the provision of all Council services.

## 10 RECOMMENDED THAT COMMITTEE

### 10.1 Agree the revenue revised estimate for 2020/21.

SENIOR ACCOUNTANT

PF7-21/VT/AC

DIRECTOR OF RESOURCES

**ACTUAL TO DATE WITH ORIGINAL ESTIMATE AND PROPOSED REVISED ESTIMATE**

**ANNEX 1**

<b>Cost Centre</b>	<b>Description</b>	<b>Original Estimate to End</b>	<b>Actual and Commitments</b>	<b>Full Year Original Estimate</b>	<b>Proposed Revised Estimate</b>
CEXEC	Chief Executives Department	772,020	691,100	16,500	0
CIARA	Storm Ciara Response	0	4,500	0	2,000
CIVCF	Civic Functions	36,110	16,370	60,520	40,680
CIVST	Civic Suite	23,340	22,180	0	0
CLOFF	Council Offices	144,930	164,980	0	0
CLTAX	Council Tax	58,000	47,220	368,430	395,430
COMPR	Computer Services	68,590	107,960	0	0
CORPM	Corporate Management	0	0	344,540	356,270
COSDM	Cost of Democracy	204,390	187,010	504,140	483,220
CSERV	Corporate Services	22,640	8,980	167,810	157,170
ELADM	Election Administration	0	0	31,200	32,090
ELECT	Register of Electors	61,090	36,310	107,110	93,140
EMERG	Community Safety	5,600	2,980	63,710	66,410
ERNET	Emergency Radio Network	-660	300	0	300
ESTAT	Estates	-25,800	-19,320	66,570	53,620
FGSUB	Grants & Subscriptions - Policy & Finance	101,970	136,510	168,030	160,740
FMISC	Policy & Finance Miscellaneous	20,140	38,420	78,340	108,310
FREED	Freedom of the Borough	7,500	0	7,500	0
LANDC	Land Charges	-37,540	-60,120	11,830	-5,430
LICSE	Licensing	-66,480	-60,800	33,210	46,690
LUNCH	Luncheon Clubs	13,700	0	15,930	16,050
NNDRC	National Non-Domestic Rates	8,420	-24,990	48,840	53,710

Cost Centre	Description	Original Estimate to End	Actual and Commitments	Full Year Original Estimate	Proposed Revised Estimate
PARGR	Parish Grants	0	1,940	0	1,940
RESOR	Resources Department	1,418,460	1,382,890	0	0
SUPDF	Superannuation Deficiency Payments	65,410	54,590	101,000	92,920
<b>Committee Subtotal</b>		<b>2,901,830</b>	<b>2,739,010</b>	<b>2,195,210</b>	<b>2,155,260</b>
<b>Earmarked Reserves</b>					
<b>FNBAL/H230</b>	Election Fund	0	0	30,000	30,000
<b>FNBAL/H269</b>	Revaluation Reserve	0	0	2,190	2,190
<b>FNBAL/H294</b>	Cyber Resilience Reserve	0	3,000	0	3,000
<b>FNBAL/H302</b>	Local Council Tax Support Reserve	0	0	0	-1,600
<b>FNBAL/H325</b>	VAT Shelter Reserve	0	0	0	6,410
<b>FNBAL/H328</b>	Repairs and Maintenance Reserve	0	-27,950	0	-27,950
<b>FNBAL/H335</b>	Invest to Save Fund	0	5,510	0	5,510
<b>FNBAL/H337</b>	Equipment Reserve	0	-17,190	0	-17,190
<b>FNBAL/H369</b>	Pensions Triennial Revaluation Reserve	0	0	38,700	0
<b>FNBAL/H372</b>	Parish Grants Reserve	0	-1,940	0	-1,940
<b>FNBAL/H375</b>	Flood Resilience Reserve	0	-2,000	0	-2,000
<b>FNBAL/H3766</b>	Business Rates Growth Reserve	0	-29,750	0	-29,750
<b>FNBAL/H377</b>	Two-Way Radio Reserve	0	-300	0	-300
<b>Subtotal Earmarked Reserves</b>		<b>0</b>	<b>-70,620</b>	<b>70,890</b>	<b>-33,620</b>
<b>Committee Total after Transfers to / from (-) Earmarked Reserves</b>		<b>2,901,830</b>	<b>2,668,390</b>	<b>2,266,100</b>	<b>2,121,640</b>

**RIBBLE VALLEY BOROUGH COUNCIL** DECISION  
**REPORT TO POLICY AND FINANCE COMMITTEE**

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meeting date: 19 JANUARY 2021  
title: REVIEW OF FEES AND CHARGES  
submitted by: DIRECTOR OF RESOURCES  
principal author: VALERIE TAYLOR

## 1 PURPOSE

- 1.1 To seek member approval on proposals to increase this committee's fees and charges with effect from 1 April 2021.

## 2 BACKGROUND

- 2.1 The Council's fees and charges are reviewed on an annual basis as part of the budget setting process.
- 2.2 This report requests that members consider proposals for the increase in fees and charges for this committee's services. Such charges would be implemented with effect from the 1 April 2021 and would operate for the duration of the 2021/22 financial year.
- 2.3 The council's latest budget forecast allows for a 2% inflationary increase in the level of income raised from fees and charges. The review aims to increase budgeted income for 2021/22 by this amount when compared with this year's original budget estimate.
- 2.4 After applying this percentage increase, proposed charges have generally been rounded up or down to minimise any problems with small change. This inevitably impacts on the individual percentage rise for each separate charge, particularly when the current charge is low.

## 3 FEES AND CHARGES BUDGET PREPARATION

- 3.1 There are extremely high levels of uncertainty around income levels from the council's fees and charges in light of Covid-19 and the impact this is having on use of the council's services and facilities. In the current financial year the government is partly compensating the council for lost income at 75% of lost sales, fees and charges income – after first adjusting for 5% of total budgeted income. It is on the continuation of this, or alternatively the recovery of income levels, that the fees and charges have been set.
- 3.2 A budget working group meeting was held on 28 September which amongst other things considered the setting of next year's budget. At the meeting of Policy and Finance Committee on 17 November 2020, it was agreed that the approach as discussed at Budget Working Group should be taken.
- 3.3 In respect of the council's income budgets for 2021/22 budgets should therefore be prepared on the base budget plus inflation of 2%. Service committees are therefore requested to review their fees and charges in order to achieve this targeted increase to income.
- 3.4 The base budgeted income to be received from fees and charges which are set by this committee as set out in Annex 1 is £183,760 and a 2% increase would therefore generate £3,675.

## 4 REVIEW OF FEES AND CHARGES

4.1 The review of fees and charges is coordinated by financial services, working together with heads of service and budget holders.

4.2 The following process was taken:

- Budget holders are provided with an indication of the fees and charges factoring in a 2% increase.
- A discussion meeting is then held between budget holder and financial services to enable the budget holder to propose a set of fees and charges for their services. This may depend on where there is a national requirement or service specific reason for setting a fee or charge different from a 2% increase.

4.3 Following discussions a **proposed** set of fees and charges for implementation from 1 April 2021 has been produced for this committee and is shown at Annex 1. This annex provides details of:

- the current charge for 2020/21
- the current year base budgeted income estimated to be raised by each charge (Net of VAT)
- the proposed charges for implementation from 1 April 2021
- an indication of the potential income that may be achieved in 2021/22, should the proposals be agreed (Net of VAT)
- the resulting percentage increase from 2020/21 to 2021/22
- Date that each charge was last increased (They are all reviewed annually, but may not necessarily be increased)

4.4 The indication of potential income which is shown throughout Annex 1 is provided for guidance purposes only and is based on past and current activity levels. No account is taken of any change in service use which may be influenced by a change in charge levels or reductions in income that may result from the impact of Covid-19.

4.5 If you agree the recommended charges shown in Annex 1, the estimated extra income raised based on **current budgeted demand levels** is £2,300 an overall increase of 1.25%. Due to restrictions on the setting of charges for summonses it is proposed to freeze this charge for 2021/ 22. As a result of this the full 2% target increase in fees and charges for this committee will not quite be met, but with a shortfall of just £1,375.

## 5 PROPOSED NEW CHARGES

5.1 With regards to legal fees for section 106 agreements, new fees have been proposed for variations to agreements, in order to provide clarity on those fees when variations are agreed. It is proposed to charge a fee of £150 for variations to S106 agreements of 20 houses or less, and £300 for variations to agreements of more than 20 houses.

5.2 A new, one-off £50 administration fee has also been proposed for new garage licences to cover the extensive administration involved in preparing the licence agreement, carrying out inspections of the garage and other necessary administration involved.

## 6 RISK ASSESSMENT

6.1 The approval of this report may have the following implications:

- Resources – Fees and Charges provide a key income source for the Council. Fees and charges also provide a mechanism to target concessions, and also to charge service users directly rather than allowing the financial burden of certain service provision to fall on the council tax.
- Technical, Environmental and Legal – The Local Government Acts of 2000 and 2003 extended authorities' powers to charge for discretionary services.
- Political – none
- Reputation – Substantial increases to charges can generate adverse publicity.
- Equality and Diversity – One of the aims of the fees and charges mechanism on many services is to pass on service concession in order to increase inclusivity.

## 7 CONCLUSION

7.1 Work has been undertaken by financial services, heads of service and budget holders in reviewing the fees and charges operated by this committee. This review has now been completed as part of the budget process, for implementation from 1 April, should the proposals be approved.

7.2 The Budget Working Group recommends that all service committees seek to increase their fees and charges overall by 2.0%. If you agree with the increase in charges, this committee will only marginally fall short of this target.

## 8 RECOMMENDATION THAT COMMITTEE

8.1 Approve the proposed fees and charges as set out in Annex 1.

SENIOR ACCOUNTANT

DIRECTOR OF RESOURCES

PF6-21/VT/AC  
JANUARY 2021

For further information please ask for Valerie Taylor extension 4433

LOCAL LAND CHARGES - LANDC	Ledger Code	VAT	Date of last change	Charge from 1st April 2019	Current charge 2020/21	Budgeted Income Net of VAT for 2020/21	Proposed Charges for 2021/22	Indication of Potential Income Net of VAT for 2021/22	Percentage Increase in Charge
				£	£	£	£	£	%
<b>Search Certificate</b>	LANDC/8408z	Non Vatable	01-Apr-20	20.80	21.30	12,030.00	21.80	12,310.00	2.35%

<b>Part I Enquiries</b>	LANDC/8408n	VAT Inclusive	01-Apr-20	131.80	134.50	46,861.00	137.50	47,910.00	2.23%
<b>Part II Enquiries</b>	LANDC/8408n	VAT Inclusive	01-Apr-20	27.00	27.60	9,805.00	28.50	10,120.00	3.26%
<b>Part II (Question 22)</b>	LANDC/8408n	VAT Inclusive	01-Apr-20	29.90	30.50	3,200.00	31.50	3,300.00	3.28%
<b>Express Service</b>	LANDC/8408n	VAT Inclusive	01-Apr-20	206.00	210.20	1,215.00	214.50	1,240.00	2.05%
<b>Additional Questions</b>	LANDC/8408n	VAT Inclusive	01-Apr-20	13.00	13.30	129.00	14.00	140.00	5.26%

LEGAL SERVICES - CEXEC	Ledger Code	VAT	Date of last change	Charge from 1st April 2019	Current charge 2020/21	Budgeted Income Net of VAT for 2020/21	Proposed Charges for 2021/22	Indication of Potential Income Net of VAT for 2021/22	Percentage Increase in Charge	
				£	£	£	£	£	%	
<b>Section 106 Agreement Review and Completion</b>	- 20 houses or less	CEXEC/8402z	Non Vatable	01-Apr-20	396.80	405.00	1,690.00	414.00	1,730.00	2.22%
	- more than 20 houses	CEXEC/8402z	Non Vatable	01-Apr-20	744.60	760.00	3,980.00	775.00	4,060.00	1.97%

## POLICY AND FINANCE COMMITTEE – PROPOSED FEES AND CHARGES FOR IMPLEMENTATION FROM 1 APRIL 2021

LEGAL SERVICES - CEXEC		Ledger Code	VAT	Date of last change	Charge from 1st April 2019	Current charge 2020/21	Budgeted Income Net of VAT for 2020/21	Proposed Charges for 2021/22	Indication of Potential Income Net of VAT for 2021/22	Percentage Increase in Charge
					£	£	£	£	£	%
S106 Variation to Agreement	- 20 houses or less	CEXEC/8402z	Non Vatable	new charge			0.00	150.00	new charge	
	- more than 20 houses	CEXEC/8402z	Non Vatable	new charge			0.00	300.00	new charge	
Notice of Assignment	- Notice of Assignment	CEXEC/8402z	Non Vatable	01-Apr-20	17.00	17.40	310.00	18.00	320.00	3.45%

CIVIC SUITE - CIVST		Ledger Code	VAT	Date of last change	Charge from 1st April 2019	Current charge 2020/21	Budgeted Income Net of VAT for 2020/21	Proposed Charges for 2021/22	Indication of Potential Income Net of VAT for 2021/22	Percentage Increase in Charge
					£	£	£	£	£	%
All organisations to be charged without exception										
Tea and coffee included if required - food charged extra at cost										
<b>COMMITTEE ROOMS 1 AND 2</b>										
Charity or Recognised Community or Public Organisation	- Session (09.00 - 13.00, 14.00 -18.00 or 18.00 - 22.00)	CIVST/8520I	Non Vatable	01-Apr-20	35.70	36.50	76.00	40.00	80.00	9.59%
	- All Day (09.00 - 18.00)	CIVST/8520I	Non Vatable	01-Apr-20	61.20	62.50	1,077.00	65.00	1,120.00	4.00%
<b>COUNCIL CHAMBER</b>										

<b>CIVIC SUITE - CIVST</b>		Ledger Code	VAT	Date of last change	Charge from 1st April 2019	Current charge 2020/21	Budgeted Income Net of VAT for 2020/21	Proposed Charges for 2021/22	Indication of Potential Income Net of VAT for 2021/22	Percentage Increase in Charge
All organisations to be charged without exception					£	£	£	£	£	£
<b>Charity or Recognised Community or Public Organisation</b>	- Session (09.00 - 13.00 or 13.00 - 18.00)	CIVST/8520I	Non Vatable	01-Apr-20	81.60	83.30	288.00	85.00	290.00	2.04%
	- All Day (09.00 - 18.00)	CIVST/8520I	Non Vatable	01-Apr-20	137.50	140.50	859.00	144.00	880.00	2.49%
<b>FOYER AREA ONLY</b>										
<b>Charity or Recognised Community or Public Organisation</b>	- Session (09.00 - 13.00, 14.00 - 18.00 or 18.00 - 22.00)	CIVST/8520I	Non Vatable	01-Apr-20	20.40	20.90	0.00	22.00	-	5.26%
	- All Day (09.00 - 18.00)	CIVST/8520I	Non Vatable	01-Apr-20	35.70	36.50	0.00	38.00	-	4.11%
<b>OPTIONAL CHARGE IN ADDITION TO HIRE CHARGE - PRS MUSIC LICENCE UP TO 100 PERSONS</b>				01-Apr-20	12.70	13.00	0.00	13.30	-	2.31%
<b>ALL AREAS - COMMERCIAL ORGANISATIONS - 100% SURCHARGE</b>										

<b>GARAGE - RENTS</b>		Ledger Code	VAT	Date of last change	Charge from 1st April 2019	Current charge 2020/21	Budgeted Income Net of VAT for 2020/21	Proposed Charges for 2021/22	Indication of Potential Income Net of VAT for 2021/22	Percentage Increase in Charge
					£	£	£	£	£	£
<b>Chatburn Road, Clitheroe</b>	Plot:	ESTAT/8830n	VAT Inclusive	01-Apr-20	136.40	139.20	930.00	142.00	950.00	2.01%
	A, B, C, D, E, F, G, H									

## POLICY AND FINANCE COMMITTEE – PROPOSED FEES AND CHARGES FOR IMPLEMENTATION FROM 1 APRIL 2021

GARAGE - RENTS		Ledger Code	VAT	Date of last change	Charge from 1st April 2019 £	Current charge 2020/21 £	Budgeted Income Net of VAT for 2020/21 £	Proposed Charges for 2021/22 £	Indication of Potential Income Net of VAT for 2021/22 £	Percentage Increase in Charge %
Fort Street, Read	Plot Numbers:	ESTAT/8830n	VAT Inclusive	01-Apr-20	136.40	139.20	3,000.00	142.00	3,060.00	2.01%
	1, 1A, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25									
Mersey Street, Longridge	Plot Numbers:	ESTAT/8830n	VAT Inclusive	01-Apr-20	136.40	139.20	1,630.00	142.00	1,660.00	2.01%
	1, 2, 3, 4, 5, 6, 7, 8, 8A, 9, 10, 11, 12, 13									
Victoria Street, Congridge	Plot Numbers:	ESTAT/8830n	VAT Inclusive	01-Apr-20	136.40	139.20	700.00	142.00	710.00	2.01%
	1, 2, 3, 4, 5, 6									
Brights Close, Newton	Plot Numbers: N/A	ESTAT/8830n	VAT Inclusive	01-Apr-20	205.10	209.30	180.00	213.50	180.00	2.01%
Queensway, Waddington	Plot Numbers:	ESTAT/8835n	VAT Inclusive	01-Apr-20	463.00	472.30	9,450.00	481.80	9,640.00	2.01%
	8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31									
Admin fee for new rental agreement		ESTAT/8703n	VAT Inclusive	new charge			0	50.00	new charge	

COUNCIL TAX AND NATIONAL NON DOMESTIC RATES - CLTAX	Ledger Code	VAT	Date of last change	Charge from 1st April 2019	Current charge 2020/21	Budgeted Income Net of VAT for 2020/21	Proposed Charges for 2021/22	Indication of Potential Income Net of VAT for 2021/22	Percentage Increase in Charge
				£	£	£	£	£	%
Issue of Summons (Agreed with Magistrates' Court)	CLTAX/8714z	Non Vatable	01-Apr-11	60.00	60.00	81,790.00	60.00	81,790.00	0.00%
Issue of Summons (Agreed with Magistrates' Court)	NNDRC/8714z	Non Vatable	01-Apr-11	60.00	60.00	3,880.00	60.00	3,880.00	0.00%

Photocopying - Corporate Charges	Detail Code	VAT	Date of last change	Charge from 1st April 2019	Current charge 2020/21	Budgeted Income Net of VAT for 2020/21	Proposed Charges for 2021/22	Indication of Potential Income Net of VAT for 2021/22	Percentage Increase in Charge
				£	£	£	£	£	%
648 Photocopying (Black and White)	- A4 First Page	8227n	01-Apr-19	0.50	0.50	680.00	0.50	690.00	0.00%
	- A4 Continuation Sheet	8227n		0.50	0.50		0.50		0.00%
	- A1 Plan	8227n		8.80	8.80		9.00		2.27%
	- A0 Plan	8227n		8.90	8.90		9.10		2.25%
	- A3 Copies	8227n		1.00	1.00		1.00		0.00%
	- A2 Copies	8227n		8.70	8.70		8.90		2.30%

**Total budgeted Income from fees and charges set by this committee**

**183,760.00**

**186,060.00**

**Overall extra income generated compared to base budget**

**2,300.00**

**1.25%**

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY AND FINANCE COMMITTEE

DECISION

meeting date: 19 JANUARY 2021

title: ORIGINAL REVENUE BUDGET 2021/22

submitted by: DIRECTOR OF RESOURCES

principal author: VALERIE TAYLOR

### 1 PURPOSE

- 1.1 To agree the draft revenue budget for 2021/22, for consideration at Special Policy and Finance Committee.

### 2 BACKGROUND - COUNCIL'S OVERALL FINANCIAL POSITION

#### **3 Year Budget Forecast**

- 2.1 The Council's three-year budget forecast was last presented to Policy and Finance Committee in February 2020. Whilst every year it is extremely challenging to predict funding, nearly all of our major income streams are currently very difficult to forecast in the present climate. Our forecast in March predicted the following budget gaps; £281k in 2021/22, £206k in 2022/23, £337k in 2023/24, after allowing for the use of general fund balances.
- 2.2 At the time of producing the March forecast, the outcome of the Fair Funding Review, the potential changes to the New Homes Bonus Scheme and the implications of Business Rate Retention Reforms were unknown and it was highlighted that these issues would be crucial in terms of our future budget forecast and therefore to some extent the forecast beyond 2020/21 was impossible to predict.
- 2.3 As you will appreciate, the above forecast was also produced prior to the extent of the impact of Covid-19 in the current financial year being known. Indeed, there is still substantial uncertainty with regard to the financial impact for this council in the short to medium term in respect of additional spend, lost income and the level of grant support that the council will receive.

#### **The Spending Review 2020**

- 2.4 In light of Covid-19, the government has scrapped its plans for a multi-year spending review and have instead conducted a one-year review to set departments' budgets for 2021-22.
- 2.5 The key messages that came out of the 2020 Spending Review are listed below:
- Local authority core spending power is projected by the Government to rise by 4.5 per cent in cash terms. This increase is largely due to the ability of social care authorities to increase their council tax bills by up to 5 per cent.
  - To support local authorities in England with Covid-19 pressures next year, the Government expects to provide over £3 billion in additional support. The additional support includes £1.55 billion to meet additional expenditure pressures as a result of Covid-19, £670 million to support households that are least able to afford council tax payments, £762 million to compensate for 75 per cent of irrecoverable loss of council tax and business rates revenues in 2020/21, and extending the existing Covid-19 sales, fees and charges reimbursement scheme for a further 3 months until the end of June 2021.
  - As announced earlier this year, the implementation of the fair funding review has been delayed. The Spending Review didn't specify when the review will be revisited.

- The Government is undertaking a fundamental review of the business rates system and is currently considering responses to the call for evidence. A final report setting out the full conclusions of the review will be published in spring 2021. The Government has decided to freeze the business rates multiplier in 2021/22. Local authorities will be fully compensated for this decision. The Government is also considering options for further Covid-19 related support through business rates reliefs.
- Earlier this year, the Government announced that it would delay the move to 75 per cent Business Rates Retention and the implementation of the fair funding review. This decision allowed local authorities to focus on meeting the public health challenge posed by the pandemic. In order to provide further stability to the sector, the Government has decided not to proceed with a reset of business rates baselines in 2021/22.
- The referendum threshold for increases in council tax will remain at two per cent in 2021/22.
- The Government will maintain the existing New Homes Bonus scheme for a further year with no new legacy payments. The Government will consult on reforms to the New Homes Bonus shortly, with a view to implementing reform in 2022/23.

### **Covid-19 and Budget Preparation**

- 2.6 The immense economic uncertainty associated with the COVID-19 pandemic makes this an extraordinarily difficult time for all councils in formulating their budget (both revenue and capital) plans. A budget working group meeting was held on 28 September which amongst other things considered the setting of next year's budget.
- 2.7 At the meeting of Policy and Finance Committee on 17 November 2020, it was agreed that the approach as previously discussed at the Budget Working Group should be taken, namely:

<b>Budget Element</b>	<b>Recommended Approach</b>
<b>Expenditure (non Covid related)</b>	Inflationary increase to base budget
<b>Covid 19 Expenditure</b>	Unknown but budget on basis costs will be reimbursed by the Government
<b>Income (non Covid related)</b>	Inflationary increase to base budget
<b>Income – Impact of Covid</b>	Budget on basis any losses will be reimbursed by the Government. However, could be substantial even if pandemic ends and may not be reimbursed. Some income could be substantially impacted.
<b>Council Tax/Business Rates</b>	Difficult to assess the impact of pandemic particularly on businesses in the next financial year.  Collection fund deficits can be spread over 3 years.

- 2.8 Members agreed with the conclusion of Budget Working Group, in that the council should prepare its budget on the base budget plus inflation and on the expectation that any variance due to Covid would be made good by the Government.
- 2.9 As mentioned, the budget process has been particularly impacted by the Covid-19 pandemic. The pandemic has also brought about wider pressures on service resources to the extent that there has been a lighter touch review of the budgets this year, and the reporting this year is at a higher level than that usually provided.

### 3 2021/22 PROVISIONAL LOCAL GOVERNMENT SETTLEMENT

- 3.1 At the time of producing this report the Government had yet to announce the provisional finance settlement.
- 3.2 It is anticipated that there will be an announcement in respect of the Local Government Settlement before Parliament's Christmas recess. Members will be provided with an update at their meeting.

### 4 BUDGET PROCESS

- 4.1 Presented to committee for decision elsewhere on the agenda are the proposed fees and charges for 2021/22. The consequential impact of these approved fees and charges has been incorporated in to the service budgets shown within this report, on the assumption that they are approved as presented or without material change.
- 4.2 When all committees have approved their detailed estimates, the overall position will be considered by Budget Working Group.
- 4.3 The Budget Working Group will then make recommendations in order to produce a balanced budget for consideration at the Special meeting of Policy and Finance Committee. The final budget report will then be presented to Full Council, at which point the Council Tax for 2021/22 will also be approved.

### 5 2021/22 DRAFT REVENUE BUDGET

- 5.1 As far as your budget is concerned, the estimates have been prepared on the current levels of service, and they allow for pay increases at 2% and price increases at 2%.
- 5.2 Within this report the budget is shown in the same manner in which they are reviewed. Each costs centre within the report is shown individually. Behind each cost centre is a great deal more subjective level detailed budgets, but for the purposes of this report they are summarised in to the standard local government CIPFA Service Reporting Code of Practice basis.

- **Employee Related:** this group includes the cost of employees, both direct and indirect to the council.
- **Premises Related:** this group includes expenses directly related to the running of premises and land.
- **Transport Related:** this group includes all costs associated with the provision, hire or use of transport, including travelling allowances.
- **Supplies and Services:** this group includes all direct supplies and service expenses to the council.
- **Third Party Payments:** a third-party payment is a payment to an external provider which is operating independently, in return for the provision of a service.
- **Transfer Payments:** this includes the cost of payments to individuals for which no goods or services are received in return by the local authority. A key item here would be the payment of housing benefits.
- **Support Services:** charges for services that support the provision of services to the public. At this council the main support service cost is the support from staff based at the council offices building and the building's associated cost.
- **Depreciation and Impairment:** this is the revenue impact of capital items shown in the service revenue accounts of the council.
- **Income:** this includes income from fees and charges, grants, donations and contributions. Also shown here is the associated 'income' to a support service from the redistribution of its costs to those providing services to the public.

5.3 As you will see, the draft proposed budget for 2021/22 for each service area is also built up looking at a number of stages. The starting point is the base budget, being the Original Estimate for the current financial year. A summary of the various elements is given below.

- **Original Estimate 2020/21:** This represents the base budget for the council and assumes no change in service level from that set for the previous year's original estimate.
- **Inflation at 2% Pay and 2% Other:** The budget forecast allows for inflation on pay at 2% and prices at 2% (with some exceptions such as grants). This is where that general allowance for inflation is brought in to the individual budget areas.
- **Movements in Expenditure:** This is where any movements in the expenditure budgets for this committee are shown. This excludes movements in support services and Capital, which are shown in separate columns.
- **Movements in Income:** This is where any movements in the income budgets for this committee are shown.
- **Movements in Support Services:** Any changes that relate to the recharging of support service costs are included in this column.
- **Movements in Capital:** Any changes relating to depreciation and impairment are included in this column.
- **DRAFT Original Estimate 2021/22:** The final column is the total all preceding columns and is constructed from the base budget and any necessary changes to the base that are needed. If approved this will then form the base budget in next year's budget process.

6 SUMMARIES

6.1 The draft budget is summarised in two ways. One over the cost of the service provided by the committee (objective). The other is over the type of expenditure and income (subjective)

**a) Cost of service provided by the committee (Objective)**

Cost Centre and Description	Original Estimate 2020/21	Inflation at 2% Pay and 2% Other	Movements in Expenditure	Movements in Income	Movement in Support Services	Movement in Capital	DRAFT Original Estimate 2021/22
CEXEC: Chief Executive's Department	16,500	22,990	10,960	0	-50,450	0	0
CIVCF: Civic Functions	60,520	850	0	0	730	0	62,100
CIVST: Civic Suite	0	630	-1,570	0	21,400	-20,460	0
CLOFF: Council Offices	0	4,020	710	0	-39,120	34,390	0
CLTAX: Council Tax	368,430	-290	9,420	-6,710	11,050	0	381,900
COMPR: Computer Services	0	1,740	30,330	0	-29,900	-2,170	0
CORPM: Corporate Management	344,540	0	0	0	8,650	0	353,190
COSDM: Cost of Democracy	504,140	5,350	1,060	0	-3,810	0	506,740
CSERV: Corporate Services	167,810	600	0	0	2,990	0	171,400

Cost Centre and Description	Original Estimate 2020/21	Inflation at 2% Pay and 2% Other	Movements in Expenditure	Movements in Income	Movement in Support Services	Movement in Capital	DRAFT Original Estimate 2021/22
ELADM: Elections Administration	31,200	0	0	0	3,710	0	34,910
ELECT: Register of Electors	107,110	1,330	0	0	1,070	0	109,510
EMERG: Community Safety	63,710	170	0	0	1,420	0	65,300
ERNET: Emergency Radio Network	0	0	0	0	0	0	0
ESTAT: Estates	66,570	-730	0	0	1,260	-20,370	46,730
FGSUB: Grants and Subscriptions Policy and Finance	168,030	2,430	4,920	0	260	0	175,640
FMISC: Policy and Finance Miscellaneous	78,340	720	66,870	0	1,400	-21,700	125,630
FREED: Freedom of the Borough	7,500	150	0	0	0	0	7,650
LANDC: Land Charges	11,830	-1,200	0	0	2,470	0	13,100
LICSE: Licensing	33,210	-1,920	0	1,400	8,060	0	40,750
LUNCH: Luncheon Clubs	15,930	0	270	0	50	0	16,250

Cost Centre and Description	Original Estimate 2020/21	Inflation at 2% Pay and 2% Other	Movements in Expenditure	Movements in Income	Movement in Support Services	Movement in Capital	DRAFT Original Estimate 2021/22
NNDRC: National Non Domestic Rates	48,840	130	0	80	4,270	0	53,320
RESOR: Resources Department	0	41,400	-3,050	0	-27,630	-10,720	0
SUPDF: Superannuation Deficiency Payments	101,000	2,020	-9,960	0	0	0	93,060
<b>GRAND TOTAL</b>	<b>2,195,210</b>	<b>80,390</b>	<b>109,960</b>	<b>-5,230</b>	<b>-82,120</b>	<b>-41,030</b>	<b>2,257,180</b>
Associated Movement in Earmarked Reserves	70,890	770	-53,070	5,510	0	0	24,100
<b>Net after Earmarked Reserves</b>	<b>2,266,100</b>	<b>81,160</b>	<b>56,890</b>	<b>280</b>	<b>-82,120</b>	<b>-41,030</b>	<b>2,281,280</b>

**b) Type of Expenditure/Income (Subjective)**

	Original Estimate 2020/21	Inflation at 2% Pay and 2% Other	Movements in Expenditure	Movements in Income	Movement in Support Services	Movement in Capital	DRAFT Original Estimate 2021/22
<b>Employee Related Expenditure</b>	3,050,280	61,000	44,220	0	0	0	3,155,500
<b>Premises Related Expenditure</b>	198,610	3,960	0	0	0	0	202,570
<b>Transport Related Expenditure</b>	58,140	1,150	0	0	0	0	59,290
<b>Supplies &amp; Services</b>	879,520	17,570	72,730	0	0	0	969,820
<b>Third Party Payments</b>	98,200	1,960	-12,180	0	0	0	87,980
<b>Transfer Payments</b>	162,350	2,190	5,190	0	0	0	169,730
<b>Support Services</b>	2,364,780	0	0	0	86,010	0	2,450,790
<b>Depreciation and Impairment</b>	201,710	0	0	0	0	-41,030	160,680
<b>Total Expenditure</b>	<b>7,013,590</b>	<b>87,830</b>	<b>109,960</b>	<b>0</b>	<b>86,010</b>	<b>-41,030</b>	<b>7,256,360</b>
<b>Government Grants</b>	-90,000	0	0	-8,350	0	0	-98,350
<b>Other Grants and Contributions</b>	-37,380	-60	0	0	0	0	-37,440
<b>Customer &amp; Client Receipts</b>	-368,480	-7,380	0	3,120	0	0	-372,740
<b>Departmental Recharges</b>	-4,322,450	0	0	0	-168,130	0	-4,490,580
<b>Miscellaneous Recharges</b>	-70	0	0	0	0	0	-70
<b>Total Income</b>	<b>-4,818,380</b>	<b>-7,440</b>	<b>0</b>	<b>-5,230</b>	<b>-168,130</b>	<b>0</b>	<b>-4,999,180</b>
<b>Net Expenditure</b>	<b>2,195,210</b>	<b>80,390</b>	<b>109,960</b>	<b>-5,230</b>	<b>-82,120</b>	<b>-41,030</b>	<b>2,257,180</b>
<b>Associated Movement in Earmarked Reserves</b>	70,890	770	-53,070	5,510	0	0	24,100
<b>Net After Earmarked Reserves</b>	<b>2,266,100</b>	<b>81,160</b>	<b>56,890</b>	<b>280</b>	<b>-82,120</b>	<b>-41,030</b>	<b>2,281,280</b>

## 7 EARMARKED RESERVES

7.1 In the Original Estimate for 2020/21 this committee planned to add £70,890 to earmarked reserves to support its expenditure in future years. Looking forward to 2021/22, the proposal included in the estimates is that this committee add £24,100 to earmarked reserves.

7.2 The table below provides a summary of the DRAFT Original Estimate for 2021/22 together with the budgeted impact on the relevant earmarked reserves. Also detailed is a summary of the reasons for the movements on the earmarked reserves.

	<b>DRAFT Original Estimate 2021/22</b>	<b>Reason for Movement on Earmarked Reserve</b>
<b>Committee Net Cost of Services</b>	<b>2,257,180</b>	
FNBAL/H230 Election Fund	30,000	Reserve established from monies set aside on an annual basis to smooth out the cost of local elections.  Shown here is a contribution to the reserve of £30,000 in preparation for the next election.
FNBAL/H269 Revaluation Reserve	2,190	Reserve established from monies set aside on an annual basis to smooth out the costs of the full revaluation of the council's assets that is carried out every five years.  This movement represents the annual contribution to the reserve for the financial year 2021/22
FNBAL/H294 Cyber Resilience Grant Reserve	-13,600	The council successfully bid for cyber resilience funding from the Local Government Association in the 2018/19 and 2020/21 financial years. The funds are held in this reserve and are budgeted to be expended in 2021/22 on cyber resilience and recovery external consultancy support and training.
FNBAL/H335 Invest to Save Fund	5,510	The Invest to Save fund is a reserve that was established to fund capital schemes that will generate recurring future savings as a result of the expenditure incurred. Additional income/ savings generated are paid back to the fund from completed capital projects up to the value of the original capital expenditure.  This repayment to the reserve is an estimate of additional rental income to be generated in 2021/22 as a result of the completed Queensway Garages capital scheme, the cost of which was originally funded from this reserve.
<b>Committee Net Cost of Services after Movements on</b>	<b>2,281,280</b>	

## 8 KEY VARIATIONS

- 8.1 The net expenditure for this committee has increased by £15,180 after allowing for associated movements on earmarked reserves. The main reasons for this net increase are summarised in the table below.

Description	Variance Original Estimate 2020/21 to DRAFT Original Estimate 2021/22 £
<p><b><u>Inflation</u></b> The budget forecast allows for inflation on pay and prices at 2%. The net inflationary increase for this committee brought into the estimates is £81k.</p>	81,160
<p><b><u>COMPR: Computer Services</u></b> Expenditure payable for access to the Public Services Network (that enables secure data sharing between public sector bodies) has reduced following renewal of the annual contract.</p> <p>Estimated annual software maintenance costs have increased, mainly as a result of the implementation of Microsoft 365 which has brought about an additional annual cost of £22k for backup and security software (approved at P&amp;F Committee in November 2020). Expenditure has also increased by an estimated £4k per year for purchases that enable employees to securely access the council's systems when remote working following an increase to homeworking brought about as a result of the coronavirus pandemic.</p>	-4,930  25,860
<p><b><u>ESTAT: Estates</u></b> An estimate has been brought into the budget for a transfer of funds to the Invest to Save Earmarked Reserve. The contribution is the estimated additional rental income to be generated in the 2021/22 financial year as a result of the Queensway Garages capital scheme (originally funded from this reserve).</p>	5,510
<p><b><u>FGSUB: Grants and Subscriptions</u></b> In June 2019 this Committee resolved to provide a one-off grant payment of £10k to Lancashire County Council to support the continuation of the 280 bus service between Clitheroe and Preston and Clitheroe to Skipton for a period of 12 months. The cost of the payment was to be funded from the Council's voluntary organisation grant's budget from the 2019/20 and 2020/21 financial years. The temporary reduction to the base budget at OE20/21 has now been reversed.</p>	4,270
<p><b><u>FMISC: Finance Miscellaneous</u></b> Increase to the annual budget provision for the cost of external audit work following an increase to the 2020/21 fees in respect of the Housing Benefit Assurance Process (HBAP) (Accounts and Audit Committee November 2020).</p>	16,020
<p><b><u>SUPDF: Superannuation deficiency payments</u></b> The annual estimated cost of superannuation scheme deficiency payments has been revised down following a full review.</p>	-9,960

Description	Variance Original Estimate 2020/21 to DRAFT Original Estimate 2021/22 £
<p><b><u>Movement in capital (depreciation charges)</u></b> There is a net reduction in the estimated capital charge for the 2021/22 financial year of £41k.</p>	-41,030
<p><b><u>Enterprise Agreements</u></b> The council's three-year agreement for Microsoft products ended this year and a tendering exercise was carried out for the renewal. Options were submitted to Emergency Committee in June 2020 and a new 3-year contract option was approved which have increased estimated costs within P&amp;F Committee by £19k for the 2021/22 financial year.</p>	19,420
<p><b><u>Support Service Costs</u></b> There is a net decrease in support service costs charged to the committee following changes to various departmental cost allocations.</p>	-82,120

9 RISK ASSESSMENT

9.1 The approval of this report may have the following implications

- Resources: approval of the original budget for 2021/22 would see an increase in net expenditure of £61,970 compared with the original budget for 2020/21 or an increase of £15,180 after allowing for movements on earmarked reserves.
- Technical, Environmental and Legal: none identified
- Political: none identified
- Reputation: sound financial planning safeguards the reputation of the Council
- Equality and Diversity – Equality and diversity issues are considered in the provision of all Council services.

10 RECOMMENDED THAT COMMITTEE

- 10.1 Approve the revenue original estimate for 2021/22 and submit this to the Special Policy and Finance Committee.

SENIOR ACCOUNTANT

DIRECTOR OF RESOURCES

PF5-21/VT/AC  
7 January 2020

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## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY AND FINANCE COMMITTEE

DECISION

meeting date: 19 JANUARY 2021  
title: REVISED CAPITAL PROGRAMME 2020/21  
submitted by: DIRECTOR OF RESOURCES  
principal author: ANDREW COOK

### 1 PURPOSE

1.1 To approve the 2020/21 revised estimate for this Committee's capital programme.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – none identified.
- Corporate Priorities – to continue to be a well-managed council, providing efficient services based on identified customer needs.
- Other Considerations – none identified.

### 2 2020/21 CAPITAL PROGRAMME BACKGROUND

2.1 Four capital schemes for this Committee's original estimate budget, totalling £204,530, were approved by the Special Policy and Finance Committee and Full Council at their meetings in February 2020 and March 2020 respectively. This included two new schemes for 2020/21 and budget for two 2019/20 schemes that had been moved from the 2019/20 capital programme to the 2020/21 capital programme.

2.2 In addition to the original estimate budget above, the following budget changes have been made so far in 2020/21:

- Four 2019/20 capital schemes were not completed by 31 March 2020 and had unspent budget available at that date. Unspent budget of £33,480 on those schemes, known as slippage, was moved into the 2020/21 capital programme budget, after slippage requests from the budget holders were agreed by the Director of Resources. The slippage requests were agreed by the Director of Resources because there were no Policy and Finance Committee meetings between March 2020 and September 2020 because of Covid-19.
- In August 2020, the Emergency Committee approved a new scheme budget of £25,000 for the Purchase of land behind Old Row, Barrow. This was added to this Committee's capital programme.

2.3 As a result of the above, the total approved budget for this Committee's capital programme of eight schemes was £263,010. This is shown at Annex 1.

### 3 REVISING THE 2020/21 CAPITAL PROGRAMME

3.1 We have now discussed each of the schemes in the capital programme with budget holders and revised the programme to reflect their progress and estimated full year expenditure. Following this review, the proposed revised estimate is £158,310 for seven schemes, which is a reduction of £104,700 from the total approved capital budget. The reasons for this are as follows:

- **Dewhurst Road, Langho – Resurfacing Works (Decrease of £55,700):** This net reduction in budget is made up of two elements, an estimated increase of £10,100 in the overall cost of the scheme due to additional works and the moving of the main resurfacing works element of the scheme, estimated at £65,800, to 2021/22.

As reported to this Committee in November 2020, the main resurfacing works tender specification will be drawn up after additional pre-tender works are completed on the site to enable the site to be clear from flooding for the main resurfacing works to take place. The current aim is for the additional pre-tender works to be completed in 2020/21. These pre-tender works were not included in the original capital scheme budget because officers were not aware of the flooding and drainage issues when the initial scheme budget was set in 2017. The latest estimate for the additional pre-tender works at this stage is £10,100, which will increase the overall scheme cost to £75,900. However, there is always the risk of further unexpected costs when drainage and culvert works are undertaken. Also, some of the additional pre-tender works costs may be recovered from other landowners/leaseholders, but this is still to be confirmed.

The main resurfacing contract works will not now take place in 2020/21 and will be moved back to 2021/22, due to waiting on the additional pre-tender works and the timescales involved in the specification and tender process.

Given the above, it is recommended that the overall scheme budget is increased by £10,100 to £75,900, that the 2020/21 revised estimate for the scheme is reduced to £10,100 and that £65,800 of the scheme budget is moved to the 2021/22 financial year.

- **Network Infrastructure (Decrease of £30,000):** As reported to this Committee in November 2020, there has been no progress to date on this scheme because ICT staff resources have been focussed on supporting the Council's Covid-19 response and new ways of working since the end of March 2020. Therefore, the scheme will not take place in 2020/21. It is recommended that the 2020/21 revised estimate for the scheme is reduced to nil and the £30,000 scheme budget is moved to the 2021/22 financial year.
- **Lift replacement at Council Offices (Decrease of £6,400):** The main contract works are complete and all amounts due in 2020/21 have been paid, totalling £75,022. The actual scheme costs were £6,408 lower than budgeted for in 2020/21 for two reasons:
  - Actual non-contract costs were £4,305 lower than budgeted for mainly due to less surveyors input, technical input, building regulations fees and temporary stairlift costs than initially planned for.
  - The final retention payment of £2,103 on the main contract is still to be paid. This is not due until twelve months after practical completion, which will be summer 2021.

Given the above, it is recommended that the 2020/21 revised estimate for the scheme is reduced to £75,030 and £2,110 of the scheme budget is moved to the 2021/22 financial year.

- **Committee Administration IT System (Decrease of £7,600):** The implementation of the ModGov system software was completed in December 2020 and the final acceptance payment of £4,750 is expected to be made in early 2021. The outstanding budget of £7,600 relates to IT hardware purchases and the hardware requirements needed to support the use of the system (possibly some laptops) will be considered in 2021 now the system software is up and running. Therefore, any IT hardware purchases, if required, will not be undertaken in 2020/21.

Given the above, it is recommended that the 2020/21 revised estimate for the scheme is reduced to £4,750 and £7,600 of the scheme budget is moved to the 2021/22 financial year.

- **Purchase of land behind Old Row, Barrow (Decrease of £5,000):** The land purchase was completed in October 2020, at a cost of £20,000. The other element of the scheme budget, £5,000 for the possible demolition and removal of garages on the site, is no longer required. This is because responsibility for the garages on the site has now transferred to Barrow Parish Council, who will use the site going forwards under the terms of a licence agreement between the Council and Barrow Parish Council. Therefore, it is recommended that the 2020/21 revised estimate for the scheme is reduced to £20,000.

3.2 Annex 1 shows the full capital programme by scheme, including the budget and expenditure to date. The summary position is shown below.

Original Estimate 2020/21 £	Budget Moved from 2019/20 £	Slippage from 2019/20 £	Additional Approvals 2020/21 £	Total Approved Budget 2020/21 £	Revised Estimate 2020/21 £	Budget Moved to 2021/22 £	Actual Expenditure including commitments as at end of December 2020 £
95,800	108,730	33,480	25,000	263,010	158,310	105,510	142,452

3.3 At the end of December 2020 £142,452 had been spent or committed. This is 90% of the revised capital programme budget for this Committee.

3.4 Of the seven schemes in this Committee's revised estimate capital programme:

- the Lift replacement at Council Offices and Purchase of land behind Old Row, Barrow schemes have been completed; and
- at this stage, the aim is to complete the 2020/21 elements of the other five schemes in-year.

3.5 Progress on the schemes with the largest remaining 2020/21 budgets is as follows:

- **Dewhurst Road, Langho – Resurfacing Works (£3,850):** Some initial work has been undertaken, but the full pre-tender additional works will not be undertaken until the additional budget is approved by this Committee. The current aim is for the additional pre-tender works to be completed in 2020/21, once approval is obtained.
- **Re-design of Corporate Website (£12,000):** The website refresh work is in progress and officers are working with the current website provider on evaluating website designs and layouts and undertaking accessibility legislation compliance work. At this stage, it is expected that the refresh will be completed before financial year-end and within the budget set.

#### 4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – Additional financing resources will be needed to fund the proposed additional budget of £10,100 on the Dewhurst Road, Langho – Resurfacing Works scheme. Approval of the revised capital programme will see a decrease of £104,700 in the overall level of financing resources needed in 2020/21 and £105,510 of capital financing resources will be moved into 2021/22.

- Technical, Environmental and Legal – None.
- Political – None.
- Reputation – Sound financial planning for known capital commitments safeguards the reputation of the Council.
- Equality and Diversity – Equality and diversity issues are examined as part of the capital bid appraisal process.

## 5 CONCLUSION

- 5.1 The proposed revised estimate for this Committee's 2020/21 capital programme is £158,310 for seven schemes, which is a reduction of £104,700 from the previously approved capital budget.
- 5.2 It is recommended that budgets on four schemes, totalling £105,510, are moved to the 2021/22 financial year.
- 5.3 At the end of December 2020 £142,452 had been spent or committed. This is 90% of the revised capital programme budget for this Committee.
- 5.4 Of the seven schemes in the revised capital programme, two schemes had been completed by the end of December 2020 and the aim is to complete the 2020/21 elements of the other five schemes in-year.

## 6 RECOMMENDED THAT COMMITTEE

- 6.1 Approve the 2020/21 revised estimate of £158,310 for this Committee's capital programme, as set out in Annex 1.
- 6.2 Approve the move of the following capital budgets from 2020/21 to 2021/22:
- Dewhurst Road, Langho – Resurfacing Works, £65,800.
  - Network Infrastructure, £30,000.
  - Lift replacement at Council Offices, £2,110.
  - Committee Administration IT System, £7,600.
- 6.3 Recommend Special Policy and Finance Committee to approve the additional budget of £10,100 on the Dewhurst Road, Langho – Resurfacing Works scheme.

SENIOR ACCOUNTANT

DIRECTOR OF RESOURCES

PF8-1/AC/AC  
8 January 2021

For further background information please ask for Andrew Cook  
BACKGROUND PAPERS – None

## POLICY AND FINANCE COMMITTEE – REVISED CAPITAL PROGRAMME 2020-21

Cost Centre	Scheme	Original Estimate 2020/21 £	Budget Moved from 2019/20 £	Slippage from 2019/20 £	Additional Approvals 2020/21 £	Total Approved Budget 2020/21 £	Revised Estimate 2020/21 £	Budget Moved to 2021/22 £	Actual Expenditure including commitments as at end of December 2020 £
DHRST	Dewhurst Road, Langho - Resurfacing Works	65,800				65,800	10,100	65,800	6,250
NTWRK	Network Infrastructure	30,000				30,000	0	30,000	0
COWEB	Re-design of Corporate Website		30,000			30,000	30,000	0	18,000
COLFT	Lift replacement at Council Offices		78,730	2,700		81,430	75,030	2,110	75,022
COADM	Committee Administration IT System			12,350		12,350	4,750	7,600	4,750
REPPC	Replacement PCs			10,000		10,000	10,000	0	10,000
CFUPG	Financial system upgrade			8,430		8,430	8,430	0	8,430
LANDB	Purchase of land behind Old Row, Barrow				25,000	25,000	20,000	0	20,000
<b>Total Policy and Finance Committee</b>		<b>95,800</b>	<b>108,730</b>	<b>33,480</b>	<b>25,000</b>	<b>263,010</b>	<b>158,310</b>	<b>105,510</b>	<b>142,452</b>

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## **RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY AND FINANCE COMMITTEE**

DECISION

meeting date: 19 JANUARY 2021  
title: CAPITAL PROGRAMME REVIEW 2021/22 TO 2024/25  
submitted by: DIRECTOR OF RESOURCES  
principal author: ANDREW COOK

### 1 PURPOSE

- 1.1 To recommend the proposed future four-year capital programme (2021/22 to 2024/25) for this Committee.

### 2 CAPITAL PROGRAMME (2021/22 to 2024/25) BUDGET PROCESS

- 2.1 The future capital programme budget is reviewed and updated each year. In recent years, the Council has been setting a proposed and fully funded five-year capital programme each year. The process of updating the programme has involved reviewing and updating the schemes that were approved in the previous year's programme for what will become the first four years of the new five-year programme and submitting new bids for year five of the new five-year programme.

- 2.2 Given the additional burdens caused by and priority focus on Covid-19 issues throughout 2020, Budget Working Group has streamlined the capital programme budget update process for this year. This involves moving to a four-year capital programme only, covering 2021/22 to 2024/25, and there being no new capital bids for 2025/26 (year five).

- 2.3 Heads of Service/Directors were therefore asked to review and update the proposed four-year capital programme, as follows:

- Review the 2021/22 capital schemes already in the capital programme to confirm that costings are correct and that they will be able to be completed in that year.
- Review the current year's (2020/21) capital schemes to identify whether any may need to be moved to the 2021/22 financial year.

- 2.4 Each committee are being asked to consider and approve the proposed four-year capital programme for their own committee and then the proposed programmes from all committees will be considered alongside each other by the Budget Working Group and Special Policy and Finance Committee.

- 2.5 The proposed four-year capital programme (2021/22 to 2024/25) for this Committee is set out in this report for members to consider and approve.

### 3 REVIEW OF THE 2021/22 CAPITAL PROGRAMME SCHEMES

- 3.1 There were no schemes in the previously approved 2021/22 capital programme for this Committee, so no changes have been made.

### 4 REVIEW OF THE CURRENT YEAR'S (2020/21) CAPITAL SCHEMES

- 4.1 Review of progress on the 2020/21 current year schemes by Heads of Service has identified budgets on four schemes proposed to be moved from 2020/21 to the 2021/22 capital programme:

- **Dewhurst Road, Langho – Resurfacing Works, £65,800:** The main resurfacing contract works on this scheme, estimated at £65,800, will now not take place in 2020/21. This is because of additional pre-tender flooding and drainage works needing to be completed first, to enable the site to be clear for the main resurfacing works to take place, and the timescales then involved in the specification and tender process for the main resurfacing contract works. Therefore, the main resurfacing contract works will need to be moved to 2021/22.
- **Network Infrastructure, £30,000:** As reported to this Committee in November 2020, there has been no progress to date on this scheme because ICT staff resources have been focussed on supporting the Council’s Covid-19 response and new ways of working since the end of March 2020. Therefore, the scheme will not take place in 2020/21 and will need to be moved to 2021/22.
- **Lift replacement at Council Offices, £2,110:** The main contract works are now complete. However, the final retention payment of £2,103 on the main contract is still to be paid, because this is not due until twelve months after practical completion of the contract works, which will be summer 2021. Therefore, budget to cover the final retention payment will need to be moved to 2021/22.
- **Committee Administration IT System, £7,600:** The implementation of the ModGov system software is now complete and the final acceptance payment is expected to be made in early 2021. The remaining budget of £7,600 on this scheme relates to IT hardware purchases. The IT hardware requirements needed to support the use of the system, possibly some laptops, will be considered in 2021 now the system software is up and running. Given this, any IT hardware purchases, if required, will not be undertaken in 2020/21. Therefore, the outstanding scheme budget of £7,600 should be moved to 2021/22 to support any IT hardware purchases required in that year.

5 PROPOSED FOUR-YEAR CAPITAL PROGRAMME (2021/22 TO 2024/25)

5.1 The table below provides a summary of the changes proposed by Heads of Service to the previously approved four-year capital programme, resulting in a proposed four-year capital programme (2021/22 to 2024/25) of £538,390. Annex 1 shows all the schemes included in the proposed four-year capital programme.

POLICY AND FINANCE COMMITTEE	2021/22 £	2022/23 £	2023/24 £	2024/25 £	TOTAL £
Previously Approved Capital Programme (2021/22 to 2024/25) for this Committee	0	226,600	118,200	88,080	432,880
<b>2020/21 capital programme changes:</b>					
Dewhurst Road, Langho – Resurfacing Works <i>Moved from 2020/21</i>	65,800				65,800
Network Infrastructure <i>Moved from 2020/21</i>	30,000				30,000
Lift replacement at Council Offices <i>Moved from 2020/21</i>	2,110				2,110
Committee Administration IT System <i>Moved from 2020/21</i>	7,600				7,600
<b>Proposed Capital Programme (2021/22 to 2024/25) for this Committee (Annex 1)</b>	<b>105,510</b>	<b>226,600</b>	<b>118,200</b>	<b>88,080</b>	<b>538,390</b>

5.2 Members are asked to consider the proposed four-year capital programme (2021/22 to 2024/25) for this Committee and recommend the programme to the Special Policy and Finance Committee for approval.

## 6 RISK ASSESSMENT

6.1 The approval of this report may have the following implications:

- Resources – The proposed changes to the four-year capital programme for this Committee would require additional funding of £105,510 over the period. In practice this funding is available because the increased budget relates to budgets on four schemes being moved from the 2020/21 capital programme and these schemes are already funded as part of that year's capital programme. Thus, if budgets on those schemes move to 2021/22 then the funding for those schemes will also move to 2021/22.
- Technical, Environmental and Legal – None.
- Political – None.
- Reputation – Sound financial planning for known capital commitments safeguards the reputation of the Council.
- Equality and Diversity – Equality and Diversity issues are examined as part of the capital bid appraisal process.

## 7 CONCLUSION

7.1 A four-year capital programme (2021/22 to 2024/25) of £538,390 is proposed for this Committee.

## 8 RECOMMENDED THAT COMMITTEE

8.1 Consider the proposed four-year capital programme (2021/22 to 2024/25) of £538,390 for this Committee, as set out in Annex 1.

8.2 Recommend to Special Policy and Finance Committee the proposed four-year capital programme (2021/22 to 2024/25) of £538,390 for this Committee, as set out in Annex 1.

SENIOR ACCOUNTANT  
PF9-21/AC/AC  
6 January 2021

DIRECTOR OF RESOURCES

For further background information please ask for Andrew Cook.  
BACKGROUND PAPERS – None

**\*\* = Changes proposed from the Capital Programme review**

<b>POLICY AND FINANCE COMMITTEE</b>	<b>2021/22 £</b>	<b>2022/23 £</b>	<b>2023/24 £</b>	<b>2024/25 £</b>	<b>TOTAL £</b>
Dewhurst Road, Langho – Resurfacing Works <i>**Moved from 2020/21</i>	65,800				<b>65,800</b>
Network Infrastructure <i>**Moved from 2020/21</i>	30,000				<b>30,000</b>
Lift replacement at Council Offices <i>**Moved from 2020/21</i>	2,110				<b>2,110</b>
Committee Administration IT System <i>**Moved from 2020/21</i>	7,600				<b>7,600</b>
Brookfoot Footbridge, Ribchester – Replacement of Bridge		110,000			<b>110,000</b>
ICT Infrastructure Refresh		116,600			<b>116,600</b>
Revenues and Benefits Replacement Server			27,400		<b>27,400</b>
Cyber Security Solutions Refresh			58,300		<b>58,300</b>
Replacement Air Conditioning Units in Server Room			10,000		<b>10,000</b>
E-Recruitment System			22,500		<b>22,500</b>
Replacement PCs				66,000	<b>66,000</b>
Firewall Refresh				22,080	<b>22,080</b>
<b>Proposed Capital Programme (2021/22 to 2024/25) for this Committee</b>	<b>105,510</b>	<b>226,600</b>	<b>118,200</b>	<b>88,080</b>	<b>538,390</b>

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY AND FINANCE COMMITTEE

DECISION

meeting date: 19 JANUARY 2021  
title: LOCAL TAXATION WRITE OFFS  
submitted by: DIRECTOR OF RESOURCES  
principal author: MARK EDMONDSON

### 1 PURPOSE

1.1 To obtain Committee's approval to write off Council Tax and Business Rate debts.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions/Community Objectives/Corporate Priorities

Without the revenue collected from business rates, council tax and sundry debtors we would be unable to meet the Council's ambitions, objectives and priorities.

### 2 BACKGROUND

2.1 No specific statute exists to give guidance on the circumstances under which debts, in general, can be written off other than the statute of limitations. We only write debts off where all avenues of debt recovery have been fully explored.

#### **Business Rates**

2.2 As a matter of law, we are under obligation to take reasonable steps to collect Business Rates debts.

2.3 We do this by various means, including summonses, enforcement agents, bankruptcy, winding up and committal warrants. However, there are some cases where debtors simply leave their property with arrears and where we have no forwarding address, or are declared bankrupt, insolvent or cease trading.

#### **Council Tax**

2.4 As a matter of law, we are under an obligation to take reasonable steps to collect council tax debts.

2.5 We do this by various means, including summonses, Attachment of Earnings, Attachment of Benefits, Attachment of Allowances, distraint of goods, bankruptcy, Charging orders and committal warrants. However, there are some cases where debtors simply leave their property with arrears and where we have no forwarding address, or are declared bankrupt or are deceased with insufficient funds in the estate.

### 3 CURRENT POSITION

3.1 There are three cases where the company has gone into administration and five cases where the companies have gone into liquidation and therefore we need to write off these debts. Annex 1 shows details of the debts we are seeking approval to write off against the collection fund – these total £81.75 in Council Tax, £89,470.99 in business rates and £360.00 costs.

4 FINANCIAL IMPLICATIONS

4.1 Under the **current** Business Rate Pilot arrangements the cost of Business Rate write offs are met in part by central government 25% and in part by local government, i.e. ourselves 56%, the county council 17.5% and the fire and rescue authority 1.5%.

4.2 RECOMMENDED THAT COMMITTEE

4.3 Approve writing off £81.75 in Council Tax, £89,470.99 in Business Rates and £360.00 costs where it has not been possible to collect the amounts due.

HEAD OF REVENUES AND BENEFITS

DIRECTOR OF RESOURCES

PF4-21/ME/AC  
7 January 2021

## Write offs – Council Tax

Year	Name	Property	Amount £
<b>ADMINISTRATION</b>			
An administration order is a process designed to protect limited companies from their creditors while a debt restructuring plan is carried out and presented to creditors and courts. It is unlikely that in these cases, as an unsecured creditor, we will receive any funds, but if we do an adjustment will be made of the amount written off.			
2020/21	Seafood Pub Company Ltd	24a Berry Lane, Longridge	81.75
<b>TOTAL</b>			<b>81.75</b>

## Write offs – NNDR

Year	Name	Property	Amount £
<b>LIQUIDATION</b>			
Liquidation is the process by which a company (or part of a company) is brought to an end, and the assets and property of the company are redistributed. It is unlikely in these cases that, as an unsecured creditor, we will receive any funds but if we do an adjustment will be made to the amount written off.			
2019/20	Track V Road	Unit 12-13, Deanfield Way, Link 59 Business Park, Clitheroe	*5,943.95
2019/20	Pendle Ventures Clitheroe Ltd	Inn at the Station, King Street, Clitheroe	1,144.00
2019/20	Pendle Ventures Preston Ltd	White Bull Hotel, 257 Preston Road, Alston	8,285.00
<b>TOTAL</b>			<b>15,372.95</b>

Year	Name	Property	Amount £
<b>ADMINISTRATION</b>			
An administration order is a process designed to protect limited companies from their creditors while a debt restructuring plan is carried out and presented to creditors and courts. It is unlikely that in these cases, as an unsecured creditor, we will receive any funds, but if we do an adjustment will be made of the amount written off.			
2019/20	Seafood Pub Company Ltd	Assheton Arms, Downham, Clitheroe	4,135.00
2019/20	Seafood Pub Company Ltd	Derby Arms, Chipping Road, Longridge	3,425.00
2019/20	Mytton Fold Farm Hotel Limited	Mytton Fold Farm, Whalley Road, Billington, Clitheroe	2,375.41
2017/18	Lancashire Rooster Ltd	Ethos House, York Street, Clitheroe	*5,867.34
2018/19			*14,881.83
2019/20			*11,250.25
2010/11	Greenacre Textiles Limited	Moorcock Hotel, Slaidburn Road, Waddington	2,174.23
2011/12			*24,294.20
2012/13			*6,054.78
<b>TOTAL</b>			<b>74,458.04</b>

\*including £60.00 costs

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## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY AND FINANCE COMMITTEE

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meeting date: TUESDAY, 19 JANUARY 2020  
title: REVIEW OF STANDING ORDERS  
submitted by: CHIEF EXECUTIVE  
principal author: HEAD OF LEGAL AND DEMOCRATIC SERVICES

### 1 PURPOSE

1.1 To review the Council's Standing Orders (Part 4 of the Council's Constitution) to ensure clarity.

1.2 Relevance to the Council's ambitions and priorities:

- Council's Ambitions – N/A
- Community Objectives - N/A
- Corporate Priorities – To be a well-managed Council. The Council's standing orders contain the necessary provisions to allow for matters to be discussed and voted upon in an orderly and proper manner
- Other considerations – It is important that the Council's constitution is kept up-to-date, to ensure that all legislative requirements are reflected within them.

### 2 BACKGROUND

2.1 Section 37 of the Local Government Act 2000 provides that every Local Authority is required to prepare and keep up to date a constitution containing amongst other things a copy of its Standing Orders. The Council's constitution is very much a living document. It has been divided into parts and these parts are available on the Council's website.

2.2 The Council's Head of Legal and Democratic Services, in her role as Monitoring Officer, has carried out a review of Standing Orders, which form Part 4 of the Council's Constitution.

### 3 ISSUES

3.1 The Council's Standing Orders are the rules, which govern the conduct and proceedings of the Council's meetings (including those of its committees and sub-committees). This Council approved the last changes to the Council's Standing Orders in May 2020 to include a temporary addendum including provisions for remote meetings.

3.2 A number of amendments have been made to pick up minor typographical errors, and also to more clearly link the provisions with regard to notice provisions for summons to the provisions of the Local Government Act 1972. The proposed amendments are shown as track changes in the copy of Standing Order enclosed at **Appendix 1**.

3.3 Article 11.3 of the Council's Constitution provides that only the Council will approve changes to the Constitution after consideration of the proposal by the Monitoring Officer. The Council's Head of Legal and Democratic Services, in her role as Monitoring Officer, supports the amendments set out in Appendix 1 to this report.

## 5. RISK ASSESSMENT

5.1 The approval of this report may have the following implications:

- Resources – The Council will make any necessary changes and put new documents onto the website. A revised version of Standing Orders will be circulated to Members and Officers
- Technical, Environment and Legal – No implications identified
- Political – No implications identified.
- Reputation – No implications identified.
- Equality & Diversity – No implications identified.

## 6. RECOMMENDED THAT COMMITTEE

6.1 Approve the changes outlined in the report above and shown in **Appendix 1** to this report.

6.2 Refer the proposed changes to the Council with a recommendation for their approval.

MAIR HILL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

MARSHAL SCOTT  
CHIEF EXECUTIVE

## BACKGROUND PAPERS

For further information please ask for Mair Hill on extension 4418.

REF: MJH/POLICYANDFINANCE/19 January 2020



Ribble Valley  
Borough Council

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

**Ribble Valley Borough Council  
General Standing Orders**

**January 2021**

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## 1. MEETINGS OF THE COUNCIL

### Annual Meeting

- 1.1 The Council will hold its Annual Meeting at a place, time and date in May, which it will decide at or before its last meeting prior to the Annual Meeting. In the absence of a decision or statutory provision to the contrary, the date will be the second Tuesday in May, or, in an election year, the second Tuesday after the council elections.

### Ordinary Meetings

- 1.2 Ordinary Meetings will be held at eight-week intervals or such other intervals as the Council shall, at its Annual Meeting, determine and at such place and time as the Council may determine.

### Extraordinary Meetings

- 1.3 The Mayor may call an Extraordinary Meeting of the Council at any time. If the Mayor refuses to call an Extraordinary Meeting of the Council after receiving a requisition for that purpose signed by five members of the Council, or if, without so refusing, the Mayor does not call an Extraordinary meeting within seven days after receiving the requisition, then any five members of the Council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an Extraordinary Meeting of the Council.

(Local Government Act 1972 Schedule 12 para. 3)

### Notice of Meetings

- 1.4 The Chief Executive shall at least **five clear days** before a meeting:
- 1.4.1 give public notice of the time and place of the meeting by posting it at the offices of the Council and placing it on the Council website or if the meeting is convened on shorter notice, then at the time it is convened;
  - 1.4.2 send to every member of the Council by an appropriate method a summons to attend the meeting, specifying the business proposed to be transacted at the meeting. An appropriate method shall be as defined by Paragraph 4, Schedule 12 of the Local Government Act 1972

*N. B 'Clear Days' has been interpreted as five periods of 24 hours running from midnight to midnight and not including Saturday and Sunday unless the Council Offices are open for the inspection of agenda and reports on those days.*

(Local Government Act 1972 Section 100A, 100B and Schedule 12 para. 4)

## 2. MAYOR AND DEPUTY MAYOR

- 2.1 The Election of the Mayor shall be the first item of business at the Annual Meeting, and shall be followed by the appointment of a Deputy Mayor. In the absence of both the Mayor and Deputy Mayor, those members present will choose one of their number to preside at the meeting, and that person shall have the powers of the Mayor in relation to the conduct of the meeting.

**3. APPOINTMENT OF COMMITTEE AND CHAIRMAN**

**Appointment of Chairmen and Vice-Chairmen**

- 3.1 The council at its Annual Meeting shall appoint the chairmen and vice-chairmen of all standing committees. If a casual vacancy arises in the office of chairman or vice-chairman of a committee, the council shall appoint a replacement at its next meeting.
- 3.2 In the absence of the chairman of a committee, the vice-chairman shall preside and in the absence of both, the committee from among its members shall appoint a chairman for that particular meeting.

**Continuance of Committees**

- 3.3 The composition and membership of Committees shall be determined at the Annual Meeting of the council and remain in place until the next Annual Meeting. Any alteration to the composition of membership of a committee must be determined by the Council.

**4. QUORUM**

- 4.1 The quorum at a meeting of the Council is twenty members. If the meeting lacks a quorum its business shall be adjourned to a fixed date and time, or to the next Ordinary Meeting.

**5. ORDER OF BUSINESS**

- 5.1 Subject to paragraph 5.2 of this Standing Order, the order of business at every meeting of the Council will be:
  - 5.1.1 to choose a person to preside if the Mayor and Deputy Mayor are absent;
  - 5.1.2 to deal with any item required by statute to be done before any other item;
  - 5.1.3 to approve as a correct record and sign the minutes of the last meeting of the Council;
  - 5.1.4 to receive public questions submitted in accordance with Standing Order 6;
  - 5.1.5 Mayor’s communications;
  - 5.1.6 to dispose of business (if any) remaining from a previous meeting;
  - 5.1.7 Leader’s Report and Question Time;
  - 5.1.8 to receive and consider all other reports, minutes and recommendations of committees in date order of meeting;
  - 5.1.9 to answer questions asked under Standing Order 10;
  - 5.1.10 to consider Motions under Standing Order 9 in the order received; and
  - 5.1.11 other business, if any, specified in the summons.

- 5.2 With the exception of items 5.1.1, 5.1.2, 5.1.3 and 5.1.4, the Mayor may alter the order of business, or by a resolution following a Motion moved, seconded and put to the meeting without debate.

**6. PUBLIC PARTICIPATION**

- 6.1 Public participation in meetings of the Council will be allowed, in accordance with the Council’s Protocol for Public Participation at Council and Committee meetings, subject to the following:
  - 6.1.1 a question or comment may be refused if they relate to exempt or confidential information within the meaning of the Council’s Rules or if in the opinion of the Council’s Head of Legal and Democratic Services they contain defamatory material;

- 6.1.2 only residents of the Ribble Valley may ask questions or make comments.
- 6.1.3 no person shall speak for more than 3 minutes;
- 6.1.4 a maximum of 15 minutes shall be allocated to public participation. Question(s) and/or comment(s) will be dealt with in the order in which they are received. Any questions not dealt with at the meeting shall be given answers in writing. Answers will not be given to any comments made. The public participation session shall form part of the formal proceedings of Council and shall be recorded in the minutes.
- 6.1.5 Members of the public wishing to ask questions or make comments must give notice in writing to the Chief Executive by not later than noon on the Friday before the Council meeting. The notice must specify the question in sufficient detail to enable a reply to be prepared. The Leader or the Chairman of the appropriate committee will give answers and a copy of the answer in writing will be given to the questioner.
- 6.1.6 Questioners shall have the right to ask one supplementary question when they have received the chairman's reply.
- 6.1.7 A question or comment on the same topic shall not be made at two consecutive meetings of the Council.
- 6.1.8 If the Council elects to, a special annual public meeting shall be held to deal solely with matters raised by electors. The venue will be such place as the Council decides. The same rules as set out in paragraph 6.1.5 of this Standing Order will apply to the written submission of questions at any special annual public meeting.
- 6.1.9 appropriate publicity shall be given to the right of the public to participate in meetings of the Council.

**7. PETITIONS**

- 7.1 Petitions may be presented to the Council in accordance with the Council's Petition Scheme.
- 7.2 The Council's Petition Scheme will not apply to letters of representation in respect of any matter relating to:
  - 7.2.1 a specific planning decision (including a development plan document or the community infrastructure levy),
  - 7.2.2 a specific licensing decision;
  - 7.2.3 an individual or entity, which has a right to a review or appeal, conferred by or under any enactment.

**8. MOTIONS AND AMENDMENTS WITHOUT NOTICE**

- 8.1 A member may move without notice any of the following Motions and amendments:
  - 8.1.1 to appoint a chairman for that meeting or the remainder of the meeting;
  - 8.1.2 motions relating to the accuracy of the minutes;
  - 8.1.3 to vary the order of the agenda;

- 8.1.4 subject to paragraph 8.1.7 of this Standing Order, move a Motion arising out of consideration of an item on the agenda, provided it is relevant to that item and does not introduce any new subject matter,
- 8.1.5 refer a matter back to a committee; and/or
- 8.1.6 that a body be appointed, or a person appointed to a body;
- 8.1.7 to adopt reports and recommendations of committees and/or officers. A member cannot however move a Motion or amendment, which amends a decision made under powers delegated to a Committee and/or Officer by the Council.
- 8.1.8 to give leave to withdraw a Motion;
- 8.1.9 to extend the time limit for speeches;
- 8.1.10 to make an amendment to a Motion;
- 8.1.11 to move on to the next item on the agenda;
- 8.1.12 to put the question immediately to the vote;
- 8.1.13 to adjourn the debate;
- 8.1.14 to adjourn the meeting;
- 8.1.15 to suspend one or more Standing Orders;
- 8.1.16 to exclude the public from the meeting under Section 100A (4) of the Local Government Act 1972;
- 8.1.17 under Standing Order 13.31 not to hear a member further.
- 8.1.18 under Standing Order 13.32 by the chairman to require a member to leave the meeting; and/or
- 8.1.19 to give any consent required by these Standing Orders.

**9. NOTICES OF MOTION**

- 9.1 A Notice of Motion not listed in Standing Order 8 must be given in writing to the Chief Executive **AT LEAST 7 CLEAR DAYS** (as defined above) before the relevant meeting, and be signed by the member(s) giving the notice. An email to the Chief Executive will be accepted as giving notice.
- 9.2 The Chief Executive shall set out in the summons for the Council meeting all Motions which comply with the requirements of paragraph 9.1 of this Standing Order in the order they have been received, unless the member has either withdrawn it in writing or requested to move it at a later meeting.
- 9.3 Motions must relate to matters where the Council has powers or duties or which affect the borough.
- 9.4 The Council will treat as withdrawn any Motion not moved at the meeting at which it appears upon the summons, unless the Mayor agrees its postponement.
- 9.5 Any Motion which falls within the terms of reference of a committee(s) may:
  - 9.5.1 be referred without discussion to such committee(s);

- 9.5.2 be referred without discussion to such other committee(s) as the Council may decide; or
  - 9.5.3 be dealt with at the meeting at which it is moved if the Mayor considers it is appropriate and convenient to do so.
- 9.6 If a Motion is referred in accordance with Standing Order 9.5 the Chief Executive must notify the relevant member:
- 9.6.1 of the meeting(s) of the committee(s) to which it has been referred;
  - 9.6.2 that they have the right to attend the meeting(s); and
  - 9.6.3 that they may explain the Motion at any such meeting(s).

**10. QUESTIONS AT COUNCIL MEETINGS**

- 10.1 A member may ask the Mayor or the chairman of any committee any question on any matter which relates to a power or duty of the Council or which affects the borough.
- 10.2 A question must either:
- 10.2.1 be received by the Chief Executive by noon on the Friday before the meeting; or
  - 10.2.2 relate to urgent business, have the agreement of the Mayor to the question being put and, where possible, a copy of the question will be given to the Chief Executive before 10.00am on the day of the meeting.
- 10.3 The question shall be put and answered without discussion, but the person to whom the question is addressed may decline to answer. Where the question has been submitted in writing in advance of the meeting, the questioner shall have the right to ask one supplementary question, or to make a relevant comment, when they have received the Chairman's reply.
- 10.4 The answer to a member's question may be given: orally and directly; by reference to published material of the Council provided it is readily available to members; or in writing circulated to all members.
- 10.5 There shall be no question on the same topic at two consecutive meetings of the Council.
- 11. LEADER'S REPORT AND QUESTION TIME**
- 11.1 The Leader of the Council will present a report on the ongoing work of the Council and on any topical issues relating thereto. Notwithstanding the provisions of Standing Order 13.11, the Leader in presenting his report may speak for up to ten minutes.
- 11.2 At the conclusion of the Leader's report, the Leader of the Opposition or in his absence, the Deputy Leader of the Opposition may ask up to three questions of the Leader, provided that notice of these has been received in writing by the Chief Executive by not later than noon on the day before the Council meeting. The questions shall relate to the general work of the Council. There will be no requirement for any answers to be in writing and the leader of the opposition shall be entitled to ask one supplementary question or make one comment in relation to each answer given by the Leader.
- 11.3 When any questions from the Leader of the Opposition or in his absence, the Deputy Leader of the Opposition have been answered by the Leader, Councillors may ask a question of the Leader on matters relating to the general work of the Council, which do not fall within the remit of a committee.
- 11.4 Only residents of the Ribble Valley may ask questions of the Leader.

- 11.5 Subject to paragraph 11.2 of this Standing Order, Councillors wishing to ask questions must give notice in writing to the Chief Executive by not later than noon on the Friday before the council meeting. The notice must specify the nature of the question in sufficient detail to enable a reply to be prepared. A copy of the Leader's answer in writing will be given to the questioner.
- 11.6 Councillor's shall have the right to ask one supplementary question when they have received the Leader's reply.
- 11.7 There shall be no question on the same topic at two consecutive meetings of the Council.

**12. MINUTES OF COUNCIL MEETINGS**

- 12.1 The Mayor will move that the minutes be approved as a correct record.
- 12.2 Only the accuracy of the minutes may be discussed and then only by Motion. As soon as any Motion has been disposed of (or if no Motion is moved) the Mayor will sign the minutes subject to any amendment set out in any Motion approved by the Council.
- 12.3 Minutes shall be submitted to and signed at the next meeting of the Council unless that meeting is an Extraordinary Meeting.

**13. RULES OF DEBATE FOR COUNCIL MEETINGS****Respect for Mayor**

- 13.1 When the Mayor rises during a debate, any member standing must immediately stop speaking and sit down and the Council must be silent.

**Standing when Speaking**

- 13.2 A member, when speaking, must stand and address the Mayor.

**Mayor to decide order of speaking**

- 13.3 If two or more members rise or indicate their wish to speak, the Mayor will call on one to speak and the other (or others) must then sit.

**Only one Member to Stand**

- 13.4 While a member is speaking, all other members must remain seated and silent UNLESS rising to indicate that they wish to make a point of order or to provide personal explanation.

**Motion for reception of Minutes – Procedure**

- 13.5 A Motion for the reception of the minutes of a committee, sub-committee or joint Committee (save for any minute marked with \*\*\*):
- 13.5.1 must be proposed and seconded before it is discussed;
- 13.5.2 must not include any amendment of those minutes; but

- 13.5.3 may provide for a particular minute to be withdrawn for further consideration by the appropriate committee; and upon being seconded, that particular minute will be withdrawn subject to the agreement of the Council.
- 13.6 When a Motion to receive the minutes of a committee has been seconded, the Mayor will invite questions or comments upon such minutes. Any member may ask a question or make a comment on any minute before the Council, provided that he or she does not speak for more than five minutes in total on the minutes of a particular committee.
- 13.7 Any minute with \*\*\* must be considered by a separate motion following the procedure set out in paragraphs 13.5 and 13.6 above.

**Questions/Comments on Minutes**

- 13.8 The chairman of the committee or other member moving the reception of the committee minutes will respond to any questions/comments relating to those minutes. Questions on a particular minute will not be answered until they have all been asked. The chairman or other member moving the reception of the committee minutes may decline to respond unless written notice has been given to the Chief Executive by noon on the Friday before the meeting. Where a question has been submitted in writing in advance of the meeting the questioner shall have the right to ask one supplementary question when they have received the chairman's response.

**Content of Amendment**

- 13.9 An amendment must relate to the Motion and either:
- 13.9.1 refer a matter to a committee, or refer back to the appropriate committee a matter recommended to the Council;
  - 13.9.2 leave out words;
  - 13.9.3 add or insert words; or
  - 13.9.4 leave out words and add or insert words.

**Content of Speech**

- 13.10 A member's speech must be directed solely to the matter under discussion.

**Length of Speech**

- 13.11 A member may not speak for more than five minutes, except by consent of the Council.

**When a member may speak again on a Motion**

- 13.12 A member who has spoken on any Motion (and for this purpose each separate minute of a particular committee, sub-committee or joint committee, or any group of minutes being taken together will be regarded as a separate Motion) must not speak again until the debate on the Motion has finished EXCEPT:

- 13.12.1 to speak once on an amendment moved by another member;

- 13.12.2 if the Motion has been amended since the member last spoke, to move a further amendment;
- 13.12.3 if the member's first speech was on an amendment moved by another member, to speak on the main issue, whether or not that amendment was carried;
- 13.12.4 in exercise of a right of reply given by paragraphs 13.26 or 13.27 of this Standing Order;
- 13.12.5 on a point of order or by way of personal explanation (in accordance with paragraph 13.28 and 13.29 of this Standing Order);
- 13.12.6 to move or speak on a procedural Motion set out in sub-paragraph 13.19.2, 13.19.7 or 13.19.8 of paragraph 13.19 of this Standing Order.

**Debate on Amendment**

- 13.13 Only one amendment may be moved and discussed at a time. No further amendment may be moved until the first amendment has been disposed of.
- 13.14 The Mayor may permit two or more amendments to be discussed together if this is likely to help the proper conduct of the Council's business BUT each amendment must be voted upon separately.
- 13.15 If an amendment is lost a further, different, amendment may be moved.
- 13.16 The Mayor should read the entire Motion as amended prior to a vote being taken.
- 13.17 If an amendment is carried, the Motion as amended takes the place of the original Motion and becomes the Motion upon which any further amendments may be moved.

**Seconding of Motions and Amendments**

- 13.18 Any member may second a motion or amendment and reserve his or her speech for a later period of the debate.

**Motions which may be moved during debate**

- 13.19 When a Motion is being debated, the only other Motions that may be moved (either singly or combined) are:
  - 13.19.1 to amend the Motion;
  - 13.19.2 to adjourn the meeting;
  - 13.19.3 to adjourn the debate;
  - 13.19.4 to move on to the next business;
  - 13.19.5 to put the question immediately to the vote;
  - 13.19.6 not to hear a member further;
  - 13.19.7 by the Mayor to require a member to leave the meeting;

- 13.19.8 to exclude the public from the meeting under section 100A (4) of the Local Government Act 1972;
- 13.19.9 to suspend one or more Standing Orders;
- 13.19.10 to extend the time limit for speeches;
- 13.19.11 to give any consent required by these Standing Orders.

**Closure Motions**

- 13.20 At the conclusion of a speech of another member, a member may move without comment that:
  - 13.20.1 the debate be adjourned;
  - 13.20.2 the meeting be adjourned;
  - 13.20.3 the Council proceed to the next business; or
  - 13.20.4 the question be put.
- 13.21 If the Motion is seconded the Mayor shall proceed as follows, if in his opinion the question before the meeting has been sufficiently discussed:
  - 13.21.1 in the case of a Motion under 13.20.1, 13.20.2 or 13.20.3, invite the mover of the original Motion to reply and then put the closure Motion to the vote; or
  - 13.21.2 in the case of a Motion under 13.20.4, put the closure Motion to the vote.
- 13.22 If the Motion is carried, the question before the meeting shall (subject to the rights of speech or reply) be put to the vote or be deemed to be disposed of or the meeting or debate shall stand adjourned as the case may be.

**Amendment of Motion by Proposer**

- 13.23 The proposer of a Motion may with the consent of the Council:
  - 13.23.1 alter a Motion of which the proposer has given notice; or
  - 13.23.2 with the further consent of the seconder alter a Motion, which the proposer has moved if (in either case) the alteration is one, which could be made as an amendment to the Motion.

**Withdrawal of Motion by Proposer**

- 13.24 A Motion or amendment may be withdrawn by the proposer with the consent of the seconder and of the council.
- 13.25 No member may speak on a Motion or amendment after the proposer has asked to withdraw it **UNLESS** permission has been refused.

**Right of Reply – Proposer of Motion Only**

- 13.26 The proposer of a Motion has the right to reply at the close of the debate on the Motion immediately before it is put to the vote.

- 13.27 At the close of a debate on an amendment:
- 13.27.1 the proposer of the original Motion has the right to reply; and
  - 13.27.2 the proposer of the amendment has the right to reply, such right to be exercised immediately before the proposer of the original motion replies.

**Explanation and Points of Order**

- 13.28 An explanation shall be confined to a material part of an earlier speech by the member during the meeting and on which a misunderstanding has occurred.
- 13.29 A point of order is a request by a member to the Mayor to rule on an alleged irregularity in the constitution of, or procedure in the meeting.
- 13.30 A member may rise on a personal explanation or a point of order at any time and is entitled immediately to address the Mayor on the matter; but:
- 13.30.1 the member who raises a point of order must specify immediately a Standing Order or statutory provision, and say how it has been broken or infringed;
  - 13.30.2 in either case the member's speech must be confined to the personal explanation or point of order.
  - 13.30.3 the ruling of the Mayor on an explanation or point of order is not open to discussion and is final.

**Disorderly Conduct**

- 13.31 If the Mayor considers a member's conduct disorderly and so states to the Council, then the Mayor or any other member may move "not to hear a particular member further" and if seconded, the Motion shall be put to the vote without discussion. Disregarding the ruling of the Mayor, wilfully obstructing proceedings, or behaving improperly, offensively or irregularly shall, for these purposes, be considered disorderly.
- 13.32 If the member's disorderly conduct continues after the Motion has been carried, the Mayor shall:
- EITHER
- 13.32.1 move to require the member to leave the meeting in which case the Motion shall be put to the vote without seconding or discussion
- OR
- 13.32.2 adjourn the meeting of the council to an appropriate time.
- 13.33 The Mayor may, in the event of general disturbance disruptive of the proceedings, adjourn the meeting for an appropriate length of time. Such action may be taken irrespective of other available powers and without putting the matter to the meeting.

**Voting**

- 13.34 Save for the requirements relating to Budget Decision Meetings, set out in paragraphs 13.38 – 13.39 of the Standing Order, Members shall vote by a show of hands unless before the Mayor begins to take the vote a member requests that a recorded vote is taken, and that request is supported by six other Members (who will show their support by raising their hands).

- 13.35 Where a recorded vote takes place pursuant to paragraph 13.34 of this Standing Order, the minutes must record each Member's vote for, against or abstaining.
- 13.36 In the event that a recorded vote takes place:
- 13.36.1 the Head of Legal and Democratic Services or Chief Executive will call the name of each member;
  - 13.36.2 the member will respond, for or against the Motion or abstaining; and
  - 13.36.3 the Head of Legal and Democratic Services, a Director or Head of Service will record each member's response in the minute.
- 13.37 In the case of an equality of votes the Mayor or the person presiding shall have a second or casting vote.
- (Local Government Act 1972 Schedule 12 para.39.)

**Voting in Budget Decision Meetings**

- 13.38 Immediately after any vote is taken at a Budget Decision Meeting (as defined in the Local Authorities (Standing Orders) (England) Regulations 2001/3384 (as amended)), there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.
- 13.39 The votes shall be recorded as set out in paragraph 13.36 of this Standing Order.

**14. DISTURBANCE BY MEMBERS OF THE PUBLIC**

- 14.1 If a member of the public interrupts the proceedings at any meeting the Mayor will issue a warning and if the interruption continues the Mayor shall order the removal of that person from the premises where the meeting is taking place. In case of general disturbance in any part of the premises open to the public, the Mayor shall order that part to be cleared.

**15. TIME LIMIT ON MEETINGS**

- 15.1 All meetings must end at or before 3 hours after the time at which the meeting commenced. The council or a committee will only suspend this Standing Order on rare occasions when circumstances justify doing so. The Motion to suspend this Standing Order must be seconded and then put to the vote without discussion.

**16. MOTIONS AFFECTING EMPLOYEES**

- 16.1 If any question arises on the appointment, promotion, dismissal, salary, superannuation, conditions of service or conduct of any council employee, the Council must not discuss it until it has considered whether to exclude the public under section 100A (4) of the Local Government Act 1972 as amended.

**17. MOTIONS NOT TO BE REVIVED**

- 17.1 No member may move a Motion or amendment, which would have the same effect as one, which has been rejected within the previous six months unless notice has been given as required by Standing Order 9 and such notice is signed by at least nine other members.

**18. VOTING ON APPOINTMENTS**

- 18.1 Where three or more persons are nominated for any position to be filled by the Council but there is no majority of the votes cast in favour of one candidate, then the candidate who received the least votes must be eliminated from the voting and a fresh vote taken and so

on until a majority of votes is given in favour of one person. Voting under this Standing Order may be conducted by ballot paper.

**19. RECORD OF ATTENDANCES**

19.1 The names of the members present at a meeting of the council or any of its committees shall be recorded by the Chief Executive in an attendance book provided for that purpose.

**20. FILMING OR RECORDING MEETINGS**

20. The filming, photographing or audio recordings or use of social media at Council meetings is permitted subject to the provisions set out in the Council's Protocol for filming and recording meetings.

**21. MEETINGS OF COMMITTEES**

- 21.1 Meetings of Committees will be held at such intervals as the Council shall, at its Annual Meeting, determine and at such place and time as the Council shall determine.

**Sub-Committees/Working Groups**

- 21.2 At the first meeting of each Committee within each municipal year, or as required during the course of the year to give effect to Council business, each Committee shall establish such sub-committees and/or working groups as it deems necessary. The Committee shall determine the terms of reference of the sub-committee/working group and its membership from its own members.
- 21.3 The membership of any Sub-Committee shall be subject to the principles of political balance, but this will not apply to working groups.
- 21.4 Sub-Committees shall have the power to make decisions, but working groups may only consider an issue and then refer the matter back to Committee for a decision to be made.

**Notice of Committee Meetings**

- 21.5 The Chief Executive shall at least **five clear days** before a meeting:
- 21.5.1 give the public notice of the time and place of the meeting by posting it at the offices of the council and placing it on the Council website or if the meeting is convened on shorter notice, then at the time it is convened;
- 21.5.2 send to every member of the Council by an appropriate method a summons to attend the meeting, specifying the business proposed to be transacted at the meeting. An appropriate method shall be as defined by Paragraph 4, Schedule 12 of the Local Government Act 1972N.B Clear days shall have the meaning set out above.

**Quorum**

- 21.6 The quorum at meetings of committees shall be not less than half the members of the committee.
- 21.7 If a meeting lacks a quorum its business shall be adjourned to a fixed date and time or to the next meeting.

**Order of Business**

- 21.8 Subject to paragraph 21.9 of this Standing Order, the order of business at every Committee and Sub-Committee meeting will be:
- 21.8.1 to receive apologies for absence;
- 21.8.2 to approve as a correct record and sign the minutes of the last meeting of the Committee;
- 21.8.3 to receive any declarations of interest;
- 21.8.4 Public participation;

21.8.5 to receive and consider all reports submitted to the Committee in the order they appear on the agenda; and

21.8.6 other business if any specified on the agenda

21.9 With the exception of items 21.8.1 –21.8.3 and 21.8.5-21.8.6 the order of business may be altered by the chairman.

## **22 PUBLIC PARTICIPATION IN COMMITTEES**

22.1 The provisions of this standing order relate to all committees save for Planning Committee.

22.2 Public participation in committee meetings will be allowed, in accordance with the Council's Protocol for Public Participation at Council and Committee Meetings, save that:

22.2.1 A question or comment may be refused if it relates to exempt or confidential information within the meaning of the Council's rules or if in the opinion of the Head of Legal and Democratic Services they contain defamatory material.

22.2.2 Any person wishing to speak must register with the Council by noon on the day of the meeting.

22.2.3 Contributions are limited to one per person and no person may speak for more than three minutes except in exceptional circumstances.

22.2.4 A maximum of 15 minutes will be allocated for public participation in each Committee.

22.2.5 Contributions will be limited to comments on decision items listed in Part I of the Agenda.

22.2.6 Comments and contributions will be taken in the order in which they are received. Speakers on different agenda items will be dealt with in Agenda item order.

22.2.7 No person may speak on the same topic at two consecutive meetings.

### **Public Participation in Planning Committee**

22.3 Public participation in Planning Committee meetings will be allowed save that:

22.3.1 a question or comment may be refused if it relates to exempt or confidential information within the meaning of the Council's rules or if in the opinion of the Head of Legal and Democratic Services they contain defamatory material;

22.3.2 contributions will be limited to comments on decision items listed in Part I of the Agenda;

22.3.3 a maximum of two speakers will be allowed on each planning application. One will be the applicant or agent, the other an objector. If the parish council is the objector they will have first refusal of the right to speak;

22.3.4 if the parish council do not wish to speak, the Council will accept the first person to register his or her name as the objector;

22.3.5 each speaker may speak for a maximum of three minutes. The applicant/agent will speak first and the objector second;

22.3.6 Officers and members other than the Chairman cannot question the speaker. In exceptional circumstances the Chairman may ask an applicant and/or objector to clarify a matter of fact. If this happens, the applicant and/or objector must confine himself or herself to giving a direct answer to the question; and/or

22.3.7 Officers will not be required to answer questions raised, but will do so if a Member of Committee so requests.

**23 PETITIONS**

23.1 Petitions may be presented to a committee in accordance with the Council's Petition Scheme.

23.2 The Council's Petition Scheme will not apply to letters of representation in respect of any matter relating to:

23.2.1 a specific planning decision (including a development plan document or the community infrastructure levy);

23.2.2 a specific licensing decision;

23.2.3 an individual or entity which has a right to a review or appeal conferred by or under any enactment.

**24 MOTIONS AND AMENDMENTS WITHOUT NOTICE AT COMMITTEE MEETINGS**

24.1 A member may move without notice any of the following Motions and amendments:

24.1.1 to appoint a chairman for that meeting or the remainder of the meeting;

24.1.2 motions relating to the accuracy of the minutes;

24.1.3 to vary the order of the agenda;

24.1.4 subject to paragraph 24.1.7 of this Standing Order, move a Motion arising out of consideration of an item on the agenda, provided it is relevant to that item and does not introduce any new subject matter, and/or that a body be appointed, or a person appointed to a body;

24.1.5 to adopt reports and recommendations of officers. A member cannot however move a Motion or amendment, which amends a decision made under powers delegated to a Committee and/or Officer by the Council.

24.1.6 to give leave to withdraw a Motion;

24.1.7 to extend the time limit for speeches;

24.1.8 to make an amendment to a Motion;

24.1.9 to move on to the next item on the agenda;

24.1.10 to put the question immediately to the vote;

24.1.11 to adjourn the debate;

24.1.12 to adjourn the meeting;

24.1.13 to suspend one or more Standing Orders;

- 24.1.14 to exclude the public from the meeting under Section 100A (4) of the Local Government Act 1972;
- 24.1.15 under Standing Order 26.10 not to hear a member further.
- 24.1.16 under Standing Order 26.11 by the chairman to require a member to leave the meeting; and/or
- 24.1.17 to give any consent required by these Standing Orders.

**25. NOTICES OF MOTION AT COMMITTEE**

- 25.1 A Notice of Motion not listed in Standing Order 24 must be given in writing to the Chief Executive **AT LEAST 5 CLEAR DAYS** (before the relevant meeting, and be signed by the member(s) giving the notice. (see definition of clear days set out above). An email to the Chief Executive will be accepted as giving notice.
- 25.2 The Chief Executive shall set out in the agenda for the Committee meeting all Motions which comply with the requirements of paragraph 25.1 of this Standing Order in the order they have been received, unless the member has either withdrawn it in writing or requested to move it at a later meeting.
- 25.3 Motions must relate to matters where the Council has powers or duties or which affect the borough.
- 25.4 The Council will treat as withdrawn any Motion not moved at the meeting at which it appears upon the summons, unless Committee agrees its postponement.

**26 RULES OF DEBATE AT COMMITTEE MEETINGS****Debate on Amendment**

- 26.1. Only one amendment may be moved and discussed at a time. No further amendment may be moved until the first amendment has been disposed of.
- 26.2 The Chairman may permit two or more amendments to be discussed together if this is likely to help the proper conduct of the Committee's business BUT each amendment must be voted upon separately.
- 26.3 If an amendment is lost a further, different, amendment may be moved.
- 26.4 The Chairman must read the entire Motion as amended prior to a vote being taken.
- 26.5 If an amendment is carried, the Motion as amended takes the place of the original Motion and becomes the Motion upon which any further amendments may be moved.

**Seconding Amendments**

- 26.6 Any member may second a motion or amendment and reserve his or her speech for a later period of the debate.

**Explanation of points of order**

- 26.7 An explanation shall be confined to a material part of an earlier speech by the member during the meeting and on which a misunderstanding has occurred.

- 26.8 A point of order is a request by a member to the chairman to rule on an alleged irregularity in the constitution of or procedure in the meeting.
- 26.9 A member may rise on a personal explanation or a point of order at any time and is entitled immediately to address the chairman on the matter; but:
- 26.9.1 the member who raises a point of order must specify immediately a Standing Order or statutory provision, and say how it has been broken or infringed;
  - 26.9.2 in either case the member's speech must be confined to the personal explanation or point of order.
  - 26.9.3 the ruling of the Chairman on an explanation or point of order is not open to discussion and is final.

**Disorderly conduct**

- 26.10 If the Chairman considers a member's conduct disorderly and so states to the Committee, then the Chairman or any other member may move "not to hear a particular member further" and if seconded, the Motion shall be put to the vote without discussion. Disregarding the ruling of the Chairman, wilfully obstructing proceedings, or behaving improperly, offensively or irregularly shall, for these purposes, be considered disorderly.
- 26.11 If the member's disorderly conduct continues after the Motion has been carried, the Chairman shall
- 26.11.1 move to require the member to leave the meeting in which case the Motion shall be put to the vote without seconding or discussion; or
  - 26.11.2 adjourn the meeting of the Committee to an appropriate time.
- 26.12 The Chairman may, in the event of general disturbance disruptive of the proceedings, adjourn the meeting for an appropriate length of time. Such action may be taken irrespective of other available powers and without putting the matter to Committee.

**Disturbance by the public**

- 26.13 If a member of the public interrupts the proceedings at any meeting the Chairman will issue a warning and if the interruption continues the Chairman shall order the removal of that person from the premises where the Committee meeting is taking place. In case of general disturbance in any part of the premises open to the public, the Chairman shall order that part to be cleared.

**Time limits**

- 26.14 All meetings must end at or before 3 hours after the time at which the meeting commenced. A committee will only suspend this Standing Order on rare occasions when circumstances justify doing so. The Motion to suspend this Standing Order must be seconded and then put to the vote without discussion.

**Motions affecting employees**

- 26.15 If any question arises on the appointment, promotion, dismissal, salary, superannuation, conditions of service or conduct of any council employee, a Committee must not discuss it until it has considered whether to exclude the public under section 100A (4) of the Local Government Act 1972 as amended.

**Record of attendance**

- 26.16 The names of the members present at a Committee meeting shall be recorded by the Chief Executive in an attendance book provided for that purpose.

**Voting on appointments**

- 26.17 Where three or more persons are nominated for any position to be filled by the Council but there is no majority of the votes cast in favour of one candidate, then the candidate who received the least votes must be eliminated from the voting and a fresh vote taken and so on until a majority of votes is given in favour of one person. Voting under this Standing Order may be conducted by ballot paper.

**Voting**

- 26.18 Save for the requirements relating to Budget Decision Meetings, set out in paragraphs 26.21 – 26.22 of this Standing Order, Members shall vote by a show of hands unless before the Chair begins to take the vote a member requests that a recorded vote is taken, and that request is supported by three other Members (who will show their support by raising their hands).

Where a recorded vote takes place pursuant to this Standing Order, the minutes must record each Members vote for, against or abstaining.

- 26.19 In the event that a recorded vote takes place:
- 26.19.1 the Head of Legal and Democratic Services, a Director or Head of Service will call the name of each member;
  - 26.19.2 the member will respond, for or against the Motion or abstaining; and
  - 26.19.3 the Head of Legal and Democratic Services, a Director or Head of Service will record each member's response and these will be recorded in the minute.
- 26.20 in the case of an equality of votes the Chairman or the person presiding shall have a second or casting vote.

(Local Government Act 1972 Schedule 12 para.39.)

**Voting in Budget Decision Meetings**

- 26.21 Immediately after any vote is taken at a Budget Decision Meeting (as defined in the Local Authorities (Standing Orders) (England) Regulations 2001/3384 (as amended)), there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.
- 26.22 The votes shall be recorded as set out in paragraph 26.18 of this Standing Order.

**Minutes of Committee Meetings**

- 26.23 The Chairman or Vice Chairman will move that the minutes be approved as a correct record.

- 26.24 Only the accuracy of the minutes may be discussed and then only by Motion. As soon as any Motion has been disposed of (or if no Motion is moved) the Chairman will sign the minutes subject to any amendment set out in any Motion approved by Committee.
- 26.25 Minutes shall be submitted to and signed at the next meeting of Committee.

**Members entitled to attend all Committees and Sub-Committees**

- 26.26 Members are entitled to attend meetings of committees or sub-committees of which they are not members and may speak with the permission of the committee or sub-committee. A member may not speak for more than five minutes, except by consent of the committee or sub-committee.

**27. FILMING AND RECORDING MEETINGS**

- 27.1 The filming, photographing or audio recording or use of social media at Council meetings is permitted subject to the Council's protocol on filming or recordings meetings.

**28. URGENT BUSINESS BETWEEN COMMITTEES (EMERGENCY COMMITTEE)**

- 28.1 Where the terms of reference of the Emergency Committee apply and the matter is so urgent that the decision cannot wait for a scheduled meeting of the Council or one of its committees, the Chief Executive or a deputy appointed by him/her for these purposes will convene a meeting of the Emergency Committee for the purpose of reaching a decision on that matter. The Emergency Committee shall have power to exercise any of the functions of the Council for the purposes of deciding the matter referred to it.
- 28.2 Membership of the Emergency Committee will be determined each year at the Annual Meeting of the Council in accordance with the provisions relating to political balance and, except where other arrangements are approved by the Annual Meeting, the committee will comprise of the Leader, the Deputy Leader, the Shadow Leader or their authorised representatives and one other councillor.
- 28.3 Members of the Corporate Management Team and, wherever possible, other appropriate officers, should also attend meetings of the Emergency Committee.
- 28.4 The committee clerk will arrange the meeting and produce an agenda. This and any reports prepared for the meeting will be circulated to members of the Emergency Committee.
- 28.5 The agenda will be posted on the Council's website together with any Part I reports.
- 28.6 The decision made by the Emergency Committee will be reported to the next meeting of the most appropriate committee or to full Council, as applicable.

**29. CALL-IN PROCEDURE FOR DECISIONS MADE BY POLICY COMMITTEES**

- 29.1 All decisions made by committees should be sent to members within two working days of the committee having met.
- 29.2 A decision can be called-in within 5 working days of the decision being published.
- 29.3 If a decision is called-in, the implementation of that decision is suspended until the Council has met unless overridden by the Emergency committee.
- 29.4 Five members are needed to operate the call-in procedure.
- 29.5 The members operating the call-in procedure must give reasons in writing specifying why the decision has been called-in.
- 29.6 The call-in procedure does not apply to decisions on individual planning, licensing or grant applications, or to any matter arising out of the original decision on such an application including the conduct of any appeal. It should normally only apply to decisions, which are

considered to be contrary to policy or not in accordance with the budget. The Emergency committee will have power to override the call-in procedure and to rule that the original decision be implemented. This power can only be exercised by a unanimous decision of the four where in their view; it is necessary to protect the interests of the Council that the original decision be implemented without delay. In order for them to decide whether or not to exercise this power, the Chief Executive shall notify them immediately of any decisions that have been called-in.

### **30. INTERESTS OF MEMBERS IN CONTRACTS AND OTHER MATTERS**

30.1 Members of the Council are under a duty to base their decision making on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public.

30.2 A Member has a potential conflict of interest where any business of the meeting relates to or is likely to affect the subject matter of:

30.2.1 a disclosable pecuniary interest as described in the Members Code of Conduct and section 30(3) of the Localism Act 2011;

30.2.2 other pecuniary interest as described in the Members Code of Conduct; or

30.2.3 private interest as described in the Members Code of Conduct;

held by a member and, when prompted by the agenda item, at the commencement of that consideration or when the interest becomes apparent, the Member must disclose to the meeting the existence and nature of that interest.

30.3 Where an interest is disclosed arising from a disclosable pecuniary interest; or other interest where that interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest; the Member:

30.3.1 may not participate in any discussion of the matter at the meeting;

30.3.2 may not vote on the matter at the meeting; and

30.3.3 must retire to the public gallery or other area set aside from the meeting.

30.4 Where a Member holds a conflict of interest described at 30.2.2 and/or 30.2.3 above, before retiring he or she may address the meeting as a member of the public in accordance with the public participation rules.

30.5. Where a member is present at a meeting where that member is to be called upon to make a decision in the public interest, and that member considers they have fettered their discretion in some other way, that member may exercise any separate speaking rights as a ward member or member of the public but should not take part in the discussion or vote as a member of the meeting.

### **31. COMPLAINTS ABOUT CONDUCT OF MEMBERS**

31.1 Where a member has a complaint that another member has breached the council's Code of Conduct, s/he shall submit the complaint to the Council's Monitoring Officer.

31.2 No member shall at a meeting of the Council or its committees make any allegation or assertion that the conduct of another member or members is in breach of the Council's Code of Conduct or any other adopted codes of probity and practice relating to the conduct of members and no discussion shall take place regarding such conduct except in the Accounts and Audit Committee on receipt of a report from the Council's Monitoring Officer or within a sub-Committee of the Accounts and Audit Committee when it conducts a local hearing.

**32. INTEREST OF OFFICERS IN CONTRACTS**

- 32.1 The Head of Legal and Democratic Services shall record particulars of any notice of pecuniary interest in a contract given by an officer and such record shall be open to inspection by members.

**33. CHIEF OFFICERS – APPOINTMENTS**

- 33.1 Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, they shall draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed. Such statement shall be copied to any person expressing interest.
- 33.2 The Council shall consider the response to advertising the chief officer post and interview either all qualified candidates or those on a shortlist the council shall select. If there is no qualified candidate the chief officer post shall be re-advertised.
- 33.3 Every appointment of a chief officer shall be made by the Council or by a committee or sub-committee of the council.
- 33.4 When a vacancy occurs in any existing office of chief officer or deputy chief officer the council shall obtain the views of any committee primarily concerned and decide, in the case of an office which the council are not required by statute to fill, whether the office is necessary; and in any case what shall be the terms and conditions of the office; and no steps shall be taken to fill the post until these decisions have been taken.
- 33.5 For the purposes of paragraph 33.4 above, it shall be deemed that a committee have been consulted if there has been consultation with the chairman, vice-chairman if any and one other member (or if there be no vice-chairman, two other members) designated by the chairman of the committee.
- 33.6 The powers of officers shall be those from time to time authorised by the council at the appropriate committee or sub-committee as the case may be.
- 33.7 The Council for the purpose of this Standing Order includes a committee, sub-committee or officer to whom appropriate powers have been delegated.
- 33.8 Canvassing of a member or members shall disqualify an applicant for an appointment with the council.
- 33.9 An applicant for any appointment with the Council aware of any relationship to any member or senior officer of the council shall, when making an application, disclose that relationship and failure to do so shall disqualify.
- 33.10 For the purpose of this Standing Order “senior officer” means any officer under the Council so designated by the Council and persons shall be deemed to be related if they are husband and wife or if either of them or the spouse of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

**34. STAFF – APPOINTMENTS AND DISCIPLINARY ACTION**

- 34.1 In this Part –
- “the 1989 Act” means the Local Government and Housing Act 1989;
- “disciplinary action” has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001; and
- “member of staff” means a person appointed to or holding a paid office or employment under the Council.
- 34.2 Subject to paragraphs 34.3 and 34.5, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged,

on behalf of the Council by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid services) as the head of the authority's paid service or by an officer nominated by him.

34.3 Paragraph 34.2 of this Standing Order shall not apply to the appointment or dismissal of, or disciplinary action against:

- 34.3.1 the officer designated as the head of the authority's paid service;
- 34.3.2 a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);
- 34.3.3 a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
- 34.3.4 a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or
- 34.3.5 a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).

34.4 Where a committee, sub-committee or officer is discharging on behalf of the Council the function of the appointment of an officer designated as the head of the Council's paid service, the Council must approve that appointment before an offer of appointment is made to that person.

34.5 Where a Committee, sub-committee or officer is discharging, on behalf of the Council, the function of the dismissal of an officer designated as the head of the Council's paid service, as the Council's chief finance officer, or as the Council's monitoring officer, the Council must approve that dismissal before notice is given to that person.

34.6 Nothing in paragraph 34.2 shall prevent a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by:

- 34.5.1 another person against any decision relating to the appointment of that other person as a member of staff of the Council; or
- 34.5.2 a member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against that member of staff.

**35. SENIOR OFFICERS - DISCIPLINARY ACTION**

35.1 In the following paragraphs:

- (a) "the 2011 Act" means the Localism Act 2011;
- (b) "chief finance officer", "disciplinary action", "head of the authority's paid service" and "monitoring officer" have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
- (c) "independent person" means a person appointed under section 28(7) of the 2011 Act;
- (d) "local government elector" means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;
- (e) "the Panel" means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- (f) "relevant meeting" means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and

(g) “relevant officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.

- 35.2 A relevant officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.
- 35.3 The Council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
- 35.4 In paragraph 35.3 of this standing order “relevant independent person” means any independent person who has been appointed by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council consider appropriate.
- 35.5 Subject to paragraph 35.6 of this standing order, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 35.3 of this standing order in accordance with the following priority order:
- (a) a relevant independent person who has been appointed by the Council and who is a local government elector;
  - (b) any other relevant independent person who has been appointed by the Council;
  - (c) a relevant independent person who has been appointed by another authority or authorities.
- 35.6 The Council is not required to appoint more than two independent persons in accordance with paragraph 35.5 of this standing order but may do so.
- 35.7 The Council must appoint any Panel at least 20 working days before the relevant meeting.
- 35.8 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular:
- (a) any advice, views or recommendations of the Panel;
  - (b) the conclusions of any investigation into the proposed dismissal; and
  - (c) any representations from the relevant officer.
- 35.9 Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person’s role as independent person under the 2011 Act.

## **36. MEMBERS’ ACCESS TO DOCUMENTS AND PROPERTY**

- 36.1 Members’ rights of access to documents in the possession or control of the Council which contain material relating to any business to be transacted at a meeting of the Council are set out in the Council’s Rules with regard to access to meetings and related documents of the Council, its committee and sub-committees.
- 36.2 Unless specifically authorised to do so by the Council or a committee, a member of the Council shall not issue any order respecting any works which are being carried out by or on behalf of the Council or claim by virtue of his membership of the Council any right to inspect or to enter upon any lands or premises which the Council has the power or duty to inspect or enter.

## **37. SEALING OF DOCUMENTS**

- 37.1 All documents which require to be sealed with the Common Seal of the council shall be attested by the Mayor or Deputy Mayor and by the Chief Executive, the Director of Resources, or the Head of Legal and Democratic Services.

37.2 All documents to which the Common Seal is affixed shall be entered in a register to be kept by the Head of Legal and Democratic Services.

**38. CONTRACTUAL STANDING ORDER**

38.1 The letting of contracts shall be in accordance with the Council's Contract Procedure Rules.

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY & FINANCE COMMITTEE

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Meeting date: 19 JANUARY 2021  
title: TREASURY MANAGEMENT MONITORING 2020/21  
submitted by: DIRECTOR OF RESOURCES  
principal author: VALERIE TAYLOR

### 1 PURPOSE

- 1.1 To provide you with a monitoring report on our treasury management activities for the period 1 April 2020 to 31 December 2020.
- 1.2 Relevance to the Council's ambitions and priorities:
  - In accordance with the corporate strategy priority -“to ensure a well-managed Council, by maintaining critical financial management and controls.” This report provides members with information regarding the treasury management activities for the period.
- 1.3 In accordance with our treasury management policy committee receive a quarterly monitoring report on the Council's treasury management operations.

### 2 BACKGROUND

- 2.1 Treasury management within an organisation is the *'management of the organisation's borrowing, investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks'*
- 2.2 The council's approach to treasury management is set out in its 'Treasury Management Policies and Practices' document which governs the way that investments and cashflows are managed. It is reviewed annually to ensure continued compliance with the Chartered Institute of Public Finance and Accountancy (CIPFA) Code and is ordinarily approved by this committee in advance of the financial year.
- 2.3 Practices were reviewed in advance of the 2020/21 financial year, and whilst there were no significant changes to the document, formal approval at committee level was not received until November 2020 as a result of the suspension of the committee cycle due to COVID-19.

### 3 TEMPORARY INVESTMENTS

- 3.1 In accordance with the approved treasury management policies and practices, surplus funds are temporarily invested via the money market at the best rate of interest available and with the minimisation of risk to the capital sum. Investment decisions continue to be primarily concerned with the security of the funds invested and ongoing liquidity to meet financial commitments.

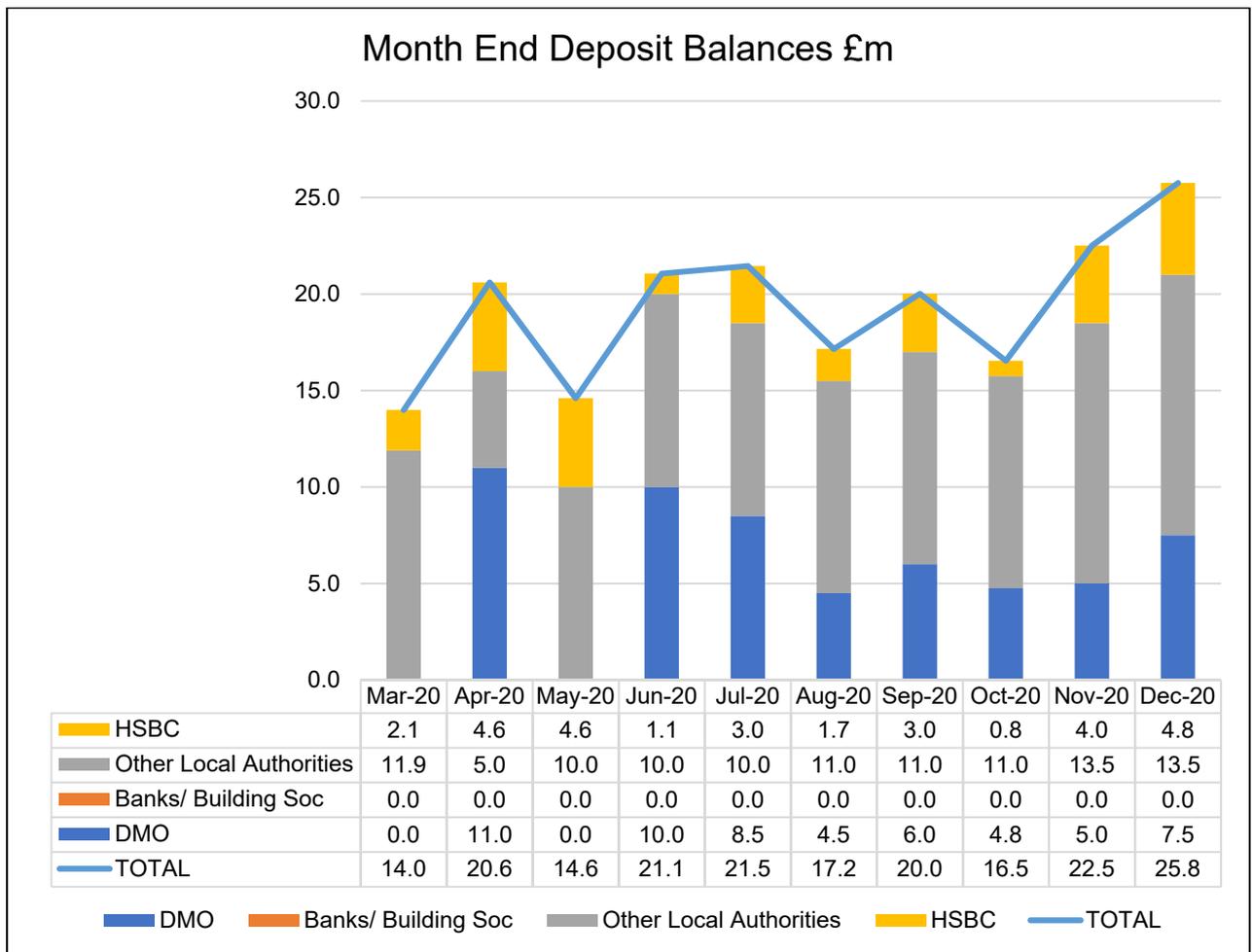
3.2 The movement in the Council's external investments during the reporting period are summarised below:

	<b>Banks/ Building Societies £000</b>	<b>DMO £000</b>	<b>Other Local Authorities £000</b>	<b>Total £000</b>
Monies Invested at 1 April 2020	0	0	11,900	11,900
Net Movement	0	7,500	1,600	9,100
<b>Fixed term deposits at 31 December 2020</b>	<b>0</b>	<b>7,500</b>	<b>13,500</b>	<b>21,000</b>
<b>Add funds held with HSBC</b>	<b>4,757</b>	<b>0</b>	<b>0</b>	<b>4,757</b>
<b>Sum of all funds invested</b>				<b>25,757</b>
<b>Interest earned April – December 2020</b>				<b>32</b>

3.3 Funds invested at 31 December were held with the following organisations:

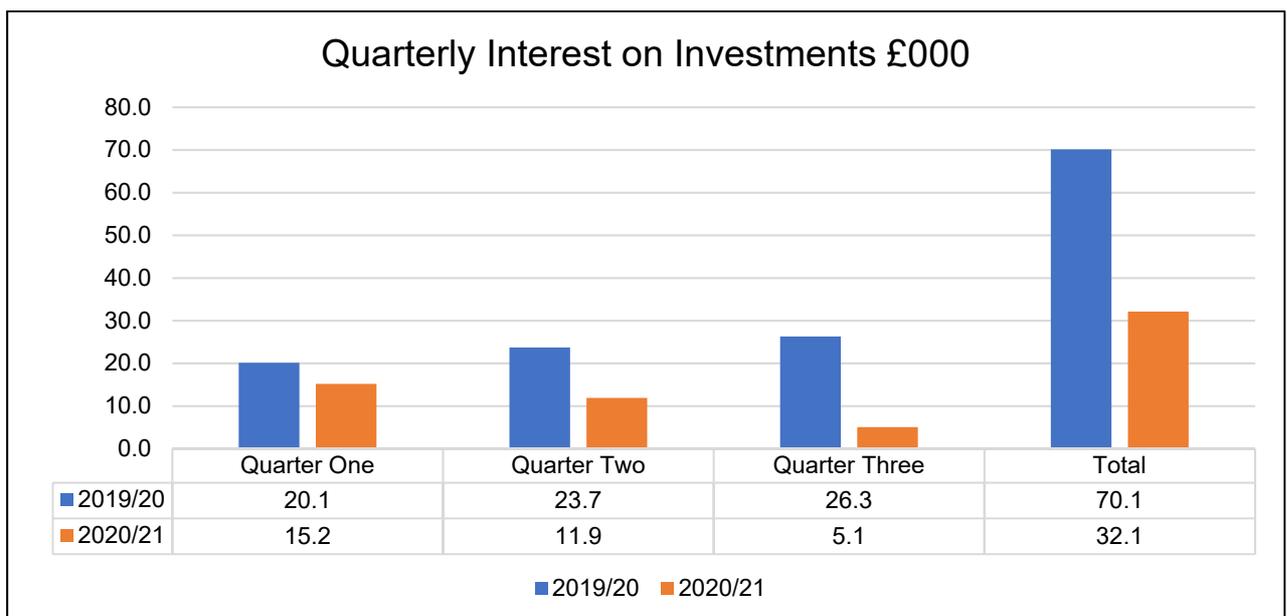
<b>Borrower</b>	<b>Date Invested</b>	<b>Date of Repayment</b>	<b>Rate %</b>	<b>£'000</b>
Ashford Borough Council	07-Aug-20	19-Jan-21	0.38%	2,500
Aberdeen Council	20-Oct-20	20-Jan-21	0.03%	2,500
Lincolnshire County Council	01-Sep-20	01-Mar-21	0.10%	2,500
Kirklees Council	19-Oct-20	19-Jan-21	0.03%	2,500
Merthyr Tydfil Council	28-Oct-20	28-Jan-21	0.03%	1,000
Spelthorne Borough Council	18-Nov-20	18-Feb-21	0.04%	2,500
<b>Total funds invested with Other Local Authorities</b>				<b>13,500</b>
Debt Management Office (DMO)	23-Dec-20	06-Jan-21	-0.11%	7,500
<b>Total funds invested with the Debt Management Office</b>				<b>7,500</b>
<b>SUM of fixed term deposits</b>				<b>21,000</b>
<b>Add funds held with HSBC</b>				<b>4,757</b>
<b>SUM of all investments at 31<sup>st</sup> December 2020</b>				<b>25,757</b>

3.4 A detailed listing of investments placed and repaid during the reporting period is available in Annex 1. A summary of end of month balances is shown below:



#### 4 INTEREST ON INVESTMENTS

4.1 The total interest earned on external investments between April and December 2020 was £32,136 compared to £70,130 for the same period in 2019:



- 4.2 A reduction in interest on investments this year is to be expected given the changes to the Bank of England base rate:

Official Bank Rate	
Date of change	%
02 August 2018	0.75
11 March 2020	0.25
19 March 2020	0.10

- 4.3 The council is not currently earning any interest on balances held at bank as the rate tracks at 0.10% below the base rate.
- 4.4 The council regularly places short term funds with the Debt Management Office (DMO). The DMO is an Executive Agency of Her Majesty's Treasury, responsible for debt and cash management for the UK Government, lending to local authorities and managing certain public sector funds.
- 4.5 Towards the end of September 2020 the DMO announced a move to negative interest rates for investment terms of up to three weeks. At the time of writing this report DMO interest rates remained negative for overnight deposits only, with only a small amount of interest payable on longer term deposits of 0.01%.
- 4.6 As an Executive Agency the DMO is a highly secure counterparty for investment transactions and as such continues to be the preferred organisation for the depositing of short-term funds. The council has a counterparty limit of £25m with the DMO compared to £1.75m with other banks and building societies. This allows the council to place single investments with the DMO that would need to be placed with several other institutions if the decision was made to place funds elsewhere. The higher charges fees incurred would largely offset any additional interest earned.

## 5 LOCAL GOVERNMENT BONDS AGENCY

- 5.1 The Council has one longer-term investment of £10,000 which was placed with the Local Government Bonds Agency in 2014. The agency is a freestanding independent body that is owned by the local government sector with the purpose of raising money efficiently on the capital markets at regular intervals to on-lend to participating bodies.
- 5.2 The contribution that we have invested will be returned to us after 10 years of successful operations of the agency, together with interest which will be earned at commercial rates.

## 6 BORROWING

- 6.1 The reduction in the Bank of England base rate only impacts on the amount of interest received on our temporary investments as all interest payable on the Council's long-term loan debt from the Public Works Loan Board (PWLB) is at fixed interest rates.
- 6.2 From 1 November 2012, the Government reduced by 20 basis points (0.20%) the interest rates on loans from the PWLB. The reduction was to be applicable for those councils that provide an annual return providing 'improved information and transparency' on 'borrowing and associated capital spending plans'. This will enable the government to build a more robust forecast of public expenditure.
- 6.3 A return has been submitted for Ribble Valley Borough Council and we continue to be listed as an eligible council for this certainty discount rate on the PWLB website.

## 7 BORROWING REQUIREMENTS

- 7.1 There has been a reduction in the Council's level of external borrowing during the period following payment of the half yearly instalment to the PWLB in September:

	Total £000
External Debt at 1 April 2020	126
Transactions - New Loans	0
- Repayments	-5
<b>External debt at 31 December 2020</b>	<b>121</b>

- 7.2 No temporary loans were taken out in the current financial period up to 31 December 2020, or in the same period in 2019.
- 7.3 The half yearly instalment of interest due on the council's external debt was £3,073 and this was paid at the end of September 2020.

## 8 PRUDENTIAL INDICATORS

- 8.1 Local authorities in England and Wales are required by the Local Government Act 2003 to have regard to CIPFA's Prudential Code for Capital Finance in Local Authorities.

- 8.2 In April 2019 this Committee approved a combined Capital and Treasury Management Strategy for 2019/ 2020 which met a new requirement of the Prudential Code to produce a capital strategy along with a range of streamlined prudential indicators.

- 8.3 These prudential indicators are designed to deliver accountability in taking capital financing, borrowing and treasury management decisions.

- 8.4 Due to the suspension of the committee cycle a formalised Capital and Treasury Management Strategy for 2020/21 was not approved by this committee until November 2020. However, prudential indicators were set as part of the budget setting process and were reported to full council on 3 March 2020.

- 8.5 The treasury management indicators which still form part of the prudential code are the following:

- **Authorised limit for external debt**

This sets a limit on the amount of external borrowing that reflects a level of borrowing, which while not desired, could be afforded but may not be sustainable. It is the upper limit on the level of gross external indebtedness, which must not be breached without council approval. It is the **worse-case scenario**.

- **Operational boundary for external debt**

This indicator focuses on the day-to-day treasury management activity within the Council and reflects the most likely prudent but not worse-case scenario. Any sustained breaches to this boundary would give an indication that the Council may be in danger of stepping beyond the prudential boundaries it has set itself.

- 8.6 The Council's actual long-term debt at 31 December 2020 compared to the approved authorised limit and operational boundary indicators is as follows:

<b>Prudential Indicator</b>	<b>Authorised Limit £000's</b>	<b>Operational Boundary £000's</b>	<b>31 Dec 2020 £000's</b>
Borrowing	15,913	2,738	121
Other Long-Term liabilities	0	0	0

8.7 The Treasury Management code requires that where an authority invests, or plans to invest, for periods of longer than one year that an upper limit for investments maturing in excess of this timeframe is set. This council currently has a policy of not investing for periods of longer than one year and so no upper limits have been set and no investments have been made in the reporting period for longer than 364 days.

## 9 APPROVED ORGANISATIONS

9.1 Principally, Fitch credit ratings are used as an indication of the probability of organisations defaulting on our investments. Definitions for the ratings are provided at Annex 2.

9.2 The ratings show an indication of the current credit position and are monitored on a regular basis with any significant changes to be reported to this committee. Prior to investing any monies on a day to day basis the ratings given by rating agents S&P Global Ratings and Moody's are also monitored and considered alongside the Fitch ratings. The full list of ratings for our approved institutions at 31 December 2020 is shown at Annex 3.

9.3 Investments with Building Societies are limited to the top eight building societies based on their total assets (provided they are included in Fitch ratings). Two of the top building societies do not currently have a Fitch rating, leaving the top six building societies based on their total assets:

<b>Name</b>	<b>Fitch Rating</b>		
	<b>Full Transaction Review Date</b>	<b>Long Term</b>	<b>Short Term</b>
Nationwide	14/09/2020	A	F1
Coventry	26/11/2020	A-	F1
Yorkshire	26/11/2020	A-	F1
Skipton	27/11/2020	A-	F1
Leeds	27/11/2020	A-	F1
Principality	27/11/2020	BBB+	F2

9.4 The banks we use are reviewed annually as part of the Treasury Management Practices to take into account their Fitch IBCA long-term and short-term credit rating. The Council has a policy to only use institutions with a short-term Fitch rating of F2 or above. The banks on the Council's approved list meeting this requirement at 31 December 2020 are as follows:

Name	Fitch's Full Transaction Review Date	Long Term	Short Term
Santander UK Plc	14/09/2020	A+	F1
Barclays Bank Plc*	12/10/2020	A+	F1
Bank of Scotland Plc	14/09/2020	A+	F1
Co-operative Bank (The)*	19/10/2020	BBB	F2
HSBC Bank Plc	23/10/2020	AA-	F1+
Lloyds Bank Plc	14/09/2020	A+	F1
National Westminster Bank Plc	14/09/2020	A+	F1
Royal Bank of Scotland Plc (The)	14/09/2020	A	F1

\*Barclays and Co-operative ratings revised upwards since last reported

9.5 In addition to the building societies and banks we use for investments, also approved for use are other Local Authorities and the United Kingdom Debt Management Office, where the Government guarantees investments.

## 10 RECENT EVENTS

10.1 At its meeting in June the Bank of England's Monetary Policy Committee (MPC) reported that 'its challenge at present is to respond to the severe economic and financial disruption caused by the spread of Covid-19' and voted unanimously to maintain the Bank Rate at 0.10%. The rate was maintained by unanimous vote at subsequent meetings in August, September and December. The bank of England has not ruled out a move to negative interest rates in the future.

10.2 MPC minutes from the December meeting note that the successful trialling of some Covid vaccines and initial plans to roll them out widely over the first half of this year is likely to reduce downside risks to the economic outlook from covid previously identified by the committee. The outlook for the economy remains unusually uncertain, and depends on the evolution of the pandemic and measures taken to protect public health, the transition to the new trading arrangements between the European Union and the United Kingdom and the responses of households, businesses and financial markets to these developments.

10.3 Government policy continues to evolve in response to the coronavirus pandemic as does the level of grant support that is available to the council, local businesses and residents of the Borough to offset some of the financial implications of the measures introduced.

10.4 At the time of writing this report the Lancashire area had recently moved into tier 4 local lockdown restrictions and the council will continue to play a key role supporting local businesses and residents through the timely distribution of central government grants.

## 11 EXPOSURE TO RISK

11.1 With the risks surrounding the impact of Covid-19 on the economy and the council's cashflows, it is imperative that we continue to protect the Council's principal sums invested and closely monitor liquidity in order to minimise exposure to risks in an uncertain environment.

11.2 To ensure our exposure is limited as far as possible, we continue with the following measures:

- Daily early morning discussions concerning the latest position:
- Lending arrangements
- A review of the Markets
- A review of our current investments and whether we consider they are still safe
- Institution Ratings
  - Close monitoring of our cash flow position and estimates
- Authorisation prior to investments with either the Director of Resources or the Head of Financial Services
- Keep Leader/Chief Executive informed of any developments
- Look to arrange new secure options for investments as necessary.

## 12 CONCLUSION

- 12.1 Through the careful investment of sums in line with the Council's strategy the level of risk to our investments has been kept to a minimum.
- 12.2 Due to the continued uncertainty in the global economy, a prudent approach continues to be followed in the investment of any surplus cash balances on a day to day basis, ensuring continue liquidity and security of the council's investments.

SENIOR ACCOUNTANT

DIRECTOR OF RESOURCES

PF1-21/LO/AC

January 2021

For further information please ask for Val Taylor

**POLICY AND FINANCE COMMITTEE  
TEMPORARY INVESTMENT ACTIVITY – 2020/21**

**ANNEX 1**

No.	Category	Organisation	Invested £	Date invested	Interest rate	Date of maturity	Interest £	Principal Repaid £	Long Term Rating	Short Term Rating
<b>Investments brought forward into 2020/21</b>										
48	Other	Lancashire County Council	2,500,000	14/06/2019	0.95%	12/06/2020	-23,684.93	-2,500,000	n/a	n/a
<i>Less interest accrued during 2019/20</i>							19,000.00			
105/2	Other	Cheltenham Council	2,000,000	05/02/2020	0.72%	17/04/2020	-2,840.55	-2,000,000	n/a	n/a
<i>Less interest accrued during 2019/20</i>							2,209.32			
124	Other	Mid Suffolk Council	1,400,000	05/02/2020	0.68%	17/04/2020	-1,877.92	-1,400,000	n/a	n/a
<i>Less interest accrued during 2019/20</i>							1,460.60			
127	Other	Central Bedfordshire	1,000,000	02/03/2020	0.85%	09/04/2020	-884.93	-1,000,000	n/a	n/a
<i>Less interest accrued during 2019/20</i>							698.63			
125	Other	Kirklees Council	1,500,000	02/03/2020	0.80%	17/04/2020	-1,512.33	-1,500,000	n/a	n/a
<i>Less interest accrued during 2019/20</i>							986.30			
101/2	Other	Blackpool Council	2,500,000	02/03/2020	0.78%	24/04/2020	-2,831.51	-2,500,000	n/a	n/a
<i>Less interest accrued during 2019/20</i>							1,602.74			
130	Other	Maidstone Borough Council	1,000,000	20/03/2020	1.50%	06/04/2020	-698.63	-1,000,000	n/a	n/a
<i>Less interest accrued during 2019/20</i>							493.15			
<b>Investments placed April - December 2020</b>										
1	Bank	DMO	19,000,000	01/04/2020	0.08%	08/04/2020	-291.51	-19,000,000	n/a	n/a
2	Bank	DMO	16,000,000	08/04/2020	0.04%	09/04/2020	-17.53	-16,000,000	n/a	n/a
3	Bank	DMO	14,000,000	09/04/2020	0.04%	14/04/2020	-76.71	-14,000,000	n/a	n/a
4	Bank	DMO	15,000,000	14/04/2020	0.04%	15/04/2020	-16.44	-15,000,000	n/a	n/a
5	Bank	DMO	13,000,000	15/04/2020	0.04%	16/04/2020	-14.25	-13,000,000	n/a	n/a

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No.	Category	Organisation	Invested £	Date invested	Interest rate	Date of maturity	Interest £	Principal Repaid £	Long Term Rating	Short Term Rating
6	Bank	DMO	9,000,000	16/04/2020	0.05%	20/04/2020	-44.38	-9,000,000	n/a	n/a
7	Bank	DMO	7,000,000	20/04/2020	0.04%	21/04/2020	-7.67	-7,000,000	n/a	n/a
8	Bank	DMO	6,500,000	21/04/2020	0.08%	30/04/2020	-128.22	-6,500,000	n/a	n/a
9	Other	Derbyshire County Council	2,500,000	24/04/2020	0.65%	26/10/2020	-8,236.30	-2,500,000	n/a	n/a
10	Bank	DMO	11,000,000	30/04/2020	0.04%	01/05/2020	-12.05	-11,000,000	n/a	n/a
11	Other	Ashford Borough Council	2,500,000	11/05/2020	0.50%	07/08/2020	-3,013.70	Rolled over to 11/2	n/a	n/a
11/2	Other	Ashford Borough Council	Rolled over from 11	07/08/2020	0.38%	19/01/2021	-3,800.00	still invested	n/a	n/a
12	Bank	DMO	9,000,000	01/05/2020	0.04%	11/05/2020	-98.63	-9,000,000	n/a	n/a
13	Bank	DMO	6,500,000	11/05/2020	0.04%	18/05/2020	-49.86	-6,500,000	n/a	n/a
15	Bank	DMO	3,500,000	14/05/2020	0.04%	18/05/2020	-15.34	-3,500,000	n/a	n/a
16	Bank	DMO	10,000,000	18/05/2020	0.04%	19/05/2020	-10.96	-10,000,000	n/a	n/a
17	Bank	DMO	7,500,000	19/05/2020	0.04%	27/05/2020	-65.75	-7,500,000	n/a	n/a
18	Other	Aberdeen Council	2,500,000	26/05/2020	0.45%	20/10/2020	-4,530.82	Rolled over to 18/2	n/a	n/a
18/2	Other	Aberdeen Council	Rolled over from 18	20/10/2020	0.03%	20/01/2021	-147.95	still invested	n/a	n/a
19	Bank	DMO	6,000,000	01/06/2020	0.02%	08/06/2020	-23.01	-6,000,000	n/a	n/a
14	Other	Blackpool Council	2,500,000	08/06/2020	0.40%	08/09/2020	-2,520.55	-2,500,000	n/a	n/a
20	Bank	DMO	3,000,000	08/06/2020	0.02%	12/06/2020	-6.58	-3,000,000	n/a	n/a
21	Bank	DMO	5,000,000	12/06/2020	0.02%	15/06/2020	-8.22	-5,000,000	n/a	n/a

**POLICY AND FINANCE COMMITTEE  
TEMPORARY INVESTMENT ACTIVITY – 2020/21**

**ANNEX 1**

No.	Category	Organisation	Invested £	Date invested	Interest rate	Date of maturity	Interest £	Principal Repaid £	Long Term Rating	Short Term Rating
22	Bank	DMO	5,000,000	15/06/2020	0.02%	30/06/2020	-41.10	-5,000,000	n/a	n/a
23	Bank	DMO	10,000,000	30/06/2020	0.01%	01/07/2020	-2.74	-10,000,000	n/a	n/a
24	Bank	DMO	4,500,000	01/07/2020	0.01%	02/07/2020	-1.23	-4,500,000	n/a	n/a
25	Bank	DMO	3,500,000	01/07/2020	0.01%	07/08/2020	-35.48	-3,500,000	n/a	n/a
26	Bank	DMO	5,000,000	31/07/2020	0.01%	03/08/2020	-4.11	-5,000,000	n/a	n/a
27	Bank	DMO	5,000,000	03/08/2020	0.01%	07/08/2020	-5.48	-5,000,000	n/a	n/a
28	Bank	DMO	4,500,000	07/08/2020	0.01%	15/09/2020	-48.08	-4,500,000	n/a	n/a
29	Other	Lincolnshire County Council	2,500,000	01/09/2020	0.10%	01/03/2021	-828.77	still invested	n/a	n/a
30	Other	Kirklees Council	2,500,000	19/10/2020	0.03%	19/01/2021	-150.00	still invested	n/a	n/a
31	Other	Merthyr Tydfil Council	1,000,000	28/08/2020	0.03%	28/10/2020	-50.14	Rolled over to 31/2	n/a	n/a
31/2	Other	Merthyr Tydfil Council	Rolled over from 31	28/10/2020	0.03%	28/01/2021	-52.60	still invested	n/a	n/a
32	Bank	DMO	2,500,000	08/09/2020	0.01%	21/09/2020	-8.90	-2,500,000	n/a	n/a
33	Bank	DMO	2,500,000	21/09/2020	0.01%	20/10/2020	-19.86	-2,500,000	n/a	n/a
34*	Bank	DMO	1,500,000	30/09/2020	-0.005%	19/10/2020	3.90	-1,500,000	n/a	n/a
35	Bank	DMO	2,000,000	30/09/2020	0.00%	21/10/2020	0.00	-2,000,000	n/a	n/a
36	Bank	DMO	4,750,000	28/10/2020	0.00%	26/11/2020	0.00	-4,750,000	n/a	n/a
37	Other	Spelthorne Borough Council	2,500,000	18/11/2020	0.04%	18/02/2021	-117.81	still invested	n/a	n/a
38*	Bank	DMO	5,000,000	13/11/2020	-0.02%	19/11/2020	12.33	-5,000,000	n/a	n/a

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No.	Category	Organisation	Invested £	Date invested	Interest rate	Date of maturity	Interest £	Principal Repaid £	Long Term Rating	Short Term Rating
39	Bank	DMO	1,000,000	19/11/2020	0.00%	03/12/2020	0.00	-1,000,000	n/a	n/a
40	Bank	DMO	4,000,000	30/11/2020	0.00%	01/12/2020	0.00	-4,000,000	n/a	n/a
41	Bank	DMO	5,000,000	01/12/2020	0.00%	17/12/2020	0.00	-5,000,000	n/a	n/a
42*	Bank	DMO	6,000,000	17/12/2020	-0.05%	23/12/2020	49.33	-6,000,000	n/a	n/a
43*	Bank	DMO	7,500,000	21/12/2020	-0.11%	06/01/2021	180.82	still invested	n/a	n/a
<b>Investments to December 2020</b>			<b>258,750,000</b>			<b>SUM</b>	<b>-24,256.35</b>	<b>-237,750,000</b>		
<b>Total Investments 2020/21 (including b/f from 19/20)</b>			<b>270,650,000</b>			<b>SUM incl b/f</b>	<b>-32,136.41</b>	<b>-249,650,000</b>		
<b>Interest received on balances held at bank</b>							<b>0</b>			
<b>Grand Total</b>			<b>270,650,000</b>			<b>SUM incl b/f</b>	<b>-32,136.41</b>	<b>-249,650,000</b>		

Negative interest rate

## Fitch Rating Definitions

<b>Fitch Rating Definitions</b>	
<b>International Long-Term Credit Ratings</b>	
Long-term credit rating can be used as a benchmark measure of probability of default.	
AAA	Highest credit quality. 'AAA' denotes the lowest expectation of credit risk. They are assigned only in case of exceptionally strong capacity for payment of financial commitments. This capacity is highly unlikely to be adversely affected by foreseeable events.
AA	Very high credit quality. 'AA' ratings denote expectation of low credit risk. They indicate very strong capacity for payment of financial commitments. This capacity is not significantly vulnerable to foreseeable events.
A	High credit quality. 'A' ratings denote expectations of low credit risk. The capacity for payment of financial commitments is considered strong. This capacity may, nevertheless, be more vulnerable to changes in circumstances or in economic conditions than in the case for higher ratings.
BBB	Moderate default risk. 'BBB' National Ratings denote a moderate default risk relative to other issuers or obligations in the same country. However, changes in circumstances or economic conditions are more likely to affect the capacity for timely repayment than is the case for financial commitments denoted by a higher rated category
<b>International Short-Term Credit ratings</b>	
Short-term rating has a time horizon of less than 13 months for most obligations and thus places greater emphasis on the liquidity necessary to meet financial commitments	
F1	Highest credit quality. Indicates the strongest capacity for timely payment of financial commitments; may have an added "+" to denote any exceptionally strong credit feature.
F2	Good credit quality. A satisfactory capacity for timely payment of financial commitments, but the margin of safety is not as great as in the case of the higher ratings.
F3	Fair credit quality. The capacity for timely payment of financial commitments is adequate; however, near term adverse changes could result in a reduction to non-investment grade.
B	Indicates an uncertain capacity for timely payment of financial commitments relative to other issuers or obligations in the same country. Such capacity is highly susceptible to near-term adverse changes in financial and economic conditions.

Organisation	S&P Global Ratings			Moody's			Fitch				
	Long Term	Short Term	Outlook	Long Term	Short Term	Outlook	Full Review Date	Long Term	Short Term	Outlook	
<b>Building Societies</b>											
Nationwide	A	A-1	<i>Stable</i>	A1	P-1	<i>Stable</i>	14/09/2020	A	F1	<i>Negative</i>	£1m min
Yorkshire	-	-	-	A3	P-2	<i>Negative</i>	26/11/2020	A-	F1	<i>Negative</i>	
Coventry	-	-	-	A2	P-1	<i>Negative</i>	26/11/2020	A-	F1	<i>Negative</i>	Sterling Brokers
Skipton	-	-	-	Baa1	P-2	<i>Stable</i>	27/11/2020	A-	F1	<i>Negative</i>	
Leeds	-	-	-	A3	P-2	<i>Negative</i>	27/11/2020	A-	F1	<i>Negative</i>	3 Mnth
Principality	-	-	-	Baa2	P-2	<i>Negative</i>	27/11/2020	BBB+	F2	<i>Negative</i>	No Contact
<b>Banks</b>											
Santander UK Plc.	A	A-1	<i>Negative</i>	Aa3	P-1	<i>Stable</i>	14/09/2020	A+	F1	<i>Negative</i>	
Barclays Bank Plc.	A	A-1	<i>Negative</i>	A1	P-1	<i>Stable</i>	12/10/2020	A+	F1	<i>Negative</i>	
Bank of Scotland Plc.	A+	A-1	<i>Negative</i>	Aa3	P-1	<i>Stable</i>	14/09/2020	A+	F1	<i>Negative</i>	
HSBC Bank Plc.	A+	A-1	<i>Stable</i>	Aa3	P-1	<i>Stable</i>	23/10/2020	AA-	F1+	<i>Negative</i>	
Lloyds Bank Plc.	A+	A-1	<i>Negative</i>	Aa3	P-1	<i>Stable</i>	14/09/2020	A+	F1	<i>Negative</i>	£250k min
National Westminster Bank Plc.	A	A-1	<i>Negative</i>	A1	P-1	<i>Stable</i>	14/09/2020	A+	F1	<i>Negative</i>	Current a/c required
Royal Bank of Scotland Plc.	A	A-1	<i>Negative</i>	A1	P-1	<i>Stable</i>	14/09/2020	A	F1	<i>Negative</i>	Current a/c required
Co-operative Bank (The)	-	-	-	B3	NP	<i>Stable</i>	19/10/2020	BBB	F2	<i>Negative</i>	£1m min

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY AND FINANCE COMMITTEE

INFORMATION
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meeting date: 19 JANUARY 2021  
 title: REVENUES AND BENEFITS GENERAL REPORT  
 submitted by: DIRECTOR OF RESOURCES  
 principal author: MARK EDMONDSON

### 1 PURPOSE

1.1 To inform committee of debts outstanding for business rates, council tax and sundry debtors. Also to update committee on benefits performance, including benefits processing times and overpayment recovery.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions/Community Objectives/Corporate Priorities

Without the revenue collected from rates, council tax and sundry debtors we would be unable to meet the Council's ambitions, objectives and priorities.

### 2 NATIONAL NON-DOMESTIC RATES (NNDR)

2.1 The following is a collection statement to 6 January 2021:

	£000	£000	2020/21 %	2019/20 %
Balance Outstanding 1 April 2020		741		
NNDR amounts due	21,132			
Plus costs	0			
Transitional surcharge	6			
Write ons	7			
	<b>21,145</b>			
Less				
- Transitional relief	-22			
- Exemptions	-374			
- Charity, Rural, Community Amateur Sports Clubs Relief	-1,283			
- Small Business Rate Relief	-3,755			
- Nursery Discount, Retail Discount, SSB, Flood Relief, Revaluation 2017, Pub, SSB and Other reliefs	-6,939			
- Interest Due	0			
- Write Offs	-6			
	<b>-12,379</b>	8,766		
<b>Total amount to recover</b>		<b>9,507</b>		
Less cash received to 6 January 2021		-7,221	76.0	82.9
<b>Amount Outstanding</b>		<b>2,286</b>	<b>24.0</b>	<b>17.1</b>

NB The figures included in the table include not only those charges for 2020/21 but also those relating to previous years, but we are required to report to the Ministry of Housing, Communities & Local Government (MHCLG) our in year collection rate. This figure is published and is used to compare our performance with other local authorities. On this measure our current in year collection rate at 31 December 2020 is 82.06% compared with 84.02% at 31 December 2019. Both the collection rate for 2020/21 and the overall amount outstanding have been severely impacted by COVID19.

### 3 COUNCIL TAX

3.1 The following is a collection statement for Council Tax to 6 January 2021:

	£000	£000	2020/21 %	2019/20 %
Balance Outstanding 1 April 2020		1,062		
Council Tax amounts due	52,306			
Plus costs	-1			
Transitional relief	1			
Write ons	0			
	<b>52,306</b>			
Less - Exemptions	-774			
- Discounts	-4,593			
- Disabled banding reduction	-55			
- Council Tax Benefit	2			
- Local Council Tax Support plus Hardship	-2,380			
- Write offs	-7			
	<b>-7,807</b>	44,499		
<b>Total amount to recover</b>		<b>45,561</b>		
Less cash received to 6 January 2021		-38,514	84.5	86.5
<b>Amount Outstanding</b>		<b>7,047</b>	<b>15.5</b>	<b>13.5</b>

NB The figures included in the table include not only those charges for 2020/21 but also those relating to previous years, but we are required to report our in year collection rate to the MHCLG. This figure is published by them and is used to compare our performance against other local authorities. On this measure our current in year collection rate at 31 December 2020 is 85.41% compared to 87.16% at 31 December 2019. Both the collection rate for 2020/21 and the overall amount outstanding have been severely impacted by COVID19.

#### 4 SUNDRY DEBTORS

4.1 A summary of the sundry debtors account at 8 January 2021 is:

	£000	£000
Amount Outstanding 1 April 2020		696
Invoices Raised	3,198	
Plus costs	9	
		<b>3,207</b>
Less credit notes		-820
<b>Total amount to recover</b>		<b>3,083</b>
Less cash received to 8 January 2021		-1,572
<b>Amount outstanding</b>		<b>1,511</b>

Aged Debtors	000s	%
< 30 days	32	0.66
30 - 59 days	3,381	69.60
60 - 89 days	28	0.58
90 - 119 days	602	12.39
120 - 149 days	61	1.26
150+ days	754	15.52
	<b>4,858</b>	<b>100</b>

4.2 The balance of debt outstanding for '150+ days' includes debts raised on an annual basis at the start of the financial year, which are being paid by direct debit on a monthly basis throughout the year. Another substantial element within this balance is debt relating to overpaid housing benefit due to reasons including fraud. Recovery action continues on such housing benefit debt, with some being paid by instalments.

#### 5 HOUSING BENEFIT AND COUNCIL TAX SUPPORT PERFORMANCE

5.1 The main indicator for Housing Benefit and Council Tax Support performance is known as Right Time. The benefit section also report on Local Performance Indicators that have been set within the department for benefit fraud and overpayments.

5.2 The Department for Work and Pensions does not require Local Authorities (LA's) to report on any other Performance Measures but encourages them to monitor their own performance locally.

5.3 We obviously consider it very important to monitor overpayment data.

##### *Housing Benefit Right Time Indicator 2020/2021*

The right time indicator measures the time taken to process HB/CTS new claims and change events; this includes changes in circumstances, interventions, fraud referrals and prints generated by the benefit department.

Target for year	Actual Performance 1 October 2020– 31 December 2020	Average Performance
5 days	3 days	20 days per IRRV

*New claims performance*

Target for year	Actual Performance 1 October 2020 – 31 December 2020	Top grade 4 for all LA's 2007/08
15 days	6.08 days	Under 30 days

6 HOUSING BENEFIT OVERPAYMENTS

- 6.1 Overpayment means any amount paid as Housing Benefit when there was no entitlement under the regulations.
- 6.2 The figures overleaf are from the previous quarter as the latest figures were not available at the time of writing the report.

Performance for the period 1 July 2020 - 30 September 2020:

Performance Measure	%
The amount of Housing Benefit (HB) overpayments recovered during the period being reported on as a percentage of HB overpayments deemed recoverable during that period.	100.92
The amount of Housing Benefit (HB) overpayments recovered during the period as a percentage of the total amount of HB overpayment debt outstanding at the start of the financial year plus amount of HB overpayments identified during the period.	11.74
The amount of Housing Benefit (HB) overpayments written off during the period as a percentage of the total amount of HB overpayment debt outstanding at the start of the financial year, plus amount of HB overpayments identified during the period.	0.48

7 CONCLUSION

- 7.1 Note the continuing progress that we make in collecting these debts, and the performance of our Housing Benefit Section remains satisfactory.

HEAD OF REVENUES AND BENEFITS

DIRECTOR OF RESOURCES

PF31-20/ME/AC  
3 November 2020

For further information please ask for Mark Edmondson.

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY & FINANCE COMMITTEE

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meeting date: 19 JANUARY 2021  
title: INVESTIGATORY POWERS COMMISSIONER'S REPORT  
submitted by: CHIEF EXECUTIVE  
principal author: MAIR HILL

### 1. PURPOSE

1.1.1 To report to Committee the receipt of the Office of Surveillance Commissioners inspection report, the Council's usage of RIPA and seek approval of the revised RIPA policy.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions – To prevent and/or detect crime or disorder, whilst respecting individuals' rights under the European Convention on Human Rights ("ECHR") and the Human Rights Act 1998 ("HRA"), and ensuring compliance with the Regulation of Investigatory Powers Act 2000 ("RIPA").
- Community Objectives – None.
- Corporate Priorities – None.
- Other Considerations – None.

### 2. BACKGROUND

2.1 RIPA came into force on 25 September 2000; its aim is to strike a balance between protecting individuals' rights under Article 8 ECHR and the HRA and the need for investigatory powers to protect the interests of society as a whole. RIPA allows the Council to carry out directed surveillance and/or use covert human intelligence sources ("CHIS") lawfully if it is authorised in accordance with the provisions of RIPA, it is necessary for the purpose of preventing or detecting crime or disorder, it is proportionate to the aims, which it seeks to achieve, and any authorisation receives judicial approval.

2.2 The Investigatory Powers Commissioner's Office carries out routine inspections of all public bodies to ensure their compliance with the requirements of RIPA. The Council was notified of an inspection in June this year and the Head of Legal and Democratic Services dealt with the inspection as Senior Responsible Officer for RIPA.

2.3 Committee has previously approved the reporting of the usage of RIPA to this Committee.

### 3. ISSUES

3.1 A redacted copy of the report received following the inspection is enclosed as **Appendix 1** to this report ("**Inspection Report**").

- 3.2 The Inspector commented that the information provided demonstrates a level of compliance which removes the need for a physical inspection, but made a number of recommendations of areas for consideration in the report:
- 3.2.1 Whilst the Council has procedures in place to manage the flow, retention and destruction of data, the gathering of information whilst utilising covert powers requires a bespoke policy to address the safeguards within the codes of practice, robust management and regular review.
  - 3.2.2 Further training should take place for requesting and authorising officers.
  - 3.2.3 Specific reference should be made to paragraphs 3.10 to 3.17 of the Covert Surveillance and Property Interference revised Code of Practice 2018.
  - 3.2.4 Auditable process for online research which does not meet the requirements of RIPA.
- 3.5 In response to these recommendations the Council has taken the following action:
- 3.5.1 Amended its RIPA policy to incorporate the recommendations set out in 3.2.4 above. A copy of this is contained at **Appendix 2**;
  - 3.5.2 Arranged for further in-house training of requesting and authorising officers to take place at the beginning of March 2021, this will include training on the recommended auditable process for online research which does not meet the requirements of RIPA;
  - 3.5.3 A bespoke policy, as recommended at 3.2.1 shall be developed with the relevant departments (following the training referred to above) and will be brought to Committee for approval thereafter.
- 3.6 As is noted in the Inspector's report the Council had not used its RIPA power since their last inspection and it has also not used them since the matter was last reported to Committee on 20 November 2019.

#### 4. RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:
- Resources – Resources have been expended in amending the policy and will be in providing RIPA training to the Chief Executive, and the Directors of the Council.
  - Technical, Environmental and Legal – The Council will be better able to pursue legal action as necessary.
  - Political – No implications identified.
  - Reputation – The Council's response to the Inspection Report will demonstrate the Council's commitment to carrying out its responsibilities.

5. RECOMMENDED THAT COMMITTEE

5.1 Note the Inspector's recommendations.

5.2 Note the usage of RIPA during the period 20 November 2019 to date.

5.2 Approve the amended RIPA policy and recommend its adoption to full Council.

MAIR HILL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

MARSHAL SCOTT  
CHIEF EXECUTIVE

BACKGROUND PAPERS

Appendix 1 – Redacted Inspection Report

Appendix 2 – Amended RIPA Policy

For further information please ask for Mair Hill, on extension 4418.

REF: MJH/POLICYANDFINANCE/19 January 2020

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# IPCO

## Investigatory Powers Commissioner's Office

PO Box 29105, London  
SW1V 1ZU

Mr. Marshal Scott  
Chief Executive  
Ribble Valley Borough Council  
Council Offices  
Church Walk  
Clitheroe  
Lancashire  
BB7 2RA

2 July 2020

Dear Mr. Scott,

### Inspection of Ribble Valley Borough Council

*Please be aware that IPCO is not a "public authority" for the purpose of the Freedom of Information Act (FOIA) and therefore falls outside the reach of the FOIA. It is appreciated that local authorities are subject to the FOIA and that they may receive requests for disclosure of our reports. In the first instance the SRO should bring the matter to the attention of the IPCO Data Protection Officer (at: [info@ipco.org.uk](mailto:info@ipco.org.uk)), before making any disclosure. This is also the case if you wish to make the content of this letter publicly available.*

Your Council was recently the subject of a telephone and desktop-based inspection by one of my Inspectors, This has been facilitated through your Senior Responsible Officer (SRO), Head of Legal and Democratic Services – Ms. Mair Hill, who was interviewed over the telephone and provided the supporting documentation requested by the Inspector. My Inspector is extremely grateful to Ms. Hill, who responded quickly to the requests, even having only recently assumed the SRO role.

The information provided has demonstrated a level of compliance that removes, for the present, the requirement for a physical inspection. Accompanying this letter are advisory details regarding data retention and destruction, specifically for information gathered using covert powers. Whilst I am aware that your Council has procedures in place to manage the flow, retention and destruction of data, the gathering of information whilst utilising covert powers requires a bespoke policy to address the safeguards within the codes of practice, robust management and regular review. I trust you will find the details within this additional letter of benefit, and it will be for your SRO to ensure the six bullet point requirements are addressed.

The last inspection was conducted by IPCO Inspector : in August 2017. On that occasion there were two formal recommendations required, albeit these were relatively minor in nature. The recommendations, to highlight within the RIPA policy that a risk assessment should be completed before authorisation of a CHIS, and recording identities used and the sites visited if social media investigations are undertaken, were addressed soon after the inspection in November 2017.

The covert powers available have not been engaged since 2014, nevertheless it is vital that the relevant staff are appropriately trained should the need arise to authorise covert activity. It is also important that officers engaged in investigatory or enforcement areas where RIPA considerations are not so immediately apparent, maintain their levels of knowledge. The last refresher training session took place in August 2017. Given the time that has elapsed since the last training event, the updates to the Codes of Practice and new legislation in the form of the Investigatory Powers Act 2016, it is advisable and would be advantageous to have a renewed series of training events undertaken. These sessions may take the form of 'in house' table top exercises which would not only educate your staff but test competence levels.

My Inspector is satisfied the Council policy, reviewed in 2018, underpinning the use of RIPA is suitably comprehensive, providing the necessary detail to practitioners who may contemplate the use of directed surveillance and CHIS. I note there is a section within the policy at paragraphs 3.11 to 3.16 containing guidance on the use of the internet/social media and open source research in the course of investigations. Whilst the policy references paragraphs from the revised code of practice, given the increasing potential for its use, and the benefits it may bring to council investigations, an observation is made that the policy could be enhanced by making specific reference to paragraphs 3.10 to 3.17 of the Covert Surveillance and Property Interference, revised Code of Practice, 2018. Contained within these paragraphs is good guidance and operational examples around the use of social media for investigative purposes. By making these examples bespoke, to reflect the types of investigation dealt with regularly by your staff, a more informative policy should be created. Given the current risk around its use and the focus placed on it by privacy groups, it may be advisable that practitioners are signposted to these sections to ensure staff remain compliant in the use of the tactic.

This guidance should be reinforced to staff at regular intervals given that there may be occasions where online social media research may be carried out in respect of Council priorities which would not generally be within the purview of RIPA. It is important that regardless of the reasons for conducting such research, employees are reminded of the obligations public authorities have to the Article 8 Rights of individuals, and of the need to demonstrate legitimate and proportionate reasons for carrying out online research.

It may be advantageous that an auditable process is developed in circumstances where online research is considered necessary in investigations which may not meet the threshold for use of the RIPA legislation. I would draw your attention to the Investigatory Powers Tribunal's decision in *BA & others v Chief Constable of Cleveland IPT/11/129/CH (13 July 2012)* where the IPT commended the adoption in non-RIPA cases of "a procedure as close as possible" to that required by the legislation. A documented decision trail would ensure parameters are set, both to avoid any interference with Convention Rights which is or may be disproportionate to the legitimate aim pursued, and for the protection of individual employees. It is also important that the policies you have in place ensure that staff are aware of the dangers aligned to the use of their own social media accounts for business purposes, especially those of a covert nature, and that they are cognisant of their own personal online security and of the vulnerabilities attached to using any insecure or personal online platform.

The SRO has given assurances to the Inspector that the integrity of your Council's processes and governance procedures will be strengthened as suggested by the Inspector to ensure that the good standards of compliance with the Act and relevant codes of practice, noted, are to continue.

My Office is available to you should you have any queries following the recent inspection, or at any point in the future. Contact details are provided at the foot of this letter. I shall be grateful if you would acknowledge receipt of this letter within two months.

Yours sincerely,

~~The Rt. Hon. Sir Brian Leveson~~  
The Investigatory Powers Commissioner

# Corporate Policy in Respect of Regulation of Investigatory Powers Act 2000 (“RIPA”)



Ribble Valley  
Borough Council

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

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### 1. INTRODUCTION

- 1.1 This Corporate Policy is based upon the requirements of the Regulation of Investigatory Powers Act 2000 (“**RIPA**”), the Home Office’s Code of Practice for Covert Surveillance and property interference, and Covert Human Intelligence Sources (“**CHIS**”) (“**Codes**”), and the Home Office guidance for local authorities in England and Wales on the judicial approval process for RIPA and the crime threshold for directed surveillance (“**Guidance**”).
- 1.2 Ribble Valley Borough Council (the “**Council**”) has also taken into account and incorporated the guidance given by the Office of Surveillance Commissioners in its report dated 4 June 2008, 21 August 2011, and 10 August 2014 and the Investigatory Powers Commissioner on 14 August 2017 and is grateful to them for providing this.
- 1.3 On 18 November 2008 the Head of Legal and Democratic Services was authorised by the Council’s Policy and Finance Committee to carry out periodic reviews of this policy and to amend it to the extent necessary to keep it up to date and in line with the Home Office’s Codes of Practice. As recommended in the Codes an annual report will be taken to the Council’s Policy and Finance Committee, which will contain such detail to enable Committee to determine that the Council’s policy is fit for purpose. There will also be 6 monthly reports to Committee on the level of RIPA activity or inactivity.
- 1.4 Whilst this policy provides guidance it is not intended to be an authoritative source on the provisions of RIPA. All Officers must therefore refer to RIPA itself and to the Codes, and the Guidance for an authoritative position.
- 1.5 Should any Officer be uncertain in respect of any aspect of RIPA, the authorising procedures set out in this policy, or at all, they should contact the legal department of the Council immediately.
- 1.6 The Council’s Head of Legal and Democratic Services is the RIPA Senior Responsible Officer and as such is responsible for:
- The integrity of the process in place within the Council to authorise directed surveillance and CHIS;
  - Compliance with Part II of the 2000 and with the Codes;

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- Oversight of the reporting of errors to the Investigatory Powers Commissioner and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;
- Engagement with the Investigatory Powers Commissioner and inspectors who support the Commissioner when they conduct their inspections;
- Where necessary, overseeing the implementation of any post – inspection action plans recommended or approved by a Judicial Commissioner, and

Ensuring that all authorising officers are of an appropriate standard, addressing any recommendations and concerns in the inspection reports prepared by the Investigatory Powers Commissioner<sup>2</sup>.      **LEGISLATIVE BACKGROUND**

2.1 The Human Rights Act 1998 (the “HRA”) incorporated the European Convention on Human Rights (the “ECHR”) into domestic law.

2.2 Article 8 of the ECHR provides that:

“1. *Everyone has the right to respect for his private and family life, his home and his correspondence.*

2. *There shall be no interference by a public authority with the exercise of this right except such as is **in accordance with the law** and is **necessary** in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.” [Emphasis added]*

2.3 There is therefore a qualified right for interference with individual’s rights under Article 8 if it is:

2.3.1 done in accordance with the law;

2.3.2 necessary; and/or

2.3.3 proportionate.

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- 2.4 Any individual undertaking surveillance and/or using CHIS on behalf of the Council will therefore be breaching a person's human rights unless that surveillance is authorised in accordance with the law, is necessary for one of the reasons set out above, and is proportionate.
- 2.5 This could have serious implications for the Council, not only in terms of its reputation, but could also potentially render any evidence gathered during the surveillance inadmissible in criminal proceedings, leave the Council open to civil proceedings for a breach of an individual's human rights, and/or lead to a complaint being made to the Ombudsman. To avoid such a situation arising therefore, Officers must not carry out either Surveillance and/or CHIS unless the provisions of paragraph 2.3 are complied with.

### **In accordance with the law – RIPA**

- 2.6 RIPA came into force on 25 September 2000, with the Codes subsequently coming into force pursuant to Section 71 of RIPA. The aim of RIPA was to strike a balance between protecting individuals' rights under Article 8 ECHR and the HRA and the need for investigatory powers to protect the interests of society as a whole. It therefore allows interference with individuals' rights in certain circumstances.

### **Necessity**

- 2.7 It should be noted that pursuant to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Statutory Instrument No. 2010/521 ("**RIPA Order 2010**") a local authority, (and hence the Council) **can only rely on Section 28 (3) (b) of RIPA as a ground for its interference being necessary**. Therefore, under RIPA any interference can **only** be necessary if it is ***"for the purpose of preventing or detecting crime where the offence is punishable by a maximum term of at least six months imprisonment."***
- 2.8 Regulation 7A of the 2010 RIPA Order (as amended by the 2012 RIPA Order SI 2012/1500) introduced this further limitation so that Authorising Officers may only authorise surveillance in respect of a criminal offence which is punishable by a maximum term of at least 6 months imprisonment or which constitutes an offence under section 146, 147 or 147A of the Licensing Act 2003 (sale of alcohol to children)

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or section 7 of the Children and Young Persons Act 1933 (sale of tobacco to children under 18 years old).

- 2.9 However, not all applications for the purpose set out above will be necessary. The Authorising Officer **must** be satisfied that it is necessary in all the circumstances. A judgment will have to be made on a case-by-case basis. Generally, any such interference will not be necessary if there is an alternative **overt** method which could be used to obtain the information. Authorising Officers should therefore satisfy themselves that all other methods have either been exhausted or are not practicable. Authorising Officers should also take care to record in the authorisation their reasoning as to why the action is necessary.

### **Proportionate**

- 2.10 Once it has been established that such interference is necessary it must then be considered whether it is **proportionate** to what is to be achieved. The Authorising Officer should consider the following elements of proportionality (as set out in paragraph 4.7 of the Code):
- 2.10.1 Balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
- 2.10.2 Explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
- 2.10.3 Considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the information sought; and
- 2.10.4 Evidencing as far as reasonably practicable what other methods had been considered and why they were not implemented, or have been implemented unsuccessfully.
- 2.11 Authorising Officers should also take care to record within the authorisation form the reasons why they consider the action proportionate and must ensure that the case for the authorisation is presented in the application in a fair and balanced way. In

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particular, all reasonable efforts should be made to take into account information which weakens the case for the authorisation.

### Judicial Approval

2.12 Following authorisation by an Authorising Officer judicial approval must be obtained prior to any surveillance being undertaken. Section 32A (2) of RIPA states that “*The authorisation is not to take effect until such time (if any) as the relevant judicial authority has made an order approving the grant of the authorisation.*”

2.13 Section 32A (3) of RIPA further provides that:

*“(3) The relevant judicial authority may give approval under this section to the granting of an authorisation under section 28 if, and only if, the relevant judicial authority is satisfied that-*

*at the time of the grant-*

*there were reasonable grounds for believing that the requirements of section 28(2) were satisfied in relation to the authorisation, and*

*the relevant conditions were satisfied in relation to the authorisation, and*

*at the time when the relevant judicial authority is considering the matter, there remain reasonable grounds for believing that the requirements of section 28(2) are satisfied in relation to the authorisation.*

*(4) For the purposes of subsection (3) the relevant conditions are –*

*(a) in relation to a grant by an individual holding an office, rank or position in a local authority in England or Wales, that-*

*the individual was a designated person for the purposes of section 28,*

*the grant of the authorisation was not in breach of any restrictions imposed by virtue of section 30(3), and*

*any other conditions that may be provided for by an order made by the Secretary of State were satisfied.....”.*

2.14 The procedure for making an application for judicial approval is contained in *The Magistrates’ Court (Regulation of Investigatory Powers) Rules 2012 (SI 2012/2563*, and is explained further in the Guidance.

## 3. SURVEILLANCE

**What is surveillance?**

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### 3.1 Surveillance includes:

3.1.1 Monitoring, observing, or listening to persons, watching or following their movements, their conversations or their activities or communications;

3.1.2 Recording anything mentioned above in the course of authorised surveillance; and/or

3.1.3 Surveillance, by or with, the assistance of a surveillance device.

### 3.2 Surveillance can be either overt or covert.

#### **Overt Surveillance**

3.3 The vast majority of surveillance, which the Council carries out, will be overt and will involve Officers and employees noting events in the course of their normal daily duties. This will not fall within the scope of RIPA and will not require an authorisation. For example, a dog warden who notes an offence being committed as he/she carries out their daily routine will not require RIPA authorisation as this is an immediate response to events.

#### **Covert Surveillance**

3.4 Covert surveillance is defined in section 26(9)(a) of RIPA. It provides that *“surveillance is covert if, and only if, it is carried out in a manner that is calculated to ensure that persons who are subject to the surveillance are unaware that it is or may be taking place”*.

#### **Surveillance not relating to specified grounds or core functions**

3.5 An authorisation for directed surveillance is only appropriate for the purposes of a specific investigation or operation, insofar as that investigation or operation is necessary on the grounds specified in RIPA (Section 28(3)). Covert surveillance for any other general purposes should be conducted under other legislation, if relevant and an authorisation under Part II of RIPA should not be sought.

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3.6 These core functions referred to are the 'specific public functions undertaken by the Council in contrast to the 'ordinary functions' which are those undertaken by all authorities (e.g. employment issues, contractual arrangements etc). These ordinary functions are covered by the Data Protection Act 2018 and the Information Commissioners Employment Practices Code.

### RIPA Part II

3.7 RIPA Part II applies to the following conduct:

3.5.1 Directed Surveillance

3.5.2 Intrusive surveillance

3.5.3 Covert Human Intelligence Sources

#### Directed Surveillance (Section 26(2) RIPA)

3.8 **Section 26(2)** defines directed surveillance as surveillance, which is:

3.8.1 Covert but not intrusive;

3.8.2 Undertaken for the purpose of a specific operation;

3.8.3 Undertaken in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); or

3.8.5 Otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under this Part to be sought for the carrying out of surveillance.

3.9 **Section 26(10)** defines "private information" in relation to a person as "*including any information relating to his private or family life*".

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Private information should be taken generally to include any aspect of a person's private or personal relationship with others, including family and professional or business relationships. Family should be treated as extending beyond the formal relationships created by marriage or civil partnerships.

- 3.10 Information which is non-private may include publicly available information such as books, newspapers, journals, TV and radio broadcasts, newswires, web sites, mapping imagery, academic articles, conference proceedings, business reports, and more. Such information may also include commercially available data where a fee may be charged, and any data which is available on request or made available at a meeting to a member of the public. Non-private data will also include the attributes of inanimate objects such as the class to which a cargo ship belongs.
- 3.11 Private life considerations are particularly likely to arise if several records are to be analysed together in order to establish, for example, a pattern of behaviour, or if one or more pieces of information (whether or not available in the public domain) are covertly (or in some cases overtly) obtained for the purpose of making a permanent record about a person or for subsequent data processing to generate further information. In such circumstances, the totality of information gleaned may constitute covert surveillance, a directed surveillance authorisation may be considered.
- 3.12 Private Information may include personal data, such as names, telephone numbers and address details. Where such information is acquired by means of covert surveillance of a person having a reasonable expectation of privacy, a directed surveillance authorisation is appropriate.

### **Online Covert Activity**

- 3.13 The growth of the internet and the extent of the information which is now available online have presented new opportunities for the Council to view or gather information which may assist it in preventing or detecting crime.
- 3.14 Much of the information can be accessed without the need for RIPA authorisation; use of the internet prior to an investigation should not normally engage privacy considerations. However, it should be noted that if the study of an individual's online

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presence becomes persistent, or where material obtained from any check is to be extracted and recorded and may engage privacy considerations, RIPA authorisations may need to be considered.

- 3.15 In deciding whether online surveillance should be regarded as covert, consideration should be given to the likelihood of the subject(s) knowing that the surveillance is or may be taking place. Use of the internet itself may be considered as adopting a surveillance technique calculated to ensure that the subject is unaware of it, even if no further steps are taken to conceal the activity. Conversely, if reasonable steps have been taken to inform the public or particular individuals that the surveillance is or may be taking place, the activity may be regarded as overt and a directed surveillance authorisation will not normally be required.
- 3.16 Depending on the online platform there may be a reduced expectation of privacy where information relating to a person or group of people is made openly available within the public domain, however in some circumstances privacy implications still apply. This is because the intention when making such information available was not for it to be used for a covert purpose such as investigative activity. This is regardless of whether a user of a website or social media platform has sought to protect such information by restricting its access by activating privacy settings.
- 3.17 Where information about an individual is placed on a publicly accessible database, such as Companies House, which is commonly known to be available to all, they are unlikely to have any reasonable expectation of privacy over the monitoring by authorities of that information. Individuals who post information on social media networks and other websites whose purpose is to communicate messages to a wide audience are also less likely to hold a reasonable expectation of privacy in relation to that information.
- 3.18 Whether a public authority interferes with a person's private life includes consideration of the nature of the public authority's activity in relation to that information. Simple reconnaissance of such sites ( i.e preliminary examination with a view to establishing whether the site or its contents are of interest) is likely to interfere with a person's reasonably held expectation of privacy and therefore not likely to require a directed surveillance authorisation. However, where a public authority is systematically collating and recording information about a particular

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person or group, a directed surveillance authorisation should be considered. These considerations apply regardless of whether the information was shared online. Paragraph 15 of the Code provides a number of useful examples which will assist officers in their consideration of these issues.

3.19 Paragraph 3.16 of the Code sets out useful guidance on the factors to consider when determining whether authorisation should be sought for accessing information on a website as part of a covert investigation or operation. These include:

- Whether the investigation or research is directed towards an individual or organisation;
- Whether it is likely to result in obtaining private information about a person or group of people (taking account of the guidance at paragraph 3.6 above);
- Whether it is likely to involve visiting internet sites to build up an intelligence picture or profile;
- Whether the information obtained will be recorded and retained;
- Whether the information is likely to provide an observer with a pattern of lifestyle;
- Whether the information is being combined with other sources of information or intelligence, which amounts to information relating to a person's private life;
- Whether the investigation or research is part of an ongoing piece of work involving repeated viewing of the subject(s);
- Whether it is likely to involve identifying and recording information about third parties, such as friends and family members of the subject of interest, or information posted by third parties, that may include private information and therefore constitute collateral intrusion into the privacy of these third parties.

### **Ariel Covert Surveillance**

3.20 Where surveillance using airborne crafts or devices, i.e. drones, is planned, the same considerations outlined in chapters 3 and 5 of this code should be made to determine whether a surveillance authorisation is appropriate. When considering whether such surveillance is covert, consideration should be given to the reduced visibility of a craft or device at altitude.

Intrusive Surveillance (Section 26(3)-(6))

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3.21 **Section 26(3)** defines surveillance as intrusive if and only if it is covert surveillance that:

3.21.1 Is carried out in relation to anything taking place on any residential premises or in any private vehicle; and

3.21.2 involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.

3.22 Pursuant to **Section 26 (5)** surveillance which:

3.22.1 Is carried out by means of a surveillance device in relation to anything taking place on a residential premise or in any private vehicle, but

3.22.2 Is carried out without that device being present on the premises or in the vehicle.

is not intrusive **unless** the device is such that it consistently provides information of the same quality and detail as might be expected to be obtained from a device actually present on the premises or in the vehicle.

3.23 Please note that there is **NO** provision for a local authority to authorise intrusive surveillance.

## 4. COVERT INTELLIGENCE SOURCES (“CHIS”)

### Who is a CHIS?

4.1 **Section 26(8)** of RIPA defines a CHIS as a person who:

(a) Establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within (b) & (c) below;

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- (b) covertly uses such a relationship to obtain information or to provide access to any information to another person; or
- (c) covertly discloses information obtained by the use of such a relationship, or as a consequence of the existence of such a relationship.

4.2 This is defined further within **Section 26(9) (b) &(c)** so that:

4.2.1 A **purpose** will only be covert if, and only if, it is carried out in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose.

4.2.2 A **relationship** is used **covertly**, and information obtained is **disclosed covertly**, if and only if it is used or, as the case may be, disclosed in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the use or disclosure in question.

4.3 Hence, there is no use of CHIS if a member of the public offers information to the Council that may be material to an investigation of an offence, but there would be if the Council then asked that person to obtain further information.

### Authorising a CHIS

4.4 An authorisation **must** be obtained for CHIS in the same way as for directed surveillance. A detailed explanation of the authorisation process is contained in **Section 5** below. However, in addition, to the process for considering whether an authorisation is justified, a CHIS should not be authorised if it does not comply with the requirements of **Section 29(5)** of RIPA.

4.5 **Section 29(5)** requires that:

4.5.1 There will at all times be a person holding an office, rank, or position with the relevant investigating authority who will have **day to day responsibility for dealing with the source** on behalf of that authority, and **for the source's security and welfare ("Handler")**;

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- 4.5.2 There will at all times be another person holding an office, rank or position with the relevant investigating authority who will have **general oversight** of the use made of the source (“**Controller**”);
- 4.5.3 There will at all times be another person holding an office, rank or position with the relevant investigating authority who will have responsibility for **maintaining a record** of the use made of the source;
- 4.5.4 The records relating to the source that are maintained by the relevant investigating authority will always contain particulars of all such matters (if any) as may be specified for the purposes of this paragraph in regulations made by the Secretary of State (**see below**); and
- 4.5.5 The records maintained by the relevant investigating authority that disclose the identity of the source will not be available to persons except to the extent that there is a need for access to them to be made available to those persons.
- 4.6 With regard to paragraph 4.5.4 above the regulations are set out in the Regulation of Investigatory Powers (Source Records) Regulations 2000. These regulations can be found at [www.security.homeoffice.gov.uk/ripa/legislation/ripa-statutory-instruments](http://www.security.homeoffice.gov.uk/ripa/legislation/ripa-statutory-instruments), and **must** be referred to by Officers.

### **Security and Welfare**

Before authorising the use of conduct of a CHIS the authorising officer should ensure that a risk assessment is carried out to determine the risk to the CHIS of any tasking and the likely consequences should the role of CHIS become known.

The ongoing security and welfare of the CHIS, after cancellation of the authorisation should also be considered at the outset. Also, consideration should be given to the management of any requirement to disclose information tending to reveal the existence or identity of a CHIS to, or at court.

The Handler will be responsible for bringing to the attention of the Controller any concerns about the personal circumstances of the CHIS in so far as they might affect:

- The validity of the risk assessment;

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- The conduct of the CHIS; and
- The safety and welfare of the CHIS.

Where appropriate concerns about such matters must be considered by the authorising officer, and a decision taken on whether or not to allow the authorisation to continue.

### Vulnerable Individuals

- 4.7 A vulnerable individual is a person who is or may need community care services by reason of mental or other disability, age, illness and who is or may be unable to take care of himself, or unable to protect himself against significant harm or exploitation.

Vulnerable individuals should only be authorised to act as a source in the most exceptional circumstances, and the Chief Executive may only give such an authorisation.

### Juvenile sources

- 4.8 There are also special safeguards with regard to the use or conduct of juvenile sources (under 18 years).
- 4.9 A source under 16 years of age **must not** be authorised to give information against his parents or any person who has parental responsibility for him.
- 4.10 There are also further requirements within the Regulation of Investigatory Powers (Juveniles) Order 2000 (SI No. 2793), and in other cases authorisations should not be granted unless these provisions are complied with. A copy of this can be also be found at [www.security.homeoffice.gov.uk/ripa/legislation/ripa-statutory-instruments](http://www.security.homeoffice.gov.uk/ripa/legislation/ripa-statutory-instruments), and must be referred to by all Officers
- 4.11 The duration of such an authorisation is **one month** instead of 12 months.
- 4.12 Notwithstanding the above, the Council has not to date utilised these powers and considers that it is rare that they would be used in the future. As such **only** the **Chief**

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**Executive** may authorise any application for the use of CHIS and Officers should contact the legal department before making any application.

### 5. AUTHORISATION PROCESS

5.1 Directed surveillance and/or the use of CHIS shall be lawful for all purposes, if the conduct is properly and legitimately authorised and an Officer's conduct is in accordance with the authorisation.

5.2 Therefore all officers must obtain an authorisation from an Authorising Officer and Judicial approval before undertaking either directed surveillance and/or the use of CHIS, to ensure that it is lawful. A flowchart setting out the steps to be taken is contained at page 17 of the Guidance which can be found at **Appendix 3**.

5.3 Authorisations will only be given where:

5.3.1 The directed surveillance and/or the use of CHIS is necessary in the interests of preventing or detecting crime or disorder where the offence is punishable by a maximum term of at least six months imprisonment; and

5.3.2 It is proportionate to the objective which it is intended to achieve.

5.4 The Authorising Officer **must** satisfy himself of this before granting the authorisation.

5.5 In particular the Authorising Officer must consider whether the activity could be carried out in an overt or less intrusive manner. If it could then this should be the preferred method.

### Collateral Intrusion

5.6 Before granting an authorisation an Authorising Officer **must** take into account the risk of intrusion into the privacy of persons other than those who are directly the subjects of the investigation or operation.

5.7 Wherever practicable measures should also be taken, to avoid or minimise unnecessary intrusion into the lives of those people. Where such collateral intrusion

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is unavoidable, the activities may still be authorised, provided this intrusion is considered proportionate to what is sought to be achieved. The same proportionality tests should be applied to anticipated collateral intrusion as to intrusion into the privacy of the intended subject of the surveillance.

5.8 All applications must include an assessment of the risk of collateral intrusion in the application form. To ensure that the Authorising Officer is properly able to consider this the application should include:

- The scope of the anticipated surveillance;
- The likelihood that any equipment or software deployed may cause intrusion on persons or property other than the subject of the application.

### Confidential Information

5.9 RIPA does not provide any special protection for “confidential information”.

5.10 Notwithstanding this, special care should be taken where the subject of the investigation or operation might reasonably expect a high degree of privacy or where confidential information may be involved.

5.11 Confidential information includes, matters subject to legal privilege, confidential personal information or confidential journalistic material.

5.12 For example special care should be taken with **surveillance** where it would be possible to acquire knowledge of discussions between a minister of religion and an individual relating to the latter’s spiritual welfare, or where matters of medical or journalistic confidentiality or legal privilege may be involved.

5.13 In cases where through the use of surveillance and/or CHIS, confidential information may be obtained, **only** the Chief Executive, or in his absence, a Director, may give authorisation.

### Application Forms

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- 5.14 All applications and authorisations **must** be made/granted on the relevant Home Office forms. Electronic copies of these forms are available on the Home Office website at <https://www.gov.uk/government/collections/ripa-forms--2>

If an officer has difficulty obtaining the correct form they should contact the Legal Department.

### Content of Application

- 5.15 The applicant must ensure that each application contains a **unique reference number** (“URN”). This must be inserted into the box at the top right-hand corner of the relevant form. This should include a reference to their department, the year, and the number of the application during that year. Authorising Officers should not authorise any application, which does not contain this.
- 5.16 Applicants must also ensure that they complete all boxes within the forms. If done properly this will ensure compliance with RIPA’s requirements. However, to ensure that there is full compliance the details of RIPA’s requirements are set out below.

### Application for Directed Surveillance

- 5.17 A written application for directed surveillance should include:
- 5.17.1 the reason(s) why the authorisation is necessary in the particular case and the ground(s) on which it is considered necessary pursuant to Section 28(3) of the Act. As set above the only ground on which the Council can now rely is “*for the purpose of preventing or detecting crime or disorder*”.
  - 5.17.2 the reasons why the surveillance is considered proportionate to what it seeks to achieve;
  - 5.17.3 the nature of the surveillance;
  - 5.17.4 the identities, where known of those to be the subject of the surveillance;

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- 5.17.5 an explanation of the information, which it is desired to obtain as a result of the surveillance;
- 5.17.6 the details of any collateral intrusion and why the intrusion is justified;
- 5.17.7 the details of any confidential information that is likely to be obtained as a consequence of the surveillance;
- 5.17.8 the level of authority required (or recommended where that is different) for the surveillance; and
- 5.17.9 a subsequent record of whether authorisation was given or refused, by whom, and the date and time.

### Application for the use of CHIS

- 5.18 An application for the use or conduct of a source should include:
  - 5.18.1 the reasons why the authorisation is necessary, and the grounds listed in section 29(3). Again, the only ground upon which the Council can rely is *“for the purpose of preventing or detecting crime where the offence is punishable by a maximum term of at least six months imprisonment”*;
  - 5.18.2 the reasons why the authorisation is considered proportionate to what it seeks to achieve;
  - 5.18.3 the purpose for which the source will be tasked or deployed;
  - 5.18.4 where a specific investigation or operation is involved, the nature of that investigation or operation;
  - 5.18.5 the nature of what the source will be tasked to do;
  - 5.18.6 the level of authority required (or recommended where different);

## APPENDIX 2

- 5.18.7 the details of any potential collateral intrusion and why the intrusion is justified;
- 5.18.8 the details of any confidential information that is likely to be obtained as a consequence of the authorisation; and
- 5.18.9 a subsequent record of whether authority was given or refused, by whom and the time and date.

### Duration of Authorisations

#### Directed Surveillance

- 5.19 A written authorisation granted by an Authorising Officer will cease to have effect (unless renewed) at the end of a period of **three months** beginning with the day on which it took effect.

#### CHIS

- 5.20 A written authorisation will unless renewed cease to have effect at the end of a period of **twelve months** beginning with the day on which it took effect.

### Reviews

- 5.21 Regular reviews should be carried out to assess the need for the authorisation to continue. Reviews should take place frequently if the source of surveillance provides confidential information or involves collateral intrusion.
- 5.22 The Authorising Officer must decide how frequently and when the reviews should take place. This should be as frequently as is considered necessary and practicable.
- 5.23 The Authorising Officer must use the appropriate form to complete the review, and the results of the review should be recorded in the central record of authorisations and retained for at least 3 years. Authorisations may be renewed more than once, if necessary and proportionate, and provided they continue to meet the criteria for authorisation.

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### Renewals

5.24 If at any time before an authorisation ceases to have effect an Authorising Officer considers it necessary for the authorisation to continue for the purpose for which it was given he may renew it for:

5.28.1 3 months (Directed Surveillance)

5.28.2 12 months CHIS

5.25 The renewal will take effect at the time at which, or the day on which the authorisation would have ceased to have effect but for the renewal.

5.26 An application for renewal of an authorisation should not be made until shortly before the authorisation is due to cease to have effect.

5.27 Any person who would be entitled to grant a new authorisation is able to renew an authorisation.

5.28 An authorisation can be renewed more than once as long as it continues to meet the criteria for authorisation.

5.29 The application for renewal must include:

#### Directed Surveillance

- Whether this is the first renewal of an authorisation on which the authorisation has been renewed previously;
- Any significant changes to the information included in the initial application;
- The reasons why the authorisation for directed surveillance should continue;
- The content and value to the investigation or operation of the information so far obtained by the surveillance; and

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- The results of regular reviews of the investigation or operation.

### CHIS

- Whether this is the first renewal or every occasion on which the authorisation has been renewed previously;
- Any significant changes to the information in the original application;
- The reasons why it is necessary to continue to use the source;
- The use made of the source in the period since the grant or, as the case may be, latest renewal of the authorisation;
- The tasks given to the source during that period and the information obtained from the conduct or use of the source; and
- The results of regular reviews of the use of the source.

5.30 **As with new applications judicial approval must also be sought after the Authorising Officer gives authorisation.**

### **Cancellations**

- 5.31 The Authorising Officer who granted or last renewed the authorisation **must** cancel it if he is satisfied that it no longer meets the criteria under which it was first granted.
- 5.32 The Authorising Officer must complete the relevant form to do so and pass the information to the legal department to be included on the central register.
- 5.33 In addition, when the decision is taken to stop surveillance, an immediate instruction must be given to those involved to stop all surveillance of the subject(s). The date and time when such an instruction was given should be recorded in the central register and on the cancellation form.

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- 5.34 There is no requirement for any further details to be recorded when cancelling a directed surveillance authorisation but effective practice suggests that a record should be retained detailing the product obtained from the surveillance and whether or not objectives were achieved.

### 6. AUTHORISING OFFICERS

- 6.1 The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 SI 2010 No. 521 provides that the Director, Head of Service, Service Managers, or equivalent officer may give authorisations for directed surveillance and CHIS under RIPA.

- 6.2 In light of the infrequent use made of RIPA and CHIS and based on advice given by the OSC, Ribble Valley Borough Council has resolved that it will have four Authorising Officers who will be the Chief Executive, Director of Community Services, Director of Resources and Director of Planning and Economic Development. These Officers will receive regular training to enable them to deal properly with all authorisations.

- 6.3 Moreover, applicants must submit their application to an Authorising Officer, from outside of their department.

### 7. RECORDS AND CENTRAL REGISTER

- 7.1 The Council's Legal Department will maintain a central record of all authorisations. This will be updated whenever an authorisation is granted, renewed, or cancelled.

- 7.2 The record will be retained for a period of at least **three years** from the end of the authorisation and will contain the following information:

7.2.1 the type of authorisation;

7.2.2 the date the authorisation was given;

7.2.3 Name and rank/grade of the authorising officer,

## APPENDIX 2

- 7.2.4 the unique reference number (URN) of the investigation or operation;
  - 7.2.5 the title of the investigation or operation, including a brief description and names of subjects, if known;
  - 7.2.6 details of attendances at the magistrates' court to include the date of attendances at court, the determining magistrate, the decision of the court and the time and date of that decision;
  - 7.2.7 the dates of any reviews;
  - 7.2.8 if the authorisation is renewed, when it was renewed and who authorised the renewal, including the name and rank/grade of the Authorising Officer;
  - 7.2.9 whether the investigation or operation is likely to result in obtaining confidential information as defined in this code of practice;
  - 7.2.10 whether the authorisation was granted by an individual directly involved in the investigation; and
  - 7.2.11 the date the authorisation was cancelled.
- 7.3 In respect of each step in the procedure Authorising Officers **must** retain all original documentation and **must** give to the legal department a copy of the following information:
- 7.3.1 the application, and authorisation together with any supplementary documentation and notification of the approval given by the authorising officer;
  - 7.3.2 a record of the period over which the surveillance has taken place;
  - 7.3.3 the frequency of reviews prescribed by the authorising officer;
  - 7.3.4 a record of the result of each review of the authorisation;

## **APPENDIX 2**

7.3.5 the renewal of an authorisation, given together with the supporting documentation submitted when the renewal was requested;

7.3.6 the date and time when any instruction to cease surveillance was given; and

7.3.7 the date and time when any other instruction was given by the authorising officer.

7.3.8 A copy of the order approving or otherwise the grant or renewal of an authorisation from a Justice of the Peace (JP).

7.4 For the avoidance of doubt the information set out above must be passed to the legal department contemporaneously to ensure that the Council's central record can be maintained and that the Council can therefore ensure that all authorisations are reviewed and cancelled in accordance with RIPA.

## **8 ERRORS**

8.1 The Council's Senior Responsible Officer will undertake a regular review of errors and a written record will be made of this review. In the event that relevant errors occur, the Council's Senior Responsible Officer will notify the Investigatory Powers Commissioner as soon as practicable and no later than 10 working days after it has been established that the error occurred and will have regard to Section 8 of the Code in doing so.

## **9. INFORMATION**

9.1 The Council will have regard to the guidance provided in the Code with regard to the relevant legislation, guidance and the Code when handling, storing, or disseminating information.

## **10. COMPLAINTS**

10.1 Complaints about the Council's use of investigatory powers can be made to:

The Investigatory Powers Tribunal

## APPENDIX 2

PO Box 33220  
London SW1H 9ZQ

### 10. APPENDICES

1.	Code of Practice on Covert Surveillance - <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742041/201800802_CSPI_code.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742041/201800802_CSPI_code.pdf</a>
2.	Code of Practice on Covert Human Intelligence Sources - <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742042/201800802_CHIS_code.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742042/201800802_CHIS_code.pdf</a>
3.	Home Office Guidance to local authorities in England and Wales on the judicial approval process for RIPA and the crime threshold for directed surveillance –  <a href="http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118173/local-authority-england-wales.pdf">*www.gov.uk/government/uploads/system/uploads/attachment_data/file/118173/local-authority-england-wales.pdf</a>

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**RIBBLE VALLEY BOROUGH COUNCIL  
REPORT TO POLICY & FINANCE COMMITTEE**

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Agenda Item No.

meeting date: TUESDAY, 17 JANUARY 2021  
 title: OMBUDSMAN ANNUAL REVIEW LETTER 2020  
 submitted by: MARSHAL SCOTT - CHIEF EXECUTIVE  
 principal author: MAIR HILL - HEAD OF LEGAL AND DEMOCRATIC SERVICES

**1 PURPOSE**

1.1 To inform Committee about referrals to the Local Government Ombudsman (LGO) for the period to 31 March 2020.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives - } The Council aims to be a well-managed Council.
- Corporate Priorities - } Complaints to the Ombudsman and the process of resolving complaints and responding to the Ombudsman's investigation, helps to improve the way the Council delivers services.
- Other Considerations - }

**2 BACKGROUND**

2.1 The Local Government Ombudsman Service publishes an annual review letter for each Council. A copy of this Council's annual review letter is attached as Appendix 1.

2.2 The annual review letter provides a summary of the following information:

- The number of complaints upheld
- Compliance with the Ombudsman's recommendations
- Satisfactory remedies provided by the authority

2.3 As can be seen from the attached report, the Ombudsman did not uphold any complaints during the period. As a consequence, no data is provided for the second two categories.

**3 RISK ASSESSMENT**

3.1 The approval of this report may have the following implications:

- Resources – N/A.
- Technical, Environmental and Legal – N/A.
- Political – N/A.
- Reputation – N/A.
- Equality & Diversity – N/A.

**4 CONCLUSION**

4.1 That Committee note the information as set out above.

MAIR HILL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

MARSHAL SCOTT  
CHIEF EXECUTIVE

BACKGROUND PAPERS

Annual Review Letter 2020:

<https://www.lgo.org.uk/documents/councilperformance/2020/ribble%20valley%20borough%20council.pdf>

For further information please ask for Mair Hill, extension 4418.

22 July 2020

*By email*

Mr Scott  
Chief Executive  
Ribble Valley Borough Council

Dear Mr Scott

### **Annual Review letter 2020**

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2020. Given the exceptional pressures under which local authorities have been working over recent months, I thought carefully about whether it was still appropriate to send you this annual update. However, now, more than ever, I believe that it is essential that the public experience of local services is at the heart of our thinking. So, I hope that this feedback, which provides unique insight into the lived experience of your Council's services, will be useful as you continue to deal with the current situation and plan for the future.

### **Complaint statistics**

This year, we continue to place our focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have made several changes over recent years to improve the data we capture and report. We focus our statistics on these three key areas:

**Complaints upheld** - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated. A focus on how often things go wrong, rather than simple volumes of complaints provides a clearer indicator of performance.

**Compliance with recommendations** - We recommend ways for authorities to put things right when faults have caused injustice. Our recommendations try to put people back in the position they were before the fault and we monitor authorities to ensure they comply with our recommendations. Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

**Satisfactory remedies provided by the authority** - We want to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to

resolving complaints. We recognise cases where an authority has taken steps to put things right before the complaint came to us. The authority upheld the complaint and we agreed with how it offered to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

This data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 29 July 2020, and our Review of Local Government Complaints. For further information on how to interpret our statistics, please visit our [website](#).

### **Resources to help you get it right**

There are a range of resources available that can support you to place the learning from complaints, about your authority and others, at the heart of your system of corporate governance. [Your council's performance](#) launched last year and puts our data and information about councils in one place. Again, the emphasis is on learning, not numbers. You can find the decisions we have made, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the tool with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

Earlier this year, we held our link officer seminars in London, Bristol, Leeds and Birmingham. Attended by 178 delegates from 143 local authorities, we focused on maximising the impact of complaints, making sure the right person is involved with complaints at the right time, and how to overcome common challenges.

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. During the year, we delivered 118 courses, training more than 1,400 people. This is 47 more courses than we delivered last year and included more training to adult social care providers than ever before. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,



Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

**Complaints upheld**

The Ombudsman carried out no detailed investigations during this period

**Compliance with Ombudsman recommendations**

No recommendations were due for compliance in this period

**Satisfactory remedies provided by the authority**

The Ombudsman did not uphold any detailed investigations during this period

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## **RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY & FINANCE COMMITTEE**

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meeting date: TUESDAY 19 JANUARY 2021  
 title: COVID-19 DELEGATED DECISIONS  
 submitted by: CHIEF EXECUTIVE  
 principal author: OLWEN HEAP

### 1 PURPOSE

- 1.1 To inform members of the decisions taken by the Chief Executive in consultation with the Leader, Deputy Leader and Leader of the Opposition under delegated powers given by the Emergency committee on 7 May 2020 with regard to the Local Government Act 1972, the Coronavirus Act 2020 and other legislation governing local authority decision making.
- 1.2 Relevance to the Council's ambitions and priorities:
- Community Objectives –
  - Corporate Priorities – To be a well-managed Council
  - Other Considerations – To safeguard the health and welfare of Members and officers of the Council.

### 2 BACKGROUND

- 2.1 The Committee system operated at Ribble Valley is predicated on Members physically coming together to make decisions in a public forum. The Council Leader and Leader of the Opposition, in consultation with the Chief Executive, agreed that the present Covid-19 pandemic, together with requirements under the Coronavirus Act 2020 and regulations made thereunder, mean that it was not advisable, reasonable or safe for the Council to continue to meet as normal. That being the case, it was necessary to put in place alternative decision-making processes for the Council which had to be within the context of the Local Government Act 1972, the Coronavirus Act 2020 and other legislation governing local authority decision making.
- 2.2 On 4 April 2020, the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ('the regulations') came into force, and will remain in effect until 7 May 2021.

### 3 ISSUES

- 3.1 The Council is required to have arrangements in place to continue to make necessary decisions. The most appropriate mechanism, based on the requirement to avoid social contact and public gatherings, and ADSO guidance for Councils that operate a Committee system of governance, was the delegation of decisions to officers.
- 3.2 It was agreed at the Emergency committee on 7 May 2020 that the Council delegate the following decision-making powers to the Chief Executive, or in his absence his

nominated deputies in consultation where appropriate with the Leader and the Leader of the Opposition.

- Power to take any decision on behalf of the Council which can lawfully be delegated to officers, subject where appropriate to the decision maker, before taking the decision, having taken appropriate steps to consult the Leader and Leader of the Opposition and if necessary the Chairman of the relevant Committee which would, save for the delegated power, have taken the decision
- Power to cancel Council, Committee or Sub-Committee meetings

3.3 At the Policy & Finance committee in November 2020 a number of decisions that had been taken were reported to members. Since that committee in November 2020 the following decisions have been taken under those powers

<b>DATE</b>	<b>COMMITTEE UNDER WHICH THE DECISION WOULD NORMALLY BE TAKEN</b>	<b>DECISION</b>
18.12.2020	Policy & Finance	Approval to pay Additional Restrictions Support Grants for the new Period 3 (2 December onwards)

#### 4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – Budgets either already approved or made available from Central Government.
- Technical, Environmental and Legal – None arising from this report
- Political – None arising from this report
- Reputation – None arising from this report
- Equality & Diversity – None arising from this report

#### 5 CONCLUSION

5.1 Committee note the decision made under delegated powers as outlined in paragraph 3.3 above.

OLWEN HEAP  
ADMINISTRATION OFFICER

MARSHAL SCOTT  
CHIEF EXECUTIVE

For further information please ask for Marshal Scott, extension 4400

REF: OMH/P&F/190121

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of the Local Government Act 1972.

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