

3 December 2012

Dear Councillor

COUNCIL MEETING

A meeting of the Council will be held at the Council Offices, London Road, Saffron Walden, on Tuesday, 11 December 2012 at 7.45pm, or at the conclusion of the public speaking session whichever is the earlier.

Yours faithfully

JOHN MITCHELL

Chief Executive

Commencing at 7.30pm, there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements subject to having given two working days prior notice.

A G E N D A PART I

- 1 Apologies for absence and declarations of interest.
- 2 To receive and approve the Minutes of the meeting held on 2 October 2012.
- 3 Business arising.
- 4 Chairman's announcements.
- 5 Matters of report from the Leader and members of the executive:
 - (i) Report from Councillor Chambers – Finance and Administration
 - (ii) Report from Councillor Walters – Community Safety

No other reports have been submitted.
- 6 Members' questions to the Leader, members of the executive and chairmen of committees (up to 15 minutes).

- 7 Matters received from the executive (standing item):
- (i) Recommendation from Cabinet on 20 November (Minute CA63) on final scheme proposals relating to Local Council Tax Support.
- 8 Matters received about joint arrangements and external organisations (standing item).
No items have been referred for consideration at this meeting.
- 9 Matters received from committees and working groups (standing item):
- i) Recommendation from the Licensing and Environmental Health Committee on 24 October 2012 (Minute LIC17) to approve a revised Statement of Licensing Policy as set out in the attached report submitted to that meeting.
- 10 To consider the following changes to the Constitution:
- (i) Amendments to the Access to Information and Executive Procedure Rules in part 4 of the Constitution adjourned under Procedure Rule 20.2 from the meeting on 2 October (refer to attached appendix setting out proposed revisions to these Procedure Rules).
 - (ii) The adoption of revised Codes and Protocols in part 5 of the Constitution adjourned under Procedure Rule 20.2 (refer to the attached report to the Standards Committee on 1 October 2012 setting out proposed revisions to the Codes of Practise: Probity in Planning and Probity in Licensing, and to the Code of Conduct).
- 11 To consider the following motion proposed by Councillor I Evans and seconded by Councillor J Loughlin:
- “This Council notes that the report of the Commission on Funding of Care and Support chaired by Andrew Dilnot was sent to the Chancellor of the Exchequer and the then Secretary of State for Health on 4th July 2010. The report recommended, inter alia:
- a) That a cap should be set on an individual’s contributions, and
 - b) That the upper threshold for means-testing should be raised

This Council calls upon Her Majesty’s Government to:

- i. Bring forward legislation to implement these two proposals without any further delay and
- ii. Ensure that the necessary funding provided to all local authorities is based upon the demographics of the eligible population rather than an arbitrary formula.

The Council calls on the Chief Executive to write to the Secretary of State for Health outlining these concerns.”

- 12 To consider the following motion proposed by Councillor J Cheetham and seconded by Councillor L Wells:

“This Council notes the Government’s intention to extend permitted development rights for householder extension applications as announced by the Secretary of State on 6 September 2012.

This Council believes that this change is unnecessary and dilutes the democratic control of sustainable and suitable development in our local area.

This Council states that democratically elected and accountable councillors are best placed to make the right decisions on development and evidence shows that councils across the country have a demonstrable record of achieving the correct balance between promoting sustainable and suitable development while having proper regard to residents’ objections.

This Council resolves to write to the Planning Minister and Sir Alan Haselhurst MP to highlight our concerns on this issue and also to propose that the Government uses the Growth and Infrastructure Bill to give councils the powers to set out permitted development rights locally, thereby allowing local policies to boost small scale development or facilitate change of use to stimulate growth in a way that caters to local needs and is accountable to local people.”

- 13 Any other items which the Chairman considers to be urgent.

To: All members of the Council.

Lead Officer: John Mitchell (01799 510400)

Democratic Services Officer: Peter Snow (01799 510430)

MEETINGS AND THE PUBLIC

Members of the public are welcome to attend any of the Council's Cabinet or Committee meetings and listen to the debate. All agendas, reports and minutes can be viewed on the Council's website www.uttlesford.gov.uk.

Members of the public and representatives of parish and town councils are now permitted to speak or ask questions at any of these meetings. You will need to register with the Democratic Services Officer by midday two working days before the meeting. An explanatory leaflet has been prepared which details the procedure and is available from the Council offices at Saffron Walden.

A different scheme is applicable to meetings of the Planning Committee and you should refer to the relevant information for further details.

Please note that meetings of working groups and task groups are not held in public and the access to information rules do not apply to these meetings.

The agenda is split into two parts. Most of the business is dealt with in Part 1 which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

You are entitled to see any of the background papers that are listed at the end of each report.

If you want to inspect background papers or speak before a meeting please contact either Peter Snow on 01799 510430, Maggie Cox on 01799 510369, Rebecca Dobson 01799 510433, or by fax on 01799 510550.

Agenda and Minutes are available in alternative formats and/or languages. For more information please call 01799 510510.

FACILITIES FOR PEOPLE WITH DISABILITIES

The Council Offices has facilities for wheelchair users, including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate.

If you are deaf or have impaired hearing and would like a signer available at a meeting, please contact Peter Snow on 01799 510430 or email psnow@uttlesford.gov.uk as soon as possible prior to the meeting.

FIRE/EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest designated fire exit. You will be directed to the nearest exit by a designated officer. It is vital you follow their instructions.

- You should proceed calmly, do not run and do not use the lifts.
- Do not stop to collect personal belongings.
- Once you are outside, please make your way to the flagpole near the visitor car park. Do not wait immediately next to the building.
- Do not re-enter the building until told to do so.

COUNCIL MEETING held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 2 OCTOBER 2012 at 7.30pm

Present: Councillor C Cant – Chairman.
Councillors K Artus, G Barker, S Barker, R Chambers, J Cheetham, D Crome, J Davey, P Davies, A Dean, R Eastham, K Eden, I Evans, M Foley, E Hicks, S Howell, A Ketteridge, J Ketteridge, M Lemon, J Menell, D Morson, E Oliver, E Parr, D Perry, V Ranger, J Redfern, J Rich, H Rolfe, J Rose, L Smith, A Walters, D Watson and P Wilcock.

Officers in attendance: J Mitchell (Chief Executive), M Perry (Assistant Chief Executive – Legal), R Harborough (Director of Public Services), S Joyce (Assistant Chief Executive – Finance), R Millership (Assistant Director Housing and Environmental Services), P Snow (Democratic and Electoral Services Manager) and A Webb (Director of Corporate Services).

C34 ACCREDITATION OF THAXTED PARISH COUNCIL AS A QUALITY PARISH

Margaret Grimster, Vice-Chairman of the Essex Association of Local Councils (EALC) was invited by the Chairman to speak on Quality parish status prior to the presentation of the award of accreditation to Thaxted Parish Council.

Mrs Grimster said that it gave her great pleasure to introduce the award as a long standing resident of Uttlesford. She said that Quality status lasted for four years and it was then possible for recipients to apply for re-accreditation.

In the case of Thaxted, the parish had presented a very comprehensive portfolio and the clerk had been able to demonstrate appropriate qualifications. Among the items presented in the portfolio were evidence of regular surgeries given by councillors, other methods of regular consultation with the electorate, availability of footpath leaflets, grants to community organisations, and a variety of other community projects.

The Chairman then presented the award to Councillors Ruth Ship and Terry Frostick. She said that it gave her great pleasure to make the award as it demonstrated a good standard of professionalism and met the increasing need for public bodies to achieve a high level of service to the electorate.

C35 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors H Asker, R Eastham, E Godwin, S Harris, T Knight, K Mackman, D Sadler and J Salmon.

Councillors S Barker and Chambers declared their interest as Members of Essex County Council and of Essex Fire Authority.

Councillors G Barker and S Barker said they had been granted dispensation to speak in respect of disclosable pecuniary interests and pecuniary interests in

respect of those matters and because they were married to each other. They would not declare these dispensations again.

Councillor Chambers said that he had been granted a dispensation in respect of his membership of the bodies mentioned.

Councillor Foley declared a non-pecuniary interest as a member of SSE.

C36 **MINUTES OF PREVIOUS MEETINGS**

The minutes of the meeting held on 1 July 2012 were received, approved and signed by the Chairman as a correct record.

C37 **BUSINESS ARISING**

(i) Minute 24 – Members’ question and answer session

Councillor Foley asked for an update about the future of Clarence House. The latest available information indicated that the County Council would retain control of the building until at least September 2013. A campaign in support of retaining Clarence House for community use had evolved into the Friends of Clarence House but progress was frustrated by the lack of information.

Councillor Chambers said that it was likely that Clarence House would stay in County Council ownership and he would do all that he could to help local campaigners.

Councillor Morson asked about progress towards a member workshop on the local plan consultation as he understood there had been delays in obtaining transport studies. Councillor Ketteridge confirmed that he had spoken to the Assistant Director of Planning and Building Control and that a workshop would take place.

Councillor Dean asked about the impact on affordable housing provision of the coalition Government’s recent initiative.

Councillor Redfern replied that every housing site was examined to ensure suitable affordable provision. Councillor Cheetham added that the Government had not yet consulted on this subject and the Council would make representations when this was done.

The Director of Public Services said that he could not recall any consultation and added that the proposed reduction in affordable housing provision would only apply where a development scheme would otherwise not be considered viable. He was not aware of any such developments in Uttlesford.

(ii) Minute 27 – Matters of report from members of the executive

Councillor Morson asked about the proposed revenues and benefits service partnership with Harlow as he understood that a meeting was to be held this month.

The Chief Executive confirmed that a Joint Partnership meeting was scheduled to take place on 16 October and that an updated report on costings would be presented for discussion.

Councillor Dean asked about the meeting between Councillor Cheetham and Theresa Villiers MP as the then Minister for Aviation in the light of the decision by the Government to review aviation policy and the possible consequences for future development at Stansted.

Councillor Cheetham said that she had met the minister in September and the position remained that expansion at Stansted had been ruled out for the duration of this Parliament. A meeting of STAAP had taken place recently to look at a draft response to the DfT's draft policy framework consultation and this would be submitted to cabinet for approval. The Council was already talking to the other partner authorities with a view to making joint representations.

Councillor Cheetham declared a non-pecuniary interest as a member of NWEHPA.

The Leader added that this was one of the principal reasons why adequate reserves were needed to fight any future expansion plans. All other options were for proposals that might follow after 2015.

C38

CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded members about the 33 Engineer Regiment's homecoming parade on 12 October and hoped that the returning troops would be given a warm welcome in Saffron Walden to show appreciation for the sacrifices they had made in Afghanistan.

She asked members to support the quiz on 23 October intended to raise funds for Marie Curie Nurses.

In conclusion, she referred to the opening of the Rowney Community Park at Carver Barracks which was the most spectacular play area she had ever seen. She urged members and their families to visit the park which had been supported by funding from Uttlesford and was open to all local residents. A framed certificate had been received in appreciation of the Council's support for this project.

C39

REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE

In referring to the Local Government Boundary Commission's review of the Council's warding scheme, the Leader said that two meetings of the Electoral Working Group had been held and outline proposals had now been circulated to all members for comment. The proposals would now be considered by the three political groups and the Working Group would meet again after the Police and Crime Commissioner election on 15 November to prepare a scheme for approval.

In view of the shortage of available time before the Council meeting on 11 December, it was now proposed to hold an extraordinary Council meeting on 9 January 2013 to agree a scheme for submission to the Boundary Commission.

The Independent Remuneration Panel had commenced its review of allowances to apply in 2013/14 and would shortly be circulating a survey to all members to gather evidence about the required structure and level of allowances to be proposed. He urged all members to participate in the survey.

He drew attention to the consideration by the Performance and Audit Committee of the Audit Commission's annual governance letter which had given an unqualified auditor's opinion and unqualified value for money report. The contents of the audit letter made pleasing reading as it endorsed the Council's financial management and the approach to maintaining reserves.

The Leader said that the Council's was now operating with a budget £2 million less than in 2008/09 and said this was a remarkable achievement given the fact that Council Tax had not risen for two years. He congratulated all members of staff in the finance department for this successful conclusion.

Councillor Chambers had submitted a written report and briefly summarised the main points covered. He said that the preparation of the Local Council Tax Support scheme would not be an easy exercise to undertake. The results of the recent consultation would be made available shortly.

He confirmed that the budget was on track with favourable balances forecast for both the General Fund and the Housing Revenue Account. The forecast GF surplus took no account of the impact of planning appeals. It was hoped that the HRA surplus would allow some new build schemes to be funded and members were encouraged to make suggestions.

Councillor Redfern said that she had been unavailable recently for personal reasons and thanked her deputy Councillor Ranger and housing officers for covering in her absence.

Notwithstanding the new build opportunities now available, she emphasised that five new houses had been built last year and eight further dwellings would shortly be built at Leaden Roding. The Mead Court Task Group was presently examining options for the redevelopment of that site and the resulting scheme would prove an asset to the community in Stansted.

Councillor Rolfe referred to his written report in the agenda pack and added some detail about the evaluation of the five additional town and parish grants being considered as part of the Jubilee Fund. He spoke briefly about the administration of the voluntary support grant scheme and stressed that the available funding was finite.

Councillor Lemon asked Councillor Rolfe to extend the consultation on the economic development strategy and he agreed to do so by one week.

Councillor Parr asked that suitable cold weather schemes should be in place as Uttlesford had a relatively high rate of avoidable deaths in the elderly age range.

Councillor Rolfe said that the figure concerned was just one among a range of statistics and reflected the diversity and rural nature of the district. The LSP was now focusing on the four new work streams and would shortly propose an action plan and further initiatives in support of older and vulnerable people.

Councillor Dean asked for an assurance that the Mead Court redevelopment was not yet finalised. He also asked Councillor Chambers to confirm that he was receptive to ideas about how to implement the Council Tax Local Support scheme.

On the first question Councillor Redfern said that any suggestions made would be taken into consideration by the Task Group and by the Housing Board.

On the second question, Councillor Chambers said that he would do everything possible to help local people in adjusting to the new system.

Councillor Menell drew attention to the community achievement awards evening on 18 October and hoped that all members would be able to attend.

C41

MATTERS RECEIVED FROM COMMITTEES AND WORKING GROUPS **(i) Constitution Working Group on 19 September 2012**

As Chairman of the Working Group, Councillor Menell proposed changes to the Access to Information and Executive Procedure Rules contained within part 4 of the Constitution to comply with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Having been seconded by Councillor Davey, the motion was adjourned without discussion to the next ordinary meeting.

The Leader said that the District Councils' Network had written to the Secretary of State drawing attention to the significant extra burden imposed by these regulations on local authorities at variance with the stated intention to reduce regulation.

(ii) Standards Committee on 1 October 2012

Councillor Lemon proposed, as Chairman of the Standards Committee, adoption of revised Codes and Protocols contained in part 5 of the Constitution. This was to accommodate changes made by the Localism Act 2011.

The motion was seconded by Councillor Cheetham and would now stand adjourned until the next ordinary meeting.

C42 **SCHEME OF DELEGATION OF COUNCIL FUNCTIONS**

Councillor Chambers presented a report explaining the need to amend the Scheme of Delegation of Council Functions to allow for certification of the Council's Business Rate Estimates.

RESOLVED to add to the Council functions delegated to the Assistant Chief Executive - Finance the words "To certify the Council's Business Rate Estimates".

C43 **MEMBERSHIP OF THE INDEPENDENT REMUNERATION PANEL**

Members received a report giving details of new appointments to the Independent Remuneration Panel and seeking approval for a payment to be made to the new shadow member.

Mrs Jacqueline Anslow had replaced David Murtagh as a full panel member from 1 August. Mrs Janet Pearson had been appointed in a shadow capacity from the same date and would replace the present chairman David Barron from April 2013.

RESOLVED that a payment of £250 be made to Mrs Janet Pearson during the period of her service as a shadow member of the Independent Remuneration Panel.

C44 **NOTICE OF MOTION**

Councillor Morson proposed, and Councillor Parr seconded, the following motion, of which notice had duly been given under Procedure Rule 10:

"Uttlesford District Council has a duty to be open and accountable to its residents. In order to ensure that it fulfils this duty, the LDF working group should be immediately disbanded and replaced with an open, accountable and accessible instrument. Due to the considerable public interest in the issues discussed at this forum, meetings should be held in the evening and made open to all councillors, members of the public and the press."

Councillor Morson said that he did not wish to rehearse the arguments that had led to the present deadlock between his group and the administration and wished only to focus on finding a way to mend relationships, both inside the Council and with local communities. His intention was to find a means of providing for further inclusion of the public and of other members in the local planning process.

Councillors were here to represent the interests of the District Council and its residents. He acknowledged that the location of housing within the district was a difficult matter and the motion proposed a balance that would allow all parties to be invited to the LDF Working Group.

He agreed that members had been invited to contribute and to speak at Working Group meetings but the administration had been remiss in not allowing Full

Council to determine aspects of the housing programme. The change of course to the hierarchy of settlements had not been agreed by Council and there should have been an opportunity to influence this policy change.

There had been no consultation on the way that development sites should be determined in the local plan and the published minutes had been very bland in content. He understood that this was intended to preserve commercial confidentiality but the effect had been that it was not a process open to all members.

Of 21 meetings only five had associated published background papers and there had been only three recommendations to cabinet during that time. One meeting in November 2011 had scheduled a report to Cabinet in December but that had not happened. He concluded accordingly that the process involving the working group was neither efficient nor effective.

He congratulated officers on the way they had organised and hosted the many exhibitions held during the consultation phases and acknowledged the contribution made by the area forum meetings. The consultation measures already taken were not a reason for not doing more.

All members wanted the best for Uttlesford and its communities. There was a clear tension among local communities about the processes adopted. The motion submitted provided a way of allowing people to come to meetings. Creating a framework to allow people to speak at meetings would help to regain the confidence of the public.

The Leader had been quoted extensively in the press. More of that debate should take place in the Council Chamber. This would require a change to the constitution to allow working group meetings to be held in public as other councils had already done. He concluded his remarks by saying that the effect of the motion would be to make the process more accountable.

Having seconded the motion, Councillor Parr spoke in support. She said that the motion would enable more openness and transparency as had happened at East Herts District Council where a district plan executive panel had been established.

She quoted a number of councils where public meetings had been adopted to consider the local plan process and said that a similar solution here would be more acceptable to the public.

The Leader responded to the motion. He said that working groups and task groups had formed part of the council for many years. They were not decision making bodies and recommended courses of action to the Council after due consideration.

The LDF Working Group had originally been established by the then Liberal Democrat administration with only five members. The membership had since been expanded to 12 and the administration had ensured it was politically balanced even though there was no requirement to do so. All members were invited to attend these meetings and no-one had ever been stopped from

speaking. A further meeting would be held on Friday and he had always valued the contribution of Liberal Democrat members. It was a matter for those members to decide whether to withdraw from meetings. To date no Liberal Democrat resignations had been received.

In support of his argument, the Leader quoted the example of the Strategic Development Advisory Group (SDAG) set up in 2004 by the Liberal Democrat administration. Councillor Dean had chaired the group for a time as had Councillor Wilcock. This body was created to consider, among other things, housing provision within the district, the content of master plans and LDF preparation work. It had been decided that SDAG would operate under Chatham House rules which involved non-disclosure of anything said at a meeting.

In contrast to these actions, there had been attacks by Liberal Democrat members over a long period of time about private meetings taking place and this clearly demonstrated a position of double standards.

Councillor Morson had supported the outcomes of LDFWG recommendations at Scrutiny Committee and Cabinet meetings and his about turn from a dispersal strategy was therefore inexplicable. He would be interested to see the alternative strategy offered by the Liberal Democrat group.

Councillor Cheetham said that the position at East Herts was totally different as that council was determining its core strategy and not deciding on the location or numbers of housing. East Herts had both a more up to date local plan and a full five year supply of land which was not the case in Uttlesford. In addition, they went into part 2 when commercially sensitive matters were discussed. The LDFWG had worked well and there has been more consultation than ever before, including leaflets to every house.

Councillor Rich said that he had attended meetings and never been stopped from speaking. He hoped that all groups felt included and expressed surprise at suggestions to the contrary.

Councillor S Barker said that she had been saddened to see the motion. She could not understand why the LDFWG was in any way different to other working groups operating internally and participating fully in policy formulation. Liberal Democrat councillors had been present at all meetings except one.

Councillor Lemon expressed sadness at the motion as he felt residents would be let down by a policy of non-attendance. It would prevent knowledgeable councillors from making a full contribution.

Councillor Dean said that the world had been a different place in 2004. To say that all working groups were accountable in some way was incorrect. He had conducted an analysis of LDF meetings and had found that 75% had not published any background papers. This was in contrast to the practice of other working groups. He was unclear for example how proposals had emerged from LDF meetings held at the end of 2011 to result in a Cabinet decision in May.

Councillor Ketteridge had tried to take him to the Standards Committee over comments made in the press. The complaint was subsequently withdrawn but it was not clear why.

The Chairman asked Councillor Dean to keep his remarks to the motion. He then concluded by saying there was a need for greater transparency. Members had not been treated fairly and the present process was not trusted.

Councillor Chambers said that Councillor Morson had proposed the dispersal policy at Scrutiny Committee and had now changed his mind. It was never possible to please everyone in policy making but councillors were elected to make difficult decisions and to do what was best for the district. He deplored any move by the Liberal Democrat group to politicise the LDF process and said the administration would keep politics out.

Councillor Rich again spoke to express astonishment at the volte-face performed by Liberal Democrat members following the Scrutiny meeting. Consideration of the LDF process was one open to all members and had been made more democratic under the present administration. It was disappointing that the Liberal Democrat group had pulled out of the process through announcements made in the press and the only consequence would be a further erosion of public confidence.

Councillor Rolfe said that Liberal Democrats had created a smokescreen to compensate for a lack of strategy. He asked Councillor Morson to state what his group's strategy was for the next 15 years. The process being followed by the LDFWG was perfectly legitimate and reflected the discussion of commercially sensitive information. Policy was submitted to Cabinet and ultimately Council as so had full accountability.

The two Liberal Democrat members had made an important contribution to the debate. Their withdrawal was sad from a political accountability viewpoint and had been questioned by parish councils.

Councillor Watson said that the LDFWG had been engaged in the most important decision to be made by the Council since 1974. What was decided would change the face of the district. He was opposed to the dispersal strategy but accepted the way the process was operating. The Liberal Democrat stance hinted at impropriety even though their members had previously supported the hierarchy of settlements. This was a cynical attempt to mislead the public.

Councillor Wilcock urged members to concentrate on the last three lines of the motion and to address the transparency issue. It was a straightforward motion the main point of which had not been addressed by most speakers and it was important to do so.

Councillor Morson then summed up the debate. He expressed disappointment with the personal and political tone of many of the comments made. He had tried not to denigrate the Conservative group and concentrate instead on the arguments. In August 2007 three options were under consideration but two weeks later option 4 had been produced from nowhere. He asked what had

happened at the meeting on 30 August 2012 to which only one of his group's LDF members had been invited?

One member had suggested that the press should denigrate the Liberal Democrat position but the press should be independent enough to listen to the facts and reach conclusions.

He had admitted his support for the dispersal strategy at Scrutiny Committee and this was now being used as an argument against his position. The fact was that he had been told this was a draft to be modified over time.

He referred to the position at East Herts and said that the public in Bishop's Stortford was being asked to look at different locations for development so there was no essential difference to the process at Uttlesford. This highlighted the failure of the Council to address the lack of a five year land supply instead of spending five wasted years on option 4.

Councillor Cheetham was invited to speak on a point of order to explain that the position on the five year land supply had been laid down by the Government and was a consequence of the nature of some permitted developments that had fallen behind the expected schedule.

Councillor Morson said that he did not wish to add anything further except to request a recorded vote.

Outcome of recorded vote:

For the motion: Councillors Cant, Dean, Evans, Foley, Morson, Parr and Wilcock

Against the motion: Councillors Artus, G Barker, S Barker, Chambers, Cheetham, Crome, Davey, Davies, Eden, Hicks, Howell, Jones, A Ketteridge, J Ketteridge, Lemon, Menell, Oliver, Perry, Ranger, Redfern, Rich, Rolfe, Rose, Smith, Walters and Watson

The motion was therefore declared lost by 26 votes to 7.

C45

ANY OTHER URGENT BUSINESS

Councillor Lemon proposed changes to the code of conduct as recommended by the Standards Committee on the previous day. The changes were required as a result of references to conflicts of interest in The local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The proposed amendments to the code had been tabled as part of the pack of 'to follow' information.

The Assistant Chief Executive - Legal explained the effect of the change which applied only to members of the executive.

The meeting ended at 9.10pm.

Portfolio Holder's Report to Full Council 11 December 2012

Councillor Robert Chambers – Portfolio Holder, Finance & Administration

Local Council Tax Support

On tonight's agenda is a report which asks the Council to approve the Local Council Tax Support Scheme (LCTS) for 2013/14.

We have listened to the people who responded to our consultation, many of whom expressed concerns about the hardship being caused by the Government's abolition of Council Tax Benefit and reduced funding for LCTS schemes.

The finalised scheme protects all pensioners and disabled people being protected from reductions in support, but working age non-vulnerable people would be required to pay more Council Tax, an average of £1.49 per week, compared with £6 per week under the original proposals.

2013/14 Budget Planning

On 20 November the Cabinet approved a strategy for drawing up next year's budget.

The Cabinet intends to recommend a Council Tax cut of 1% when the Council considers the budget in February. This follows a freeze in the district Council Tax in each of the past two years. Taking into account inflation over this period, by next April, the district Council Tax will have been cut in real terms by 10%.

On 4 December, the Scrutiny Committee received an interim report on the budget setting process, and discussed the issues they will be considering when the final budget proposals are brought forward in February. I look forward to continuing this dialogue with the Committee.

I would encourage all Members to contribute their suggestions for the budget, council priorities – and non-priorities.

Councillor Robert Chambers
30 November 2012

COMMUNITY SAFETY REPORT – COUNCIL MEETING 11th DECEMBER 2012

1. INTRODUCTION

The Community Safety portfolio includes policing in Uttlesford, the Community Safety Partnership, Licensing, Enforcement, Highways Panel and Highway Rangers. At a previous Council meeting, I reported to members about the work of Highway Panel and activities of the Highway Rangers, so for this report I will briefly update members on CSP (Community Safety Partnership) and Uttlesford policing.

2. COMMUNITY SAFETY PARTNERSHIP

The Uttlesford CSP comprises the following agencies: Uttlesford District Council, Essex Police, Essex Fire & Rescue Service, and Essex Probation Service. The group is chaired on a rotating annual basis by the agencies and is currently being chaired by the Fire & Rescue Service.

The Partnership is part of the structure of community safety initiatives in the district, which include Neighbourhood Watch, Pub Watch and Farm Watch. It is funded by UDC, Essex Police and Essex Fire Service.

3. PARTNERSHIP PLAN

The Partnership Plan is being revised and slimmed down to demonstrate how the good work that is being undertaken is achieving the CSPs priorities, which are:

- Reducing anti-social behaviour.
- Increasing community confidence.
- Reducing violent crime (including domestic burglary).
- Reducing killed and seriously injured in road traffic accidents.
- Reduce the human, financial and environmental impact of fire.

4. COMMUNITY SAFETY 3 CORE PROJECTS

Crucial Crew – Life skills. Held every June each year, for all Year 6 (11 years old) pupils in Uttlesford. Covers theft and consequences of action, graffiti/ASB, bullying, danger of fire, danger of railways, road safety advice etc.

Reality Roadshow – Awareness, Personal and Road Safety.

Held in March each year for all Year 9 (13 years old) pupils in Uttlesford. Covers law and ASB, road safety advice, sexual health, dangers of smoking and how to stop, dangers of drugs and alcohol etc.

Motorwise – Driving skills, awareness and the law. Held in September every year for all Year 11 (16/17 years old) pupils in Uttlesford. Covers law quiz (choices/consequences), dangers of speed/alcohol/reckless driving, dangers of HGVs/turning circles/braking distances.

In addition to the above, it is planned to introduce a “Crucial Crew” for the elderly. There would be an input from Essex Police, giving advice re bogus callers and security, and from Essex Trading Standards, CAB, Papworth Trust, Mobility and from Essex Fire Service for potential hazards in the home.

5. UPDATE ON CCTV SCHEMES

To support Essex Police, UDC will have invested circa £180,000 this financial year in providing new CCTV schemes, with cameras and recording equipment that will provide evidential quality images, night and day, to assist the police in the identification of those carrying out criminal acts and Anti-Social Behaviour.

New CCTV equipment has been installed in Great Dunmow and shortly in Saffron Walden, Stansted Mountfitchet and Felsted.

As part of the Quality Taxi Partnership scheme, CCTV has been installed in a number of taxis.

6. COMMUNITY SPEED WATCH

There are eleven Community Speed Watch groups active in the district. Following the CSW events held outside Clavering and Little Hallingbury schools in March, three new CSW groups are to start up, plus interest from other towns/villages who have asked for information. Consideration is being given to setting up a Community Speed Watch in Great Chesterford.

7. WEST ESSEX CSP'S WORKING TOGETHER

West Essex Night Time Economy meetings held in Harlow, and it is likely the group will re-brand itself as the Harlow NTE group. Consideration is to be given towards forming an Uttlesford/Braintree NTE group, or even a north Local Policing Area NTE group.

8. STRATEGIC ASSESSMENT

Due to the introduction of the Police and Crime Commissioner, all CSPs in Essex have been reviewing how Strategic Assessments should be presented. It has been agreed that for 2013 onwards Strategic Assessments will be compiled by local policing areas (LPA) and Uttlesford is part of the North Local Policing Area. There will be three Strategic Assessments produced and one overarching county wide Essex assessment (an executive summary). It is hoped that it will be easier for the new PCC to use an overarching assessment, but to still have access to the 3 LPA S A's. All the CSP's within each of the 3 LPA will have a section in which they can detail their specific priorities, which are unique to their area etc.

9. NEIGHBOURHOOD POLICING IN UTTLESFORD

From April to October this year, Uttlesford has had a significant Anti-Social Behaviour reduction of 11.9%. There has been a 12.5% reduction (32 offences) in minor assaults and public order offences. This appears to reflect the increased emphasis on effective 'night time economy' patrols, especially in Saffron Walden, and targeting of repeat offenders within the community. Extra operations and targeted foot patrols during the recent Halloween and Bonfire night period reduced ASB reports to only two.

There has however been an increase of 18% (40 offences) in vehicle crime, with a significant number of these being catalytic thefts earlier in the year. Unfortunately, vehicle crime persists with much being the result of owners leaving doors unlocked.

Uttlesford Neighbourhood Policing Team has coped well with the changes imposed by 'Operation Blueprint' and budget cuts. However, they have found that the

supporting availability of the Response and Patrol teams, since it moved from Dunmow to Braintree, has been less than expected, as demand has drawn them away to 'busier' areas.

This is a situation that I will be carefully monitoring over the next few months.

This year's police target had aimed Uttlesford at third place behind Maldon and Rochford District Councils. However, Uttlesford's crime levels are currently significantly less than Rochford's, placing us in second place for now.

A very good result to end this report.

Committee: Full Council

Agenda Item

Date: 11 December 2012

7

Title: Local Council Tax Support Scheme

**Author: Councillor Robert Chambers
Portfolio Holder, Finance & Administration**

Item for decision

**Stephen Joyce
Assistant Chief Executive - Finance**

Summary

1. On 20 November, the Cabinet decided its final recommendations for Uttlesford's Scheme of Local Council Tax Support (LCTS). LCTS replaces Council Tax Benefit with effect from 1 April 2013.
2. The Council is required to make the final determination, and is requested to endorse the Cabinet's recommendations. The documentation considered by the Cabinet accompanies this report.
3. Since 20 November, there have been some important developments which require certain key principles to be endorsed by the Council. None of these affect the design of the LCTS scheme itself.

Recommendations

4. The Council is recommended by the Cabinet to approve:
 - a) The UDC LCTS Scheme as set out in paragraph 43 of the attached report, pursuant to Section 13A & Schedule 1a of the Local Government Finance Act 1992 (as amended)
 - b) Confirmation that council tax discounts for Empty Homes and Second Homes will be unchanged for 2013/14, with a view to reviewing the discounts for 2014/15.
 - c) UDC General Fund base budget funding for additional Recovery team resource of up to £40,000 (less any external contributions received)
 - d) UDC General Fund base budget funding for exceptional hardship relief of up to £10,000 (less any external contributions received)
 - e) Authority for the Assistant Chief Executive – Finance to submit a claim to DCLG for Transition Grant Funding.
5. The Council is recommended to endorse the existing and continuing disregard of all war pensions and Armed Forces Compensation Scheme payments from the assessment of a household's eligibility for support under the existing Housing & Council Tax Benefits system and the future LCTS scheme.

Financial Implications

6. The financial implications relating to the proposed LCTS scheme are set out in the attached report. In summary:
 - For 2013/14, an estimated net direct cost of £212,000, to be funded from the UDC LGRR contingency reserve. This is a one-off cost, during 2013/14, the scheme is to be reviewed so ensure ongoing financial sustainability from 2014/15.
 - With effect from 2013/14, ongoing costs of administering the scheme are £50,000 per year, comprising £40,000 of Recovery team resource and £10,000 of exceptional hardship support. These will be a cost to the General Fund budget. At the time of issuing this report, discussions were ongoing with ECC, Police and Fire regarding the potential for them to contribute towards these costs.
 - In addition, collection losses are forecasted to arise, the UDC share of which is estimated at £5,000 per year. This is a cost to the General Fund budget.
7. Subject to the Local Government Finance Settlement (provisional announcement expected week commencing 17 December), the Council expects to receive £160,000 of funding intended for distribution to town & parish councils. Income and expenditure to this level are consistent with the budget forecast and outlook for 2013/14 approved by the Cabinet on 20 November. The estimated cost of funding needed to ensure financial neutrality for town & parish councils is £194,000. Once the final Government figure is known, the difference will be an additional call on the Council's LGRR contingency reserve. The review of the scheme during 2013/14, to ensure ongoing financial sustainability from 2014/15, will need to take this aspect into account.
8. As noted above, the intention is to review the scheme during 2013/14, and make adjustments as necessary to ensure ongoing financial sustainability from 2014/15, including possible adjustments to Second & Empty Homes discounts.

Background Papers

9. Before the Council meeting a detailed technical document setting out the LCTS scheme in a form compliant with statutory regulations will be available on the Council's website at www.uttlesford.gov.uk/lcts. Copies are available to Members upon request.

Impact

Communication/Consultation	Detailed in the attached report
Community Safety	No specific issues.
Equalities	Equalities Impact Assessment is appended to the attached report.
Health and Safety	No specific issues.
Human Rights/Legal Implications	It is a legal requirement to adopt an LCTS scheme, or a default scheme will be imposed by LCTS.
Sustainability	The scheme will be reviewed in 2013/14 to ensure ongoing sustainability from 2014/15.
Ward-specific impacts	No specific issues.
Workforce/Workplace	The scheme will require additional resources in the recovery team.

Endorsement of war pensions disregard (and related items)

10. Recently emerged is best practice guidance to the effect that the Full Council should explicitly endorse the treatment of certain items in the existing Housing & Council Tax Benefits scheme, and future LCTS scheme. In particular, the disregarding of all income from war pensions and Armed Forces Compensation Scheme payments from the assessment of a household's eligibility for support.
11. This disregarding has been a feature of UDC's Housing & Council Tax Benefits arrangements and there were no plans to change this in the LCTS scheme, however this has not been explicitly mentioned until now. The Council is therefore recommended to formally endorse this element of the scheme.

Parish Taxbase adjustments

12. On 26 November, the Government announced its final decisions on its proposals regarding the technical calculations of LCTS taxbase adjustments and their effect on town & parish taxbase figures, and by association, town & parish precepts.
13. The Government had proposed arrangements by which town & parish taxbase figures and precepts would not be affected by LCTS. 94% of respondents to the consultation, including 97% of parish councils who responded, agreed with the proposals.
14. Surprisingly, the Government has not accepted the consultation results or stuck with its own proposal, and has made a decision that town & parish taxbase calculations should be adjusted to take account of the effect of LCTS discounts. LCTS discounts will reduce the taxbase, in the same way as Single Persons Discounts and Second/Empty Homes discounts do currently.

15. The Government intends that district councils will distribute funding to town & parish councils to compensate for the reduction in their taxbase. This should in turn avoid excessive increases in parish Band D figures, and reduce the risk of referenda.

16. On 29 November, officers discussed this issue with the Leader and the Finance Portfolio Holder. It was concluded that the most appropriate course of action was to distribute funds to town & parish councils in such a way as to ensure that they are neither advantaged or disadvantaged by the LCTS taxbase adjustments. The other effect should be that the parish Band D figure is not affected by these adjustments either. The Council is recommended to endorse this principle.

17. An example of this principle is below.

2012/13		2013/14 without UDC funding	2013/14 with UDC funding	
Parish precept	£12,000	£12,000	Parish income requirement	£12,000 (no change)
			UDC funding	-£3,000
Taxbase	400	300 (smaller figure due to LCTS discounts)	Parish precept	£9,000
			Taxbase	300
Parish Band D figure	£30.00	£40.00 33% increase	Parish Band D figure	£30.00 No change

18. Calculations suggest that the total UDC funding required to achieve neutrality in each town/parish is £194,000 which compares with the anticipated Government funding being made available of £160,000.

19. In summary, the Leader has endorsed the principle that town & parish councils should not be advantaged or disadvantaged by technical changes to town & parish taxbase calculations. The Leader has authorised the Assistant Chief Executive – Finance, in consultation with the Finance & Administration Portfolio Holder, to implement a method of distributing funds to town & parish councils consistent with this.

Major preceptors - possible income sharing deal

20. Billing authorities such as UDC have discretion to vary second homes and empty homes discounts (and to levy an empty homes premium) in order to generate more income from Council Tax. This discretion is known as making “technical changes”.

21. Ministers have suggested that technical changes could be a means of replacing cuts in Government funding for LCTS, and therefore would minimise the additional hardship borne by low-incomed working age households.

22. Although some authorities are making technical changes for 2013/14, many including UDC and some other Essex districts have felt that implementing mandatory LCTS changes was a considerable challenge in itself, and that making discretionary changes to other discounts at the same time could be unmanageable.
23. In the case of Essex districts and UDC, this position was adopted in the absence of any offer from major preceptors (County, Police and Fire) to give districts a financial incentive to make technical changes, by allowing districts to retain a greater than usual share of the resulting increase in Council Tax income.
24. On 20 November, the Cabinet decided to recommend that the Council should not make technical changes in 2013/14, however a review should be carried out during 2013/14 with a view to making changes in 2014/15. This review would be part of the process to ensure that the LCTS is financially stable on an ongoing basis.
25. On 30 November, the County Council emailed proposed terms of a new income sharing arrangement between districts and County, Police and Fire. The offer is to share 25% of the net additional income from technical changes. The offer is for 2013/14 only, but with an expectation that it would roll on for future years if it proves to be successful.
26. As recently as meetings in October, and in the County Council's own response to UDC's LCTS consultation, there was no mention of an income sharing offer being made. Several districts have already completed their decision making processes and all others are doing so imminently. To receive an offer at this late stage potentially entails last minute revisions to carefully worked out proposals. It also means that the opportunity to consult with affected households has been missed, and the extensive planning and resourcing of what is a major change affecting up to 3,700 households would potentially have to be rushed.
27. Nevertheless it is necessary that the Council makes a decision about whether to make technical changes in full knowledge of a possible income sharing deal.
28. The total gross annual value of second homes discounts, empty homes discounts and empty homes premiums is £813,000 out of which officers estimate that a maximum of c.50% could be realised as additional council tax income by reducing the discounts. The total possible yield is therefore estimated at £400,000. Without an income sharing deal in place, ECC would receive 72.2%, Police 9.1%, Fire 4.4% and UDC 14.3%.

29. The following table summarises the possible additional income:

£000	UDC	ECC	Police	Fire	Total
No income sharing deal	57	289	36	18	400
Major preceptors transfer 25% to district	142	217	27	14	400

30. The costs to UDC of administering the reduced discounts and the consequent increase in recovery work is estimated at around £75,000 per year so it can be seen that without an incentive from the major preceptors, there is not a strong business case for UDC to unilaterally make the technical changes. Income sharing by the major preceptors makes this potentially attractive.

31. Officers have discussed this issue with the Leader and the Finance Portfolio Holder. It was concluded that the Cabinet's recommended course of action remains appropriate i.e. not to make technical changes in 2013/14 but to carry out a review for 2014/15. Despite the possibility of income sharing, the late notice compromises the Council's capacity to consult and implement this change properly.

32. Another factor is the longevity of any deal made. The County Council indicated that the offer is for 2013/14 only, but with an expectation that it would roll on for future years if it proves to be successful. Clearly this is not an unequivocal guarantee.

33. There is an existing agreement with the County Council to share the income arising from the decision taken a few years ago to reduce second homes discounts from 50% to 10%. The agreement is based on a 50/50 share of the County's proportion, and is worth £45,000 of additional income to UDC this year. 2012/13 is the first year of a three-year deal, but the County has advised that this is to end after 2012/13, to be superseded by the new proposed agreement. The County has asked districts to waive the contractual requirement to give four months notice of terminating the agreement.

34. Given that the proposed UDC LCTS scheme entails a discretionary subsidy of the scheme of £212,000, in order to fulfil the 'cost neutral' principle agreed with major preceptors, in the event of the existing second homes deal being withdrawn prematurely the Council would need to consider an adjustment to the discretionary subsidy being offered.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Detailed in the risk assessment in the attached Cabinet report			

Committee: Cabinet

Agenda Item

Date: 20 November 2012

7

**Title: Local Council Tax Support -
final scheme proposals**

Portfolio Holder: Councillor Robert Chambers

Key decision: No

Summary

1. This report asks Cabinet to determine its recommendations to Full Council for the adoption of an Uttlesford Scheme of Local Council Tax Support (LCTS). LCTS replaces Council Tax Benefit from 1 April 2013, with reduced Government funding. Failure to adopt local schemes would result in the Government imposing a default scheme.
2. The Council has been working with its partners across Essex to develop a common set of principles. The most significant of these is the pan-Essex agreement that schemes will be “cost neutral”: this means that the major preceptors, Essex County Council, Essex Police and Essex Fire, should not be financially disadvantaged.
3. The Cabinet developed its draft proposals at its meetings on 21 June and 2 August. In summary, the draft proposals would ensure that pensioners and vulnerable working age households would be protected against adverse changes. Non-vulnerable working age households would be required to pay more Council Tax from April 2013 – an average of around £6 per week. Increased allowances for earned income would be given, to provide an explicit work incentive. Changes to the treatment of other income and savings would be made. UDC would be required to subsidise the scheme to ensure that the scheme was cost neutral for County, Police and Fire.
4. The proposals have undergone a consultation process. The consultation responses include a strong body of opinion that feels the Government policy in this area is unfair, and many respondents are opposed to the principle of cutting financial support for low income households. Responses from people directly affected indicate that hardship would be suffered and quite understandably such people oppose the proposals.
5. On 18 October, without any prior indication that such a thing was being considered, DCLG announced a Transitional Grant fund of £100 million. A voluntary scheme, Councils who decide to adopt LCTS schemes which ensure that people currently on full Council Tax Benefit will only pay a maximum of 8.5% of their Council Tax bill under LCTS, are eligible to receive grant. The Secretary of State characterised the transition scheme as councils ‘doing the right thing.’ The transition funding is one-off, for 2013/14 only.

6. After careful consideration of the consultation responses, and the late development of the Transition Grant scheme, the Administration and Officers feel that there is sufficient justification to conclude that the Council's draft LCTS proposals should be amended in line with the Transition proposals.
7. As a result, the Cabinet is asked to support an Uttlesford LCTS scheme that ensures people currently on full Council Tax Benefit will only have to pay up to 8.5% of their Council Tax Bill next year. On average this is around £1.50 per week as compared with £6 per week under the draft proposals.
8. The other key parts of the draft proposals are not being amended e.g. protection for pensioners and vulnerable (disabled) people will be a feature, and the work incentive remains. In order to hit the 8.5% limit, some of the more detailed proposals are amended e.g. savings limits and treatment of child benefit and child maintenance income.
9. If adopted by the Council, the LCTS proposals would entitle the Council to claim an additional £96,000 of Government funding. To ensure cost neutrality for County, Police and Fire, the Council would need to provide a one-off subsidy of £212,000, funded from the LGRR contingency reserve.
10. During 2013/14, the scheme will be reviewed with a view to ensuring ongoing financial sustainability from 2014/15. It is envisaged that adjustments to council tax discounts for second homes and empty homes would result in additional council tax income being collectible that could be used to offset LCTS costs. Depending on the availability of further DCLG funding, the Council may need to consider amending the 8.5% limit for 2014/15.
11. This approach ensures that the additional financial burden falling upon low-income working age households is phased in over at least a two year period; additional Government funding is drawn down and the Council can be said to be 'doing the right thing'.

Recommendations

12. The Cabinet is requested to recommend that Full Council approves the following at its meeting on 11 December:
 - a) The Equalities Impact Assessment at Appendix F
 - b) The UDC LCTS Scheme as set out in paragraph 43, pursuant to Section 13A(2) of the Local Government Finance Act 1992 (as amended)
 - c) Confirmation that council tax discounts for Empty Homes and Second Homes will be unchanged for 2013/14, with a view to reviewing the discounts for 2014/15
 - d) UDC General Fund base budget funding for additional Recovery team resource of up to £40,000 (less any external contributions received)

- e) UDC General Fund base budget funding for exceptional hardship relief of up to £10,000 (less any external contributions received)
- f) Authority for the Assistant Chief Executive – Finance to submit a claim to DCLG for Transition Grant funding.

13. The Cabinet is recommended to approve alterations to the Executive Scheme of Delegation as summarised in paragraph 68.

Financial Implications

14. The following table shows the estimated costs and funding arising from the LCTS proposals, and the distribution of costs between UDC, County Police and Fire. It shows that in 2013/14 the total costs under the revised proposals are £21,000 higher than under the draft proposals. This is felt to be justifiable given that under the revised proposals, the impact on low income working age households will be much less severe.

£m	Note	2012/13	2013/14 Draft proposals	2013/14 Revised proposals	2014/15 onwards Indicative
Council Tax Benefit	(a)	3.971	-	-	-
Council Tax Benefit subsidy	(a)	-3.971	-	-	-
LCTS discounts	(b)	-	3.560	3.862	Tbc
Provisional Government funding	(c)	-	-3.554	-3.554	Tbc
DCLG transition grant	(d)	-	-	-0.096	Tbc
Additional income from reducing empty/2 nd home discounts	(e)	-	-	-	Tbc
Net direct cost of scheme	(f)	0.000	0.006	0.212	0.000
Recovery Team resource	(g)	-	0.040	0.040	0.040
Exceptional hardship support	(h)	-	0.025	0.010	0.020
Estimated collection losses	(i)		0.206	0.036	0.075
TOTAL COSTS		0.000	0.277	0.298	0.135
ECC share of collection losses	(j)	-	0.149	0.026	0.054
Police share of collection losses	(j)	-	0.019	0.003	0.007
Fire share of collection losses	(j)	-	0.009	0.002	0.003
UDC share of total costs	(k)	0.000	0.100	0.267	0.071
Funded by:					
Use of LGRR reserve	(k)	-	0.006	0.212	-
UDC General Fund budget	(k)	-	0.094	0.055	0.071

Notes

- (a) Some residual CTB costs and CTB subsidy adjustments may arise in 2013/14 and subsequent years e.g. if retrospective adjustments are required to CTB awards given in previous years, or if adjustments arise from the external audit process.
- (b) Estimated cost of granting LCTS discounts based on UDC proposals, as amended. This is based on CTB caseload as at 8 October 2012. No allowance has been built in the estimates for Council Tax increases or caseload increases. Current trends indicate a slight caseload reduction; Council Tax increases, if any, could increase costs by up to 1%-2%.
- (c) Based on Government announcements of provisional funding in the Summer, and apportionments for Uttlesford district produced by Essex County Council. The actual figure is expected in mid-December when the Local Government Finance Settlement is published. It represents an approximate 10% cut from CTB funding levels. LCTS funding will be cash limited i.e. Councils bear the financial risk of LCTS costs increasing.
- (d) The Transition Grant is a confirmed figure that the Council will receive if its LCTS scheme meets the Government criteria.
- (e) It is intended that second homes and empty homes discounts will be reviewed during 2013/14, with a view to making changes from 2014/15. Current gross annual cost of the discounts is around £0.8 million. Additional Council Tax income could be generated by reducing the discounts, and this could be used to fund the LCTS scheme. The intention is that from 2014/15, the net direct cost of the LCTS scheme shall be zero, achieved by a combination of reduced discounts, LCTS scheme amendments and Government funding.
- (f) The net direct cost needs to be funded by UDC to ensure that the pan-Essex cost neutral agreement is met. The 2013/14 figure is a one-off cost to be funded from the UDC LGRR Contingency reserve. This figure may vary slightly if caseload levels change. The net cost would increase if major preceptors increase their Council Tax level, but any LCTS cost directly attributable to such increases would not be funded by UDC.
- (g) LCTS will mean that many low income households will be required to pay more Council Tax, in some cases, paying something for the first time. In order to minimise collection losses, proactive engagement with these households will need to take place, and resource intensive recovery work. The figure of £40,000 is for one full time officer plus associated overheads. This is a cost for the UDC General Fund, however funding contributions have been requested from County, Police and Fire. If granted, this would mean that the cost falling upon UDC would be lower. A meeting at ECC is scheduled for 27 November to consider this item.

- (h) It is inevitable that in a small number of cases, exceptional circumstances will arise that will require discretionary additional financial support. This is similar to existing schemes relating to Housing Benefit. This is discussed in more detail in the body of the report below. Again, funding contributions have been requested from County, Police and Fire.
- (i) Even with investment in recovery team resource, it is inevitable that some of the Council Tax we attempt to collect from low income households will prove not to be collectible and will be written off. The amount is much lower under the revised LCTS proposals because the amounts to be collected are much smaller, and shall be easier for people to pay, and for the Council enforce through the Courts if necessary.
- (j) Collection losses will affect all major preceptors in proportion to their share of the Council Tax bill: 72.2% for County, 14.3% for UDC, 9.1% for Police and 4.4% for Fire. Parishes are unaffected.
- (k) The total cost falling upon UDC; the one-off subsidy of the direct scheme cost to be met from the LGRR Contingency Reserve, and the balance from the General Fund budget.

15. Implementation costs: the Council's software supplier will charge £62,500 to develop the necessary LCTS module. Since March 2012 the Council has employed a project officer until June 2013, at the cost of £48,000 per annum, total cost £64,000, giving total direct implementation costs of £126,500. The Government has provided one off funding of £84,000 and indicated that more funding may be given, but nothing further has been advised. Any net costs arising will be funded from the LGRR Contingency Reserve.

Background Papers

- 16. A detailed technical document setting out the LCTS scheme in a form compliant with statutory regulations will be available on the Council's website by the 11 December Council meeting and will be available to Members upon request.

Impact

Communication/Consultation	Detailed in the report
Community Safety	No specific issues.
Equalities	Equalities Impact Assessment attached to this report.
Health and Safety	No specific issues.
Human Rights/Legal Implications	It is a legal requirement to adopt an LCTS scheme, or a default scheme will be imposed.
Sustainability	The scheme will be reviewed in 2013/14 to endure ongoing sustainability from 2014/15.
Ward-specific impacts	No specific issues.
Workforce/Workplace	The scheme will require additional resources in the Recovery Team.

Local Council Tax Support - overview

17. Since 1993 Council Tax Benefit (CTB) has been a means-tested benefit, administered by billing authorities such as district councils, to help households on low incomes pay their Council Tax bill.
18. CTB is administered in strict accordance with national statutory regulations, that determine eligibility and levels of support. The Government reimburses billing authorities for the expenditure incurred, subject to an external audit process.
19. The Government has enacted legislation that abolishes CTB with effect from April 2013. Instead, billing authorities are required to design their own schemes of Local Council Tax Support (LCTS). The Government will allocate a cash-limited sum to each authority, of approximately 90% of current CTB funding levels. The 10% funding cut needs to be absorbed by councils, or most commonly, recovered by reducing the amount of support low income households receive.
20. Government has prescribed that pensioner CTB claimants should be protected from reductions in support. The reductions therefore fall upon working age claimants.
21. This is part of the Government's strategy to reduce the cost of welfare and benefits, and to provide additional incentives to people of working age to get off welfare and into work. The LCTS framework also gives councils direct financial incentives to improve their local economies, to minimise the number of people claiming LCTS. The cash limited LCTS funding passes risk onto Council but also opportunities should claimant levels reduce.
22. LCTS has been the subject of three previous Cabinet reports, on 10 May, 21 June and 2 August, through which has evolved the development of draft proposals for an Uttlesford LCTS scheme. This has been drawn up in conjunction with other Essex billing authorities, to share best practice and ensure commonality where appropriate, and in consultation with the major precepting authorities of Essex County Council, Essex Police and Essex Fire, as LCTS schemes will have a direct effect on their own budgets.
23. The UDC LCTS Scheme has been drawn up pursuant to Section 13A(2) of the Local Government Finance Act 1992 (as amended).

UDC Draft Proposals

24. The following are the draft proposals agreed by the Cabinet on 2 August and were consulted upon:

- Pensioner claimants to be protected from the changes
- Vulnerable working age claimants to be protected, defined as:
 - Claimant, partner or dependent receives DWP Disability Living Allowance and/or Personal Independence Payments
 - Claimant or partner receiving Carers Allowance
 - Claimant or Partners is Registered Blind
- Non-vulnerable working age CTB claimants will see a reduction in the amount of support given. Support to be restricted to a maximum 80% of the Council Tax liability
- To reduce the capital cut off limit from £16,000 to £6,000
- Minimum award of £5 per week; awards currently worth less than £5 per week to be cancelled
- To disregard up to £25 per week of wages earned from the income assessment
- Child Benefit no longer to be disregarded from the income assessment
- Inclusion of income from Child Maintenance in the subject to a £15 weekly disregard per family
- Second Adult Rebate scheme will not be treated as a class of eligible claimants
- Reduce the period of backdating from 6 months to 3 months
- Minor changes to treatment of changes in circumstances
- A small sum to be made available to cover exceptional hardship cases.

Consultation process and responses

25. The following consultation was carried out:

- An on line survey was published on the Council's website
- Letters was issued to all existing Council Tax Benefit claimants, making clear whether or not they fell within the protected groups, or would be adversely affected, and inviting people to complete the survey
- The survey was issued to the UDC e-citizens panel
- Letters were issued to the major precepting authorities as statutory consultees (Essex County Council, Essex Police and Essex Fire)
- Emails were sent to other major stakeholders i.e. key voluntary bodies and major landlords.
- An email was sent to all town/parish councils

- An email was sent to all Members.

26. Statutory Consultee Responses

Essex County Council: raised no objections and welcomed the commitment to provide subsidy from the district council budget to ensure cost neutrality for other major preceptors. Requested additional information and analysis for certain aspects, this has been provided.

Essex Police: did not respond to the consultation, despite a few reminders.

Essex Fire: their response, in full: "I have no comments on the Uttlesford scheme."

27. UDC Members

The Liberal Democrat Group has submitted a response which is set out in full in Appendix A. It consists of alternative proposals which are designed to reduce and phase in the impact on affected households. It also proposes that child benefit should continue to be disregarded, and that the capital limit should not be reduced to £6,000, with alternatives suggested.

It is felt that the amended proposals set out in this report are broadly consistent with the intentions of the Group's suggestions, although the method by which this is achieved is different.

No other consultation responses from Members were received.

28. Major stakeholders and parish councils

The Royal British Legion wrote to the Council to request that when calculating entitlement to council tax support, income from War Disablement Pensions, War Widows Pensions and Armed Forces Compensation Scheme payments are disregarded. This is a feature of the current CTB system and there are no proposals to change this under the UDC LCTS scheme.

No separate responses received however it can be gleaned that a representative of the Citizens Advice Bureau completed the online survey.

29. Survey responses from the public

Altogether 107 surveys were completed and 40 citizens panel members responded to the consultation.

A summary of the responses is included in Appendix A.

The unexpurgated narrative responses provided are attached to the report. These are unedited except for redaction of contact details which could be used to identify the respondent.

30. Conclusions to be drawn from the responses

- The major preceptors shall be content with the UDC scheme so long as that the impact on their budgets is neutral. They accept that the manner by which this is achieved is a matter for the district council to determine.
- Survey responses show that there is deep concern over the fairness of the Government's policy to cut benefits for local people. Subject to this overarching reservation, there is a balanced response to the Council's detailed proposals on how to implement the Government policy.
- The responses cannot be considered to give a clear mandate for proceeding with the original proposals.
- Some local people are content for the Council to use its own budget to subsidise the scheme.

DCLG Transition Grant scheme

31. On 18 October, a few days following adverse media coverage, DCLG announced it was making a one-off fund of £100 million available. The fund is for paying Transition Grants to those councils who choose to adopt LCTS schemes that fit the new DCLG criteria.
32. There was no prior indication that such a fund was being contemplated, and most councils including UDC had already undergone consultation on their draft proposals.
33. The objective of the Transition Grant is to encourage councils to phase in the adverse impact on working age households arising from the new LCTS arrangements.
34. The key criterion for claiming Transition Grant is that those people currently in receipt of full Council Tax Benefit (i.e. they pay no Council Tax) would not have to pay more than 8.5% of their Council Tax bill. This compares with the Council's draft proposals which were based around capping support at 80% of the bill i.e. people would be paying 20%. There are a few other conditions concerning tapering arrangements and retaining work incentives, which the Council's draft proposals were already consistent with.
35. The Government has published the amounts that would be paid to each authority if they were eligible and claimed it, for Uttlesford the amount is £96,000.

36. Officers examined the feasibility of the amending the draft UDC LCTS scheme in line with the Transition Grant criteria; the key change being capping support at 91.5% instead of 80%. The analysis is summarised in the Financial Implications section of this report, and shows that the estimated net direct cost of the scheme would increase from £6,000 to £212,000, but after taking indirect costs and collection losses into account, the overall cost would increase from £277,000 to £298,000, an increase of £21,000. This is chiefly because as a result of granting more LCTS discounts, the residual amount of Council Tax to collect is much lower, so the possible losses are lower. It is also the case that by granting a higher discount, the residual amount to pay is smaller and therefore easier, but it is also easier for the Council to enforce smaller amounts through the Court recovery process e.g. through attachment to benefits orders.
37. The consultation responses give weight to an argument that a way should be found to alleviate the impact on the affected households, and at least to phase in the impact rather than have a big hit straight away.
38. It is therefore felt that there are strong moral and financial arguments to amend the UDC LCTS scheme proposals in line with the Transition Grant criteria.
39. The views of the major preceptors have been sought on the intention to amend the scheme in line with the transition criteria. County and Fire have raised no objections, because of the intention for UDC to provide subsidy to the scheme and therefore avert adverse impact on the major preceptors' budgets. Police have not responded.
40. Major stakeholders have also been invited to comment. Any responses received before the Cabinet meeting date will be advised at the meeting.
41. At time of writing, no other councils in Essex were intending to adopt an LCTS scheme in line with the Transition Grant criteria, although it is believed that one or two may be considering this. There are many district councils not in Essex who are producing compliant schemes and will be claiming Transition Grant.
42. The Transition Grant is for one year only i.e. 2013/14. There will be a need to ensure continued financial sustainability of the UDC LCTS scheme from 2014/15 onwards. A review will need to take place during 2013/14, including consultation, to make the adjustments necessary to achieve sustainability. This is likely to include a combination of making use of whatever Government funding is available, generating additional Council Tax income by amending empty/2nd homes discounts, and amending the 8.5% limit to something closer to the original proposal of 20%.

Revised Proposals

43. The following are the revised proposals which the Cabinet is asked to approve, for recommendation to Full Council. Bold text denotes a variation from the draft proposals:

- Pensioner claimants to be protected from the changes
- Vulnerable working age claimants to be protected, defined as:
 - Claimant, partner or dependent receives DWP Disability Living Allowance and/or Personal Independence Payments
 - Claimant or partner receiving Carers Allowance
 - Claimant or Partners is Registered Blind
(please see additional description at Appendix C)
- Non-vulnerable working age CTB claimants will see a reduction in the amount of support given. Support to be restricted to a maximum **91.5%** of the Council Tax liability
- **People currently receiving full Council Tax Benefit will not be required to pay more than 8.5% of the Council Tax liability**
- **The capital cut off limit to be retained as £16,000**
- Minimum award of **£2** per week; awards currently worth less than **£2** per week to be cancelled
- To disregard up to £25 per week of wages earned from the income assessment
- Child Benefit **will continue to be** disregarded from the income assessment
- Child Maintenance **will continue to be disregarded from the income assessment**
- Second Adult Rebate scheme will not be treated as a class of eligible claimants
- Reduce the period of backdating from 6 months to 3 months
- Minor changes to treatment of changes in circumstances
- A sum of **£10,000** to be made available to cover exceptional hardship cases.

44. The amendments to the treatment of child benefit, child maintenance, minimum award value and capital limits are necessary to ensure that the 8.5% condition is fulfilled.

45. The following table summarises the estimated effects: it shows that pensioners and vulnerable households are protected, as intended, but non-vulnerable working age households will have their support reduced by an average of £1.49 per week or 8.5%. This compares with £6.09 or 33% under the draft proposals.

Category	No. of households	Total CTB expenditure per annum	Average Weekly CTB	Average weekly LCTS under new system	Estimated reduction in support – lowest cut	Estimated reduction in support – highest cut	Estimated reduction in support – average cut
Pensioners currently in receipt of CTB	2,152	£2.125m	£18.94	£18.94	£0.00	£0.00	£0.00 0%
Vulnerable working age households currently in receipt of CTB	410	£0.465m	£21.76	£21.83	£0.00	£0.00	£0.00 0%
Non-vulnerable working age households currently in receipt of CTB	1427	£1.381m	£18.56	£17.07	£0.05	£12.40	£1.49 8.5%
Total	3,989	£3.971m	£19.09	£18.57			

46. Detailed worked examples based on real life current CTB claimants in Uttlesford are given at Appendix D. They show that:

Example 1 - pensioner claimant – no impact

Example 2 - working age non-vulnerable claimant (lone parent) - £1.60 per week worse off – was on full benefit now pays 8.4% of liability

Example 3 - working age non-vulnerable claimant (single man, private landlord) - £1.70 per week worse off – was on full benefit now pays 8.5% of liability

Example 4 - working age non-vulnerable claimant (single man, council tenant) - £1.40 per week worse off – was on full benefit and now pays 8.2% of liability

Example 5 - working age non vulnerable claimant (long term sick but not receiving DLA) - £3 per week worse off due to LCTS, and is also adversely affected by housing benefits changes

Example 6 – working age non vulnerable claimant with second adult - £12 per week worse off.

Example 7 – working age non vulnerable claimant in work - £0.80 better off because of improved wages disregard.

Equalities Impact Assessment

47. A detailed Equality Impact Assessment (EqIA) has been carried out and shown at Appendix F; and the details of the impact to claimants is appended.
48. The EqIA shows the impact of the revised scheme on low income households is significantly reduced compared to the draft proposals. There will be 1,234 households 'worse-off' which represents less than 4% of UDC households, but the average reduction is only £1.49 per week.
49. The revised proposals mitigate the impact on families with children; protects the disabled, carers and pensioners. Although there are more females impacted than males this is largely because there has always been a higher female caseload. Females are much more likely to have caring responsibilities than males; that often means females rely on part-time work or out of work benefits.
50. The introduction of increased wages disregard as a work incentive means that nearly 200 households will be "better-off" than the current Council Tax Benefit scheme.

Exceptional Circumstances Hardship Relief

51. It is inevitable that there will be a small number of households with unforeseeable exceptional circumstances. It is necessary to retain discretion to provide additional support to such people. The fund will operate in a similar way to the current Discretionary Housing Payment scheme run by the Department for Work and Pensions (DWP).
52. The operation of an exceptional hardship scheme may assist in our duties for families with complex needs; reducing re-offending; strengthening communities and promoting early years development and mitigate some of the impact of the other welfare reforms expected in April 2013. The fund will be used only in the most exceptional circumstances and will be a safety net for the most impoverished households.
53. The creation of an exceptional hardship facility will assist the Council in meeting their obligations under the Equalities Act. It is not possible to design a Localised Council Tax Support scheme that protects every potentially vulnerable category of person and also stay within the existing budgetary constraints agreed by authorities. There will be some minor additional costs in administration, mainly set-up costs with awareness and application forms; it is proposed that the Council will integrate the claiming process and administration for Exceptional Hardship within the existing DHP arrangements.

54. The Essex billing authorities are presenting a business case to County, Police and Fire to ask them to contribute to an exceptional hardship fund in each authority. In order to present a uniform scheme across Essex, it has been agreed that the fund in each authority should be calculated as 0.2% of Gross Council Tax Benefit expenditure for the current year. In Uttlesford this equates to a fund of £8,000 for 2013/14. It is not yet known if County, Police and Fire will agree to provide funding; a meeting is scheduled for 27 November to determine this.
55. It is acknowledged that to limit funding to these levels may be challenging for the first year given the adjustment needed to be made by taxpayers in their finances. Under the original proposals, officers estimated that a UDC exceptional hardship fund of up to £25,000 may be required. However, under the revised proposals, the impact on households is less severe, so a fund of £10,000 should be sufficient. Pending outcome of business case considerations, it is proposed that the Council should build £10,000 into its base budget for this purpose. This would be adjusted downwards for any external funding that is confirmed.
56. Appendix B has more detail of the proposed Exceptional Hardship Scheme.

Recovery Work

57. The revenues team will be proactive in helping claimants with new or additional Council Tax liability, including notifying working age claimants of the likely impact of the changes by letter in January 2013; posters in the council offices and raising awareness with partner organisations.
58. Leaflets written in clear and straightforward English will be included with the above letter and the first bill issued in March 2013 and in all Recovery Notices; this leaflet will give payment options, the consequences of non-payment and contact details for the Council Tax team and Government approved Debt agencies. (Translations will be available on request)
59. Recovery notices will be updated and ensure LCTS customers realise they need to pay promptly or contact the Council to make an arrangement.
60. Personal Advice – Access to specialist revenue officer via telephone help lines; surgeries at Saffron Walden and Dunmow; and email.
61. Proactive recovery including contacting customer by telephone, email, visits, SMS (text) to ensure early arrangements for repayment.
62. Flexible instalment options including 12 monthly instalments; fortnightly or four weekly payment schedules to fit in with benefit payments or salary. Promotion of a variety of payment options and additional direct debit dates.
63. Working in partnership with CAB and similar Government approved Debt Advice agencies to help with financial advice.

64. If a liability order is obtained for non-payment, and the taxpayer makes a payment agreement to clear the debt, the court costs for LCTS customers may be reduced on the successful completion of their payment arrangement.
65. Because of the resource intensive nature of the work and the nature of the customer base, it will be necessary to invest resources into the Recovery Team equivalent to 1 FTE at an annual cost of £40,000. Funding contributions have been requested from County, Police and Fire.

Amendments to the Scheme of Delegation of Executive Functions

66. For reasons of operational necessity the Scheme of Delegation of Executive Functions authorises officers to administer Revenues & Benefits services including the payment of Council Tax Benefit and the granting of discretionary support where there is exceptional hardship.
67. The Scheme of Delegation confers this authority on the Director of Corporate Services. From June 2012 management responsibility for Revenues & Benefits services transferred to the Assistant Chief Executive – Finance.
68. The Scheme of Delegation therefore requires tailoring to reflect the change in management responsibility and the introduction of LCTS i.e. to add the following to the functions delegated to the Assistant Chief Executive – Finance:
- a) The administration of council tax and business rates
 - b) The administration of housing and council tax benefits
 - c) The completion of grant claims for housing and council tax benefit and discretionary housing payments
 - d) The administration of sundry debtors.
 - e) The administration of the Local Council Tax Support scheme (LCTS)
 - f) The determination of applications for Exceptional Circumstances Hardship Relief under the LCTS.

Other Council Tax discounts

69. The Government has empowered Councils to alter the Council Tax discounts given to owners of empty homes and second homes.
70. By varying these discounts, councils can generate additional Council Tax income which can be used to subsidise council budgets generally, or the LCTS scheme specifically.

71. Many councils are choosing not to review discounts for 2013/14, due to the large additional workload and capacity issues in a year when implementing an LCTS scheme (and other welfare reforms) is mandatory. Some councils are doing so, however. In consultation with officers, the Administration decided at an early stage that it would be too challenging to develop alternative discount arrangements for 2013/14. However, a review during 2013/14 with a view to implementing changes in 2014/15 is the intention.
72. Second Homes discounts: currently second homes receive a 10% discount on their Council Tax. The gross annual value of the discounts is approximately £37,000.
73. Empty dwellings undergoing major repair receive a 100% discount for up to 12 months. The gross annual value of these discounts is currently £98,000.
74. Empty dwellings that are simply unoccupied receive a 100% discount for up to six months. The gross annual value of these discounts is currently £585,000.
75. For empty homes unoccupied and unfurnished for over 2 years, the Government has given Councils powers to levy a premium of 50% over and above the standard council tax charge. In Uttlesford this could amount to a total gross income of £93,000.
76. Thus, the total gross value of these discounts and premiums is around £800,000 however not all of this would be realisable as income. There would be collection losses, and avoidance tactics. Care would also need to be taken to limit adverse effects on social housing providers. However, there is no doubt that an additional income stream is available, and could be applied at least in part to meet LCTS costs from 2014/15.
77. All council tax discounts and income is of course shared with the major preceptors in proportion to their precepts; currently ECC 72.2%, Police 9.1%, Fire 4.4%, District (incl. parishes) 14.3%. There is currently an agreement with ECC for the district councils to retain a greater share of income from second homes. The Council would need to closely consult its major preceptors before making any changes.

Next Steps

78. The following are the key milestones for proceeding with LCTS scheme implementation:

20 November	Cabinet to finalise its proposals
11 December	Full Council to approve LCTS scheme
	Software implementation and testing

December / January	<p>Letters to existing CTB claimants</p> <p>Detailed estimates to be supplied to County, Police and Fire</p> <p>Recruitment of recovery officer</p>
February	Transition Grant to be claimed
28 February	Full Council to set its Budget and Council Tax for 2013/14
Early March	<p>Council Tax bills to be issued</p> <p>Proactive engagement with affected households</p> <p>Transition Grant received</p>

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Failure to adopt a local scheme in time, which would lead to the Government imposing a default scheme	1 (proposals for local scheme have been developed)	4 (impact on residents, cost implications and reputational damage)	Cabinet to recommend adoption of local scheme for approval by Full Council on 11 December
Legal challenge	1 (unlikely especially as amended proposals alleviate impact in line with DCLG Transition scheme. Consultation responses support the approach)	4 (legal costs and delays in scheme implementation)	<p>Consultation process and Equalities Impact Assessment</p> <p>Review of scheme during first year</p>
LCTS costs increase due to additional demand or increases in council tax precepts	2 (publicity could increase demand, but current trends indicate slight caseload decrease. Continued pressure to freeze council tax; referendum limit of 2% for 2013/14)	2 (modest adverse financial implications for District, County, Police, Fire)	<p>Close monitoring</p> <p>Annual review of the scheme</p>
Loss of debt due to irrecoverability of debt from low income households	3 (bad debts are likely)	2 (modest adverse financial implications for District, County, Police, Fire)	<p>Proactive recovery work; investment in recovery team</p> <p>Phase in the impact by adopting DCLG transition scheme</p>

Risk	Likelihood	Impact	Mitigating actions
Implementation problems e.g. software difficulties	2 (Active project management)	3 (Delays or disruption affecting customer service)	Project management and resource planning Training Engagement with software supplier

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendices

A	Consultation Responses
B	Exceptional Hardship scheme
C	Vulnerable definition – additional description
D	Worked Examples
E	Schedule of what other authorities are doing
F	Equalities Impact Assessment

CONSULTATION RESPONSES

Uttlesford Local Council Tax Support scheme Alternative Proposals from the Liberal Democrat Group

Alleviating financial hardship

The Council should make use of its discretion to increase council tax income from second homes and empty homes in order to subsidise the LCTS scheme and reduce hardship for low-incomed households.

This should be managed in a way to ensure that people currently in receipt of full Council Tax Benefit would have their council tax support capped at no lower than 95% of the council tax bill, compared with 80% under the Council's draft proposals. This would mean that a person on full benefit now would not be required to pay more than 5% of their council tax bill.

Officers estimate that the increased cost of the additional support needed to achieve this position would be approximately £342,000. The gross value of second homes and empty homes discounts is approximately £800,000. Discretion could be exercised therefore to fund the cost by reducing the discounts. It is recognised that Essex County Council, Essex Police and Essex Fire would need to be consulted and their support sought on this point.

Transition period

For households required to pay more towards their council tax next year, the Council should take steps to phase in the impact so that people can more easily manage the extra financial commitment.

The Council should make use of its reserves in a sustainable way to temporarily subsidise the scheme so that the full effects are phased in over two years. This means that the extra liability would be subsidised in the first year (2013/14) by 50%. The additional one off cost of providing this subsidy, estimated by officers at £40,000, could be met from the LGRR contingency reserve.

The scheme should be reviewed and adjusted annually, based on experience of the scheme and its impact on claimants.

Final scheme design

The Liberal Democrat Group supports the following aspects of the proposed scheme:

- Protection for pensioners
- Protection for vulnerable groups including people with disabilities
- Disregarding up to £25 per week of wages earned from the assessment of a household's income.

The Group makes the following alternative proposals:

- Child Benefit should not be brought back into the assessment of a household's income. It should continue to be disregarded. This adjustment would minimise risks of the LCTS scheme exacerbating child poverty. Officers estimate that this adjustment would assist 524 households and 948 children in those households.
- Savings limit: instead of the proposed savings cap of £6,000, the cap should be £6,000 plus £2,000 per family member, up to a maximum of £16,000. This change would assist 17 households.

The net additional cost of these proposals in 2013/14 is estimated by officers as £132,000 to be funded from reduced second & empty homes discounts.

Overall effect of the Liberal Democrat Group proposals

The net effect of the changes is to reduce the average additional financial burden for working age households to £1.20 per week.

PUBLIC CONSULTATION RESPONSES

The consultation for the Local Council Tax Support scheme ran from 6 August until 28 September 2012. The consultation encouraged individuals to complete an on line survey, but paper copies were available on request. Almost 4000 personalised letters went to current council tax benefit recipients. In total 107 responses were received to the public consultation, 106 were from individuals and 1 from an organisation. Not all respondents answered all questions. The core 7 questions were covered with an additional email promotion was made specifically to those members of the council's e-citizens panel, and we received 40 responses.

Overall we received a good range of responses from residents living in the district. Analysis of the demographic profile of the respondents shows that a very high proportion of them are existing council tax benefit recipients (76 % were named person on the Council Tax Bill and 68% of respondents were in receipt of Council Tax Benefit and other benefits). The responses are evenly balanced as shown in the table below.

Summary of the results 107 responses - all figures are % (excluding the "Don't Knows" from the percentage calculations).	Agree %	Disagree %
Q1.Low income working age people should have to pay some of their Council Tax	52	48
Q2. Meet funding gap by cutting support, or Meet funding gap by cutting services, or Meet funding gap by increasing council tax bills, or Meet funding gap by a combination of the above	11 20 13 37	
Q3. Cap on support 80% – claimant pays remaining 20% of bill	46	54
Q4. Introduce Savings limit £6,000	52	48
Q5. Support for disabled	78	22
Q6a Include child benefit in income assessment	55	45
Q6b Include child maintenance in income assessment	62	38
Q7 Disregard element of earned income from the income assessment	82	18
Q8 Continue with non-dependents deduction	84	16
Q9 Reduce backdating	35	65
Q10 Stop second adult rebate	77	23
Q11 Introduce minimum award of £5 per week	80	20

We have a range of narrative comments, a lot of which are critical of Government policy towards benefits; almost one third show concerns on ability to pay and levels of debt that the proposed changes will create. There are several comments showing concern for children and lone parent families with the prospect of including child benefit, but other comments support the protection of the disabled, and stopping support for the 'well-off' who receive Second Adult Rebate.

Summary of additional written comments

The benefit system is not fair and these changes don't address it. All types of benefits should be reviewed.

People who can work should be made to work, protection for those who can't work through disability

Pensioners should be included/excluded

People on very low incomes will struggle to pay

All income should be included in the calculation

Everyone's circumstances are different and this should be taken into account

Changes to Council Tax discounts and exemptions should be used to fund this.

Money should only be paid to those who really need it

The questionnaire is ambiguously worded to get the responses we require.

Those with an ability to pay should pay something, but those who really cannot should be treated better.

General concern that child benefit is for expenditure on children

The comments from the main survey are attached below, unexpurgated.

Summary of the e-citizen panel results (40 responses)	Agree	Disagree
Q1.		
Meet funding gap by cutting support, or	38	
Meet funding gap by cutting services, or	5	
Meet funding gap by increasing council tax bills, or	13	
Meet funding gap by a combination of the above	38	
Q2. Cap on support 80% – claimant pays remaining 20% of bill	87	13
Q3. Introduce Savings limit £6,000	73	27
Q4. Support for disabled	78	22
Q5. Include child benefit and child maintenance in income assessment	89	11
Q6. Disregard element of earned income from the income assessment	95	5
Q7. Introduce minimum award of £5 per week	87	13

This survey was completed by citizens who are unlikely to be on benefits, shows support for protecting the disabled and promoting work incentives. The funding gap to pass to the claimants, or a combination of proposals.

Other comments

"People who are only able to earn a part-time income, eg lone parents, should not be penalised under this scheme."

"For those who need help and assurance, this is another way to grind them down even further. No one wants to have to claim, it is humiliating and difficult, and this make it worse."

"An overhaul of the system is long overdue. Just because people are disabled does not mean they are less able to pay! in some cases they are much better off! Initially, to some, it may seem harsh, but I think through this we should encourage people to help themselves as much as possible and discourage those who take the mickey!"

"yes i do have a comment. It seems to me that the long term sick have been over looked in these new proposals. Many of them are on less income than those on disability living allowance. (no offence to the disabled intended). I will most certainly will find it difficult to meet these proposed new charges."

"I find it quite difficult to answer some of your questions as sometimes it depends entirely on the circumstances of the person/people involved. My views, therefore, are not necessarily strong ones or even definite ones. Sorry to be so unhelpful but as a pensioner a lot of what you're asking doesn't relate to me & it's difficult to put myself into 'other people's shoes' as it were."

"i feel very frightened by these changes ,i am a lone parent on JSa ,i barely manage now ,on the benefits i get ,so this is very daunting ."

"YeS people on income support or jsa receive £71 to live on after paying utility bills and having to get food the money is gone adding more to pay out would put people into serious debt i myself also receive £53 a week child tax credit and £20.40 a week child benefit after paying out for my bills and food and clothes for my daughter i an left wits just £5 a week for travel having to say my bytmagj tax would cripple me and put me into serious debt

"If somebody is unemployed and they are not going to get as much help with their council tax benefit where are they expected to get the extra money from. Being exempt from Council Tax enables me to just about live on my State Pension. Any cutback here would be a major problem to me."

"As a working single parent struggling to keep a roof over my children's heads and may my bills I will no doubt loose my home if I do not qualify for council tax benefit anymore under the new proposals :(My ex-husband pays me maintenance for the children....not to fund the local council services, all the money he pays me goes on clothes/shoes/food and the mortgage etc as does my child benefit. I have very little if any money spare and it was a huge relief to me to qualify for council tax benefit this

financial year. Please do not take child tax credit and maintenance into account when calculating who is entitled and who isn't; that money is for supporting the children."

"No scheme like this will encourage people into work unless the work is available. There will be losers due the government cuts, without any winners. Some will lose more than others. Those planned to lose most are the ones who can work. I'm in that situation. If I lose benefit, I may have to give up the car. I'll then be ten times less able to find a job, and so I'll be claiming for ever instead of temporarily. I cannot move to cheaper accommodation as I have no money, and if I did, that would further reduce my attractiveness to an employer. I'll then be ten times less able to find a job, and so I'll be claiming for ever instead of temporarily."

"The questions are poorly explained."

"Yes I think they are appalling. I recognise that they are being imposed by central government but UDC has not even put forward the option of making up the shortfall in funding from other council tax payers. I personally would be quite happy to pay more and my understanding is that it would be a very small amount indeed for each council taxpayer. Instead, UDC is proposing to make some vulnerable benefits claimants, many of whom do not work through no fault of their own pay 20% of the council tax, in an economic climate where jobs are scarce. Why penalise those who can least afford to pay? It is immoral. Look at reducing the exempt classes on second homes for the wealthy and those unoccupied classes A and C before making vulnerable people pay more. Remember the poll tax days when students and benefits claimants had to pay 25% of their poll tax! It simply was unworkable!"

"I think those who are on low incomes due to illness or disability should get full help but those who can work a bit given some help. Those with large savings or large salaries should pay in full - whoever lives with them."

"Pensioners should not be excluded from these cuts as a lot of their income is higher than that of working age claims. Many pensioners receive benefits simply for age related reasons as opposed to income. If this is a time for change then these old hat ideas also need to change. Basically if they can afford to pay Council tax based on the same assessment of another human being capable to pay theirs then they should have to."

"I agree with most changes apart from including child maintenance and child benefit in as income - for working families, this money is for the CHILDREN not for bills. Perhaps including only one, or a percentage of those would be far fairer? A disregard on maintenance the same as the first £25 a week of income would prevent families like mine from serious financial struggle. I am a single working parent who does pay council tax and receives some benefit and this will severely penalise my children and family situation directly as a result, when single mums like me are unable to either find extra work or work more hours to support their children. No one begrudges the elderly and disabled being exempt from council tax but those of us who do work always end up suffering the most."

"Basically any cuts in Government Funding that affect the benefits paid to pensioners, and people on low incomes should be condemned."

"Obviously, as someone in receipt of pension Credit as well as Council Tax and Housing Benefit, any move by central or local government to restrict such benefits send out an extremely worrying signal. This one could have political as well as economic consequences."

"What savings are a couple allowed? Is the £6000 just for one person?"

"Paying a maximum of 80% benefit is going back to the failed policies of the community charge in 1990. You will find the unemployed can't pay and won't pay and you will spend more recovering this money with court and recovery action and employing extra staff."

"I Strongly disagree with child benefit being taken into account as income, as I also disagree with the minimum payment of £5 idea as people should get what they are entitled to no matter how little. I do agree that the disabled should be protected but feel that it is very easy for people to be passed off as disabled when they are not or only mildly disabled and could work and contribute so I feel there need to be more rules about what classifies people as disabled. But I cannot stress enough how I disagree with child benefit being taken as income as I feel that child benefit is given to support children and should most definitely be there for this reason and not be part of council tax in anyway. I do also feel that the council has to realise that there proposed schemes could and will make many hard working families really struggle for money in these very hard financial times which will cause a knock-on effect to many other problems, so I would encourage the council to think very carefully before introducing any scheme and to remember that they are really playing with many people's living conditions and standards of living."

"You are yet again proposing to penalise the poorest people that need the most support and help. Not everyone who receives council tax benefit is a scrounger - I paid full council tax for decades until my circumstances changed in such a dramatic way. I am sure, once I have got on my feet and finished raising my children, that I can work and then pay council tax again - so why punish me for circumstances so out of my control?? How about paying your chief Executive a lot less? Your Chief Exec and deputy chief executive get paid as much as bankers. That is disgraceful - I could do their job for much much less, as could an awful lot of people - and I would be as good as they."

"People on benefits need the support of council tax benefit to help with all their everyday living expenses"

"because people's circumstances change there should be a way of checking up in case they haven't realized they need to let you know either way."

"WHY ARE THE GOVERNMENT TARGETING PEOPLE ON BENEFITS THROUGH NO FAULT OF THEIR OWN WHEN THEY CANNOT MANAGE TO LIVE AS IT IS?"

"Genuine claimants on benefits are struggling with finances. Please deal compassionately with those. Also make the forms as clear and simple, cutting out legalistic and un-intelligable language."

"I agree that most vulnerable should be protected - disabled, elderly, carers and those suffering extreme poverty. I am concerned that council discretion will be removed by a checklist. We should not allow these changes to undermine the council's duty of care to protect the meek, weak & vulnerable. Qualifying for 80% CT benefit for unemployed causes a problem if the person's benefits place them in the extreme poverty bracket. "The 20% should be based on ability to pay/means tested. I suggest seeking alternative funds to make up any shortfall from other social funds if available. Big Society, European Social Fund, etc. If the £6000 limit is exceeded due to funds being set aside for the costs of future residential/palliative care, I feel that this limit should not apply. Any reduced CT benefit for multiple homes i.e landlords, second homes, etc should be ended. Consider introducing council tax charge for temporary accommodation i.e caravans, new builds once planning granted, mobile/holiday homes, lodges, etc. Q11. Consider accumulating very small amounts of benefit to be paid out less regularly to reduce cost of bureaucracy. I would like to see the present £4 million expenditure broken down by district council into their demographic groups on the website and literature to determine the real impact of the changes that you are proposing. More transparency required. Also I am weary of consultations where radio buttons are used. Instead of 'Don't know' which are generally disregarded, please provide an 'Other' option with a text box so comments can be submitted. If you wish to reply to respond/correct my comments please email me at [REDACTED]"

"Receiving Council Tax Benefits is, in many cases the difference between them managing to make ends meet or not. It could make a difference as to whether they have heating or food."

"I have been on ESA for over 2 years having had a serious of mental breakdowns. I applied for DLA but was refused because the rules are now so strict, in spite of having frequent panic attacks and problems going out. I feel that the changes should include 100% benefit to those in receipt of ESA. However, how can people afford to pay any Council Tax Benefit if they are on income related JSA? The real inflation rate for people on low incomes is a lot higher for others and with fuel and food prices rising they can barely afford to live, especially in the expensive south-east"

"some low income families like mine literally live hand to mouth on the breadline... although I try to provide basic needs for my children penalising my child support simply means that my children suffer. My ex husband has never paid his maintenance as directed by court. Some months I may receive money and some months not. How will this scheme be able to allocate me with a bill when I never know what my ex may pay for the children he also brought into this world"

"If someone's only income is from State benefits, then charging them any council tax is ridiculous as they will have to take the money from their benefits (which are not calculated to take council tax into consideration, so are insufficient for that purpose) just to pay it back to the council. Money from one state source/pot, being circled around at great expense and inconvenience to all concerned, just to be paid

back into another state source/pot is neither efficient nor a good use of tax payers' money."

"I think that everybody understands that cuts will have to be born by everyone....What we don't understand is when HUGE amounts of money has been wasted on a 'bad' scheme that didn't work [i.e the huge mammoth wastage on brown bins that are now redundant for the tiny bins that I FOR ONE SUGGESTED IN THE FIRST PLACE!!!!] Nobodies heads rolled!"

"Yes typical tory policy make the people who can least afford it pay for the financial mess that the Bankers caused but do nothing to penalise the Banks.

"Pensioners with high capital should be looked into, so they can also start paying a percentage of their rent/council tax."

"There should be a continuous review system with close examination by independent persons. Claimants should be able to ask for help from independent, responsible sources - voluntary, if possible. All benefits should be reduced by 10% after each 12 months, unless the recipient can justify continuation at the existing level."

"If you change the rules for some but not all vulnerable people those that have not had changes will have to bare the additional costs or you will have to increase the council tax rate across the authority. Neither is fair."

"People with no income coming in should be protected so that they do not get into financial difficulties and hence in the longterm need to be housed by the council thus incurring and even greater burden on the councils finances."

"Uttlesford is by and large an extremely wealthy area with many people with first/second homes in London, Scotland or overseas. The shortfall from central government should not be clawed out of the poor, and no way should child benefits/maintenance be considered as income. Let those who are financially most able help in these hard times, after all they are the ones who have benefited most."

"I certainly feel that disabled people living on their own should not be liable for Council Tax, but only if they are living on their own or sharing a house with other disabled people in a similar financial situation."

"Maximum backdate 3 months Non dep deductions for households in receipt of DLA/ATA as these adults should be expected to contribute Same LCTS for all of Essex."

"I am a single mother aged 19 currently studying at Cambridge Regional College full-time. I rely on my Council Tax Benefit to be able to continue my studies. Without it I will have to give up my course."

"Shortfalls should be funded in part by looking at the changes to exemptions and discounts, particularly empty and 2nd home."

"AS A PENSIONER I WOULD LIKE BENEFITS TO BE PROTECTED"

"Your letter about this survey dated 6 August mentions protecting households where someone receives DLA. This does not cover all disabled people by any means. Also, as DLA is phased out even fewer disabled people will be likely to receive the replacement benefit (PIP) - resulting in even fewer receiving Council Tax Benefit. This is a concern for many disabled people."

"Most 'changes', especially in today's climate can, in some circumstance, seem uncaring. Whilst realising this a government decision."

"Because of my circumstances since I retired I rely on my council tax benefit but I do contribute, nonetheless. I would like to get a part-time job but I know that what I would earn would go instantly to pay the increase to my council tax so I would not benefit."

"Please note that the single person benefit rate for JSA is £71 a week and for those under 25 it is set at £56.25, how are the unemployed meant to afford to pay council tax as well as the rent top ups that many are struggling to afford since the introduction of Local Housing Allowance. We need to cover the payments of those who find themselves in such difficult circumstances not continually penalise them, they will not be able to afford the increase and the subsequent work of trying to chase payment would be very expensive, causing many to resort to bankruptcy and Debt relief orders, were the cost will then be borne by UDC. There will be a similar impact should the second adult rate be abolished, people living in shared accommodation could be forced to look elsewhere, there will be no clear demarcation on who should pay what, leading to many being forced to try and find up to half the bill out of possibly very low income forcing them to leave their accommodation."

"The whole scheme will be an additional administration burden if you look at changing the means test. therefore the ability to save money disappears and in fact the opposite occurs with a high administration cost of running the scheme and collecting the monies or in some extreme cases chasing defaults due to inability to pay"

Exceptional Hardship Scheme

Overview

In common with many other counties, each Billing Authority within Essex has included within their support scheme the need for a fund to assist those claimants most at risk and considered the most vulnerable. Similar to the current Discretionary Housing Payment (DHP) fund within the current Council Tax Benefit scheme, the Exceptional Hardship Fund will allow the Council a limited ability to grant additional support. It should be noted that whilst DHPs will continue for Housing Benefit, they will no longer be available to assist customers with their Council Tax liabilities from April 2013.

Customers facing exceptional hardship (as defined within the agreed policies) would be able to make a claim against the fund.

The prime objective of the fund would be to;

- Provide a safety net to assist claimants to meet their Council Tax liability in full where the level of entitlement does not reflect the true level of need.
- Prevent exceptional financial hardship; and
- Meet obligations under the Equalities Act

It is proposed that the fund would be built into the overall LCTS schemes but be limited to an agreed amount.

It is acknowledged that all working age claimants could potentially experience a drop in the level of assistance given towards their Council Tax due to the change from CTB. With this in mind, it could be argued that all working age claimants would face hardship. The fund would only be available to those taxpayers who face exceptional hardship. This might be as a result of an exceptional life event or the impact of another welfare reform. By having a robust mechanism which will identify those in most need, and by enabling the discretion to pay support up to 100% of total Council Tax liabilities in those cases, it assists Council to meet its legal obligations whilst at the same time assists the most impoverished households

Approach

Targeted assistance

Given that pension age claimants are protected under the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations, which broadly replicate the existing Council Tax Benefit schemes, it is proposed that the exceptional hardship fund only be available to working age claimants

By limiting applications to the working age group, the Council will be able to target additional assistance to those most in need. This approach also allows for total flexibility which does not currently exist within the current write off policies and procedures.

Long term / short term

It is not intended that the fund will be a long term solution to the overall reduction in Council Tax Support. Where taxpayers are unable to meet their liabilities in the longer term, they will be encouraged and supported to take actions to mitigate their situation.

Criteria

Any person claiming against the fund will be required to go through a process that will not only establish their eligibility for any payment but would allow them to more adequately manage their finances in the future.

It is proposed that before making any payments, the Council would require the taxpayer to undertake the following;

1. Make a separate application for assistance either direct to the Council or via their support worker;
2. Provide full details of their income and expenditure;
3. Accept assistance from either the Council or third parties such as the CAB or similar organisations to enable them to manage their finances more effectively including the termination of non-essential expenditure;
4. Identify potential changes in payment methods and instalment arrangements to assist the taxpayer
5. Assist the Council to minimise liability by ensuring that all eligible discounts, exemptions and reductions are properly granted; and
6. Maximising income through the application for other welfare benefits and identifying the most economical tariffs for the supply of utilities; and encouraging “welfare into work” opportunities.

At any time the Authority feels that additional support is not appropriate, no payment would be made. However where it is clearly identified that the taxpayer is suffering ‘exceptional hardship’ or an unforeseen consequence of the local scheme, then the Council would be able to grant additional support up to a total of 100% of the total liability for Council Tax. Priority would of course be given to those cases, which are identified as particularly vulnerable, but each case will be considered on its own merits.

Administration

There will be some additional costs in administration, mainly set-up costs for systems to monitor expenditure; promoting awareness, designing application forms and leaflets; it is proposed that the Council will integrate the claiming process and administration for Exceptional Hardship Scheme within the existing DHP arrangements. In the event that the taxpayer is not satisfied with the outcome of their application, the taxpayer may make written representations and a senior officer will review the application.

VULNERABLE DEFINITION – ADDITIONAL DESCRIPTION

Examples of Disability from the “Daily Living Activities and descriptors” based on the second draft of regulations (and the explanatory notes) intended to highlight the Government's current thinking on Personal Independence Payments (PIP) that will replace Disability Living Allowance (DLA) from April 2013. They will be subject to further development and consultation. These are available at www.dwp.gov.uk/policy/disability/personal-independence-payment/.

The examples given below are for illustration only; any assessment will be made by the DWP, usually including a medical assessment it will focus on the impact of the individual's health condition or impairment has on their daily lives, and an individual's ability to carry out everyday activities, reliably, repeatedly, safely and in a timely manner.

“Higher” needs. (202 claimants at UDC- with 36 households in employment)

- Disabled child (qualifying for DLA care) (20)
- Carers receiving carers' allowance (142)
- Receive a disability reduction on their property for Council Tax due to adaptations for the disabled person (8)
- Claimant or partner registered blind (currently 6 households but they are all pensioners and protected)
- Claimant or partner needs help or supervision day **and** night for personal care e.g. eating, washing, getting to and using the toilet, communicating needs. (65)

These claimants generally have between £120 and £200 per week of additional income from disability benefits, plus allowances and premiums to source help with personal needs.

“Medium” needs (157 claimants at UDC of those 16 are working)

Assistance required during the day (but not at night) with washing, dressing or eating, including dialysis patients; and/or claimants with difficulty communicating needs (mute or deaf); advanced alcoholism. (103, of those 50 also have mobility issues)

Mobility issues:- eg walking difficulties; using walking sticks/crutches, zimmer frame or wheelchair outside, able to move around indoors with some use of grab rails.(104)

These claimants usually have at least an additional £100 per week in disability benefits, premiums and allowances.

“Low” needs (currently 51 claimants at UDC of those 4 are currently employed)

Claimant or partner has a physical and/or mental disability, so needs assistance with caring for him/herself (9) or walking difficulties (18) or both (33).

Eg unable to prepare and cook a main meal from basic ingredients: i.e. needs to use an aid or appliance to either prepare or cook a simple meal, or cannot cook a simple meal using a conventional cooker but can do so using a microwave; or needs to use an aid or appliance or prompting to eat/drink or groom. Examples of aids might be 'pivot on a kettle'; enlarged handles on cutlery, kitchen and /or grooming tools; raised toilet seat; grab rails; ramps;

Deaf or blind people, who are unable to walk outdoors in unfamiliar places without guidance or supervision from someone, (they are able to live independently in familiar surroundings).

This category will often include drug addicts and alcoholics in the current Disability Living Allowance rules.

These claimants will have at least £50 per week additional income from disability benefits, premiums and allowances to cover the cost of purchase of disability aids, or occasional use support e.g. taxi rather than bus.

For many residents of UDC their 'low needs' disability does not act as a barrier to employment, as reasonable adjustments may be made to household and/or workstation.

Example 1

Pensioner Owner Occupier

Claimant aged 86, and partner aged 85 own their own property in a village in the North of the District (Band F)

The couple have state pension and a small private pension, and savings of £9,500.

Example 1

Pensioner Owner Occupier current situation (Nov 2012)

Housing Benefit and Council Tax Benefit Calculation

Household Weekly Income		Household Weekly Outgoings	
State Pensions	£235	Council Tax	£42
Private Pension	£26	<small>(annual charge £2158)</small>	
		Total weekly outgoings £42	
Council Tax Benefit	£ 38		
Total weekly income £299		Residual income £257	
		<small>(£299- £42)</small>	
		for food electricity clothes transport	

Example 1

Pensioner Owner Occupier - situation April 2013

Benefit Calculation

Household Weekly Income		Household Weekly Outgoings	
State Pensions	£235	Council Tax	£4
Private Pension	£26	<small>(annual charge £2158 less discount of £1976)</small>	
		Total weekly outgoings £4	
Council Tax Benefit	£ 0		
Total weekly income £261		Residual income £257	
		<small>(£261- £4)</small>	
		For food electricity clothes transport	
		No change to residual income	

Example 2

Working Age, Lone parent Housing Association Tenant
– Not treated as Vulnerable

Claimant aged 22, no partner, with a 2 year old son, renting a 2 bedroom property from Housing Association in Takeley

She is receiving Income Support £71.25, child benefit £20.30 and child tax credit £61.85 per week

Her rent is £111.58 per week and Council Tax Band C.

She has savings of less than £1,500.

Example 2

Working Age Lone parent Housing Association Tenant
Not treated as Vulnerable current situation (Nov 2012)

Housing Benefit and Council Tax Benefit Calculation

Household Weekly Income		Household Weekly Outgoings	
Claimant	£153	Rent	£111
Housing Benefit	£111	Council Tax	£19
Council Tax Benefit	£19	<small>(annual charge £1323 less 25% discount £330)</small>	
		Total weekly outgoings £130	

Total weekly income £283

Residual income £153
(£283 - £130)
for food electricity clothes transport

Example 2

Working Age lone parent Housing Association Tenant
Not treated as Vulnerable- situation April 2013

Benefit Calculation

Household Weekly Income		Household Weekly Outgoings	
Claimant	£153	Rent	£111
Housing Benefit	£111	Council Tax	£1.70
Council Tax Benefit	£0	<small>(annual charge £1323 less 25% discount £330 less new discount £905)</small>	
		Total weekly outgoings £112.70	

Total weekly income £264

Residual income £151.30
(£264 - £112.70)
for food electricity clothes transport
£1.70 per week worse off

Example 3

Single man renting from private landlord, Saffron Walden

Claimant aged 32 years, has been unemployed for 4 months, receiving Job Seekers Allowance of £71 per week (JSA).

He lives alone in 3 bedroom house. His rent is £525 per month, but it is restricted due to recent changes in Housing Benefit size criteria.

The property is Band C for Council Tax

He has savings of less than £2000.

Example 3

Single man renting from private landlord, Saffron Walden
current situation (Nov 2012)

Housing Benefit and Council Tax Benefit Calculation

Household Weekly Income		Household Weekly Outgoings	
Claimant JSA	£71	Rent	£121
Housing Benefit	£75	Council Tax	£20
Council Tax Benefit	£20	<small>(annual charge £1388 less 25% single person discount)</small>	
		Total weekly outgoings £141	

Total weekly income £166

Residual income £25
(£166 - £141)
for food electricity clothes transport

Example 3

Single man renting from private landlord, Saffron Walden -
situation April 2013

Benefit Calculation

Household Weekly Income		Household Weekly Outgoings	
Claimant JSA	£71	Rent	£121
Housing Benefit	£75	Council Tax	£1.75
Council Tax Benefit	£ 0	<small>(annual charge £1388 less 25% single person discount of £347 Less Council Tax Support Discount of £950)</small>	
		Total weekly outgoings £122.75	

Total weekly income £146

Residual income £23.25
(£146 - £122.75)
for food electricity clothes transport
£1.75 per week worse off

Example 4

Single man, aged 22 in council flat in a village

Claimant aged 22 years, has been unemployed for 4 months, receiving Job Seekers Allowance £56.25 per week (JSA).

He lives alone in 1 bedroom flat. His rent is £83.12 per week, but only £75.56 is eligible for Housing Benefit (service charges can't get HB). The property is Band B for Council Tax

He has savings of less than £500.

Example 4

Single man, aged 22 council tenant in a village
current situation (Nov 2012)

Housing Benefit and Council Tax Benefit Calculation

Household Weekly Income		Household Weekly Outgoings	
Claimant JSA	£56	Rent	£83
Housing Benefit	£76	Council Tax	£17
Council Tax Benefit	£17	<small>(annual charge £1170 less 25% single person discount)</small>	
		Total weekly outgoings £100	

Total weekly income £149

Residual income £49.00

(£149 - £100)

for food electricity clothes transport

Example 4

Single man aged 22, council tenant, in a village
- situation April 2013

Benefit Calculation

Household Weekly Income		Household Weekly Outgoings	
Claimant JSA	£56	Rent	£83
Housing Benefit	£76	Council Tax	£1.40
Council Tax Benefit	£ 0	<small>(annual charge £1170 less 25% single person discount of £293 Less Council Tax Support Discount of £805)</small>	
		Total weekly outgoings £84.40	

Total weekly income £132

Residual income £47.60

(£132 - £84.40)

for food electricity clothes transport

£1.40 per week worse off

Example 5

Working Age Council Tenant – long term sick

Claimant aged 59, and partner aged 56 have a 3 bedroom council house (Band D) in Great Dunmow.

The family has been on a HB and CTB since 1993 due to low income. Claimant has been sick since 2008. His partner works part-time, 20 hours per week.

The claimant now receiving Employment Support Allowance, no other disability benefits in payment.

The couple have savings of less than £2,500.

Example 5

Working Age Council Tenant – long term sick
3 bedroom house current situation Nov 2012

Housing Benefit and Council Tax Benefit Calculation

Household Weekly Income		Household Weekly Outgoings	
Claimant ESA	£ 99	UDC Rent	£97
Partner wages	£160	Council Tax	£29
Housing Benefit	£ 42	<small>(annual charge £1552)</small>	
Council Tax Benefit	£ 13	Total weekly outgoings £126	

Total weekly income £314

Residual income £188

(£314 - £126)

for food electricity clothes transport

Example 5

Working Age Council Tenant – long term sick
3 bedroom house - situation April 2013

Benefit Calculation

Household Weekly Income		Household Weekly Outgoings	
Claimant ESA	£ 99	Rent	£97
Partner wages	£160	Council Tax	£19
Housing Benefit	£ 18	<small>(annual charge £1552 less £572 discount)</small>	
Council Tax Benefit	£ 0	Total weekly outgoings £116	

Total weekly income £277

Residual income £161

(£277 - £116)

£27 per week worse off - £3 due to LCTS and £24 caused by a additional initiative, i.e. council house too big

Example 6

Owner Occupier with second adult on low income

Claimant aged 54, divorced, owner occupier in a Band G house in the South of the District and lives with son aged 22 who has not found a job since leaving his university course. He has not registered unemployed.

The claimant is well paid and working full time, and has savings in excess of £20,000.

Example 6

Owner Occupier with second adult on low income,
current situation (Nov 2012)

Housing Benefit and Council Tax Benefit Calculation

Household Weekly Income		Household Weekly Outgoings	
Claimant	>£1000	Council Tax	£49
		<small>(annual charge £2586)</small>	
		Total weekly outgoings £49	
Council Tax Benefit*	£ 12		
Total weekly income £1012		Residual income	£963

(£1012 - £49)

for food electricity clothes transport

* Qualifies for Second Adult Rebate,
as son is on low income.

Example 6

Owner Occupier with second adult on low income,
- situation April 2013

Benefit Calculation

Household Weekly Income		Household Weekly Outgoings	
Claimant	>£1000	Council Tax	£49
		<small>(annual charge £2586 and no discounts)</small>	
		Total weekly outgoings £49	
Council Tax Benefit	£ 0		
Total weekly income >£1000		Residual income	£951
		<small>(£1000 - £49)</small>	
		for food electricity clothes transport	

£12 per week worse off

Example 7

Parent with care, receiving maintenance

Claimant council tenant aged 34 with partner aged 42. One child with current partner (aged 3) and 2 children from previous relationship (aged 11 and 12)

Family income £47.10 child benefit; £164 child tax credits; wages £240 per week – after deduction for tax and NI and maintenance from absent parent of the 2 older children £50

Rent £97 per week and Council Tax, Band C £1323.

Example 7

Parent with care, receiving maintenance, current situation (Nov 2012)

Housing Benefit and Council Tax Benefit Calculation

Household Weekly Income		Household Weekly Outgoings	
Claimant	£451	Council Rent	£97
Maintenance (from ex-partner)	£50	Council Tax (annual charge £1323)	£25
Housing Benefit	£63	Total weekly outgoings	£ 122
Council Tax Benefit	£14.80		

Total weekly income	£578.80	Residual income	£456.80
		(£578.80- £122)	
		for food electricity clothes transport	

Example 7

Parent with care, receiving maintenance, - situation April 2013

Benefit Calculation

Household Weekly Income		Household Weekly Outgoings	
Claimant	£451	Council Rent	£97
Maintenance (from ex-partner)	£50	Council Tax (annual charge £1323 LCTS discount 832)	£9.40
Housing Benefit	£63	Total weekly outgoings	£106.40
Council Tax Benefit	£0		

Total weekly income	£564	Residual income	£457.60
		(£564- £106.40)	
		for food electricity clothes transport	
		£0.80 per week better off	
		Due to increased wages disregard	

Example 8

Disabled household - protected

Owner occupier, claimant and partner both aged 45years, and 3 children aged 13, 7 and 5 years. Claimant has been long term sick since 2011 and recently qualifies for DLA for care and mobility both at the 'middle rate' and partner now gets carer's allowance.

Family income £47.10 child benefit; £164 child tax credits; carers allowance £58.45; ESA £130 and DLA of £105.90

Council Tax, Band E £1756.

Example 8

Disabled household – protected current situation (Nov 2012)

Housing Benefit and Council Tax Benefit Calculation

Household Weekly Income		Household Weekly Outgoings	
Claimant	£505.45	Council Tax	£33.70
		(annual charge £1756)	
Council Tax Benefit	£33.70	Total weekly outgoings	£ 33.70

Total weekly income £539.15

Residual income £505.45
(£539.15 - £33.70)
for food electricity clothes transport

Example 8

Disabled household – protected - situation April 2013

Benefit Calculation

Household Weekly Income		Household Weekly Outgoings	
Claimant	£505.45	Council Tax	£0.00
		(annual charge £1756)	
Council Tax Benefit	£0	Total weekly outgoings	£0.00

Residual income £505.45
for food electricity clothes transport
No change

Total weekly income £505.45

SCHEDULE OF ESSEX AUTHORITIES DRAFT LCTS PROPOSALS
PLEASE NOTE THIS IS WORK IN PROGRESS AND SUBJECT TO CHANGE

Authority	Basildon	Braintree	Brentwood	Castle Point	Chelmsford	Colchester	Epping Forest	Harlow	Maldon	Rochford	Southend	Tendring	Thurrock	Uttlesford
Ctax band restriction (Restricted to)	D	D	D	D	D	N/A	D	H	D	D	D	N/A	N/A	N/A
(Ctax band ceiling)	N/A	N/A	No benefit on FGH	N/A	N/A	N	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
% Ctax liability restriction	85%	80%	80%	70%	80%	80%	80%	76%	80%	80%	75%	90% AND 75% if unemployed >3yrs	75%	91.5%
Removing second adult rebate	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Removing U/E	Y	N	N	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y
Minimum award restriction	£5	N/A	N/A	N/A	N/A	N	£0.50	N/A	N/A	N/A	N/A	N/A	N/A	£2
Change to non-dependant deductions	£10 flat for all	£10 flat for all	No NDDs	No NDDs	2x increase NDDs for unemployed NDs, 1.5x increase for working NDs	£10 flat 4all	N/C	N/C	One for working diff unemployed	No NDDs	N/C	No NND but all income taken into account	N/C	N/C
Change to means test taper	N/C	N/C	15% working & on wtc and 20% not working	N/C	N/C	N	N/C	N/C	N/C	N/C	N/C	N/C	N/C	N/C
Change to income / earning disregards	N	Y	N	Y	Y	N	N	Y	N	N	N	N	Y	Y
	N/C	40	N/C	25	Increase all by £10pw	£25	N/C	25	Consulting	N/C	N/C	N/C	25	25
Including previously disregarded income*	N	Y	Y	Y	Y	Y	Y	N	Y	Y	N	N	N	Y
	N/C	CHB FOR 2+	CHB and MAIN (£15 disregard)	CHB	Consulting	CHB & MAIN	£15 disregard on MAIN consulting on CHB	N/C	-	CHB & MAIN £15	N/C	N/C	N/C	N/C
Changes to capital limits	N/C	N/C	N/C	6K	6k	6k	6k	6k	6k	6K	6K	N/C	6K	6K
Protection for disabled	N/A	N/A	Y	N/A	N/A	DLA &CA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	DLA &CA
Residency requirement	N/A	N/A	13 week protection	N/A	N/A	N	N/A	N/A	N/A	N/A	N/A	Y	N/A	N/A
No payment to <25years	N/A	N/A	N/A	N/A	N/A	N	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
No benefit on band FGH unless HB awarded	N/A	N/A	Y	N/A	N/A	N	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Expecting POSSIBLE council tax precept increase	-	-	N	-	-	Y	-	-	-	-	?	-	Y	-
DISREGARD War Pensions	-	-	Y	Y	-	Y	Y	-	Y	-	Y	-	Y	Y
Removal Run-On (Ext Pmt)	-	-	N	Y	Y	Y	-	-	-	-	N	-	-	-

Full Council
 * CHB = Child Benefit
 MAIN = Child Maintenance
 N/C = no change
 N/A = not applicable

10/12/2012 05/12/2012 05/12/2012 06/12/2012 18/12/2012 13/12/2012 13/12/2012

APPENDIX E

Uttlesford District Council

Equality impact assessment (EqIA) tool

What is this tool for?


This tool will help you to assess the impact of existing or new strategies, policies, projects, contracts or decisions on residents and staff. It will help you to deliver excellent services, by making sure that they reflect the needs of all members of the community and workforce.

What should be equality impact assessed?

You only need to equality impact assess strategies, policies, projects, contracts or decisions that are **relevant** to equality. If you are not sure whether your activity is relevant to equality take the 'relevance test' on Page 9.

How do I use the tool?

This tool is easy to use and you do not need expert knowledge to complete it. It asks you to make judgments based on evidence.

The tool uses a system of red flags  to give you an indication of whether or not your responses are identifying potential issues. Getting a red flag does not necessarily indicate a problem, but it does mean that your assessment is highlighting issues or gaps in data that may require further investigation or action.

If there is insufficient space to answer a question, please use a separate sheet.




General information		
1	Name of strategy, policy, project, contract or decision.	Localisation of Council Tax Support (LCTS) Policy 2013-2014
2	What is the overall purpose of the strategy, policy, project, contract or decision?	To set up a fair and equitable scheme to help people with low incomes to afford their Council Tax, and in line with the Local Government Finance Bill.
3	Who may be affected by the strategy, policy, project, contract or decision?	<div> <input checked="" type="checkbox"/> Residents </div> <div> <input type="checkbox"/> Staff </div> <div> <input checked="" type="checkbox"/> A specific client groups (please state): Those liable for Council Tax within the District; Any authority that can levy a charge to contribute to Council Tax (Essex County Council, Essex Police and Essex Fire) The scheme benefits those on low incomes by providing them with support to pay their Council Tax. In particular it provides full protection to Pensioners (as prescribed within the requirements of the legislation) and includes locally determined protections for vulnerable groups and incentives to encourage people into work. </div>
4	Responsible department and Head of Division.	Department: Revenues & Benefits Head of Division: Stephen Joyce
5	Are other departments or partners involved in delivery of the strategy, policy, project, contract or decision?	<div> <input type="checkbox"/> No </div> <div> <input checked="" type="checkbox"/> Yes </div>

		<p>Uttlesford is working with all major precepting authorities in Essex to develop an Essex-wide framework, with local variations, within constraints imposed by Government policy</p> <ul style="list-style-type: none"> • Housing, Customer Services • Department for Work and Pensions • Department for Communities and Local Government
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Gathering performance data

6	Do you (or do you intend to) collect this monitoring data in relation to any of the following <u>diverse groups</u> ?	<div><div><input checked="" type="checkbox"/></div>Age</div> <div><div><input checked="" type="checkbox"/></div>Sex</div> <div><div><input type="checkbox"/></div>Gender Reassignment</div> <div><div><input type="checkbox"/></div>Religion & Belief</div> <div><div><input checked="" type="checkbox"/></div>Marriage and Civil Partnerships</div>	<div><div><input checked="" type="checkbox"/></div>Disability</div> <div><div><input type="checkbox"/></div>Race</div> <div><div><input type="checkbox"/></div>Sexual Orientation</div> <div><div><input type="checkbox"/></div>Pregnancy and Maternity</div> <div><div><input checked="" type="checkbox"/></div>Rural Isolation</div>
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		<p>Older people (60+) are protected in the policy which follows specific Government regulations. The policy has been specifically designed with safeguards for vulnerable people, particularly with regard to child poverty and disability. Parents will continue to receive a child allowance per child (currently £64.99) and family premium as part of the calculation, which is consistent with the Council's duty to safeguard and promote the welfare of children.</p> <p>Working parents will receive a higher disregard of their earnings to reflect their childcare costs. Higher Rate Disability Benefits will continue to be disregarded thereby protecting those with specific long term conditions who fall within this group. People with disabilities or long term sick will continue to receive additional premiums as part of the calculation.</p> <p>Without these actions, designed to protect these groups, the policy could potentially be discriminatory.</p> <p>People over 18 of working age will be required to pay more. Dependants under the age of 18 years old may be disadvantaged indirectly if their parents have to pay more as a result of this policy.</p> <p>No impact specific to Sex, Race, Sexual Orientation; Gender Reassignment; Religion and Belief; Marriage and Civil Partnership; Pregnancy and Maternity has been identified</p>
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7	<p>How do you (or how do you intend to) monitor the impact of the strategy, policy, project, contract or decision?</p>	<table> <tr> <td><input checked="" type="checkbox"/></td> <td>Performance indicators or targets</td> </tr> <tr> <td><input type="checkbox"/></td> <td>User satisfaction</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Uptake</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Consultation or involvement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Workforce monitoring data</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Complaints</td> </tr> <tr> <td><input type="checkbox"/></td> <td>External verification</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Eligibility criteria</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Other (please state): collection rates</td> </tr> <tr> <td><input type="checkbox"/></td> <td>None </td> </tr> </table>	<input checked="" type="checkbox"/>	Performance indicators or targets	<input type="checkbox"/>	User satisfaction	<input checked="" type="checkbox"/>	Uptake	<input checked="" type="checkbox"/>	Consultation or involvement	<input type="checkbox"/>	Workforce monitoring data	<input checked="" type="checkbox"/>	Complaints	<input type="checkbox"/>	External verification	<input checked="" type="checkbox"/>	Eligibility criteria	<input checked="" type="checkbox"/>	Other (please state): collection rates	<input type="checkbox"/>	None 
<input checked="" type="checkbox"/>	Performance indicators or targets																					
<input type="checkbox"/>	User satisfaction																					
<input checked="" type="checkbox"/>	Uptake																					
<input checked="" type="checkbox"/>	Consultation or involvement																					
<input type="checkbox"/>	Workforce monitoring data																					
<input checked="" type="checkbox"/>	Complaints																					
<input type="checkbox"/>	External verification																					
<input checked="" type="checkbox"/>	Eligibility criteria																					
<input checked="" type="checkbox"/>	Other (please state): collection rates																					
<input type="checkbox"/>	None 																					

Analysing performance data

8 Consider the impact the strategy, policy, project, contract or decision has already achieved, measured by the monitoring data you collect. Is the same impact being achieved for diverse groups as is being achieved across the population or workforce as a whole?

☐

Yes *

☒

No*

☐

Insufficient 

☐

Not applicable 

**Please state your evidence for this, including full document titles and dates of publication for audit purposes. Where applicable please also state the nature of any issues identified:*

The changes impact only on working age households currently in receipt of Council Tax Benefit – about 3.7% of the total households in Uttlesford.

The key elements of the proposed scheme impact equally across the affected group in proportion to their Council Tax Band.

Allowances and premiums currently awarded under housing benefit rules; and certain disregarded disability benefits similar to the housing benefit rules will help mitigate the impact to long term sick and disabled households; and by treating disabled households as vulnerable and exempt from the key elements of the scheme gives disabled households additional protection.

Families with pre-school and school age children will continue to have allowances and premiums currently awarded under housing benefit rules to help mitigate the impact, but child benefit and maintenance for children will continue to be disregarded.

Households with the very lowest incomes and savings will not have a greater than 8.5% reduction in council tax support

9	<p>Is uptake of any services, benefits or opportunities associated with the strategy, policy, project, contract or decision generally representative of <u>diverse groups</u>?</p>	<div style="display: flex; align-items: center;"> <input type="checkbox"/> <div style="margin-left: 10px;">Yes *</div> </div> <div style="display: flex; align-items: center; margin-top: 10px;"> <input type="checkbox"/> <div style="margin-left: 10px;">No*</div> </div> <div style="display: flex; align-items: center; margin-top: 10px;"> <input type="checkbox"/> <div style="margin-left: 10px;">Insufficient </div> </div> <div style="display: flex; align-items: center; margin-top: 10px;"> <input type="checkbox"/> <div style="margin-left: 10px;">Not applicable </div> </div> <p style="margin-top: 20px;"><i>*Please state your evidence for this, including full document titles and dates of publication for audit purposes. Where applicable please also state the nature of any issues identified:</i></p> <p>Northgate modeling tool "R:\Local Council Tax\cabinet 20 -11-2012 2012\working papers\CTS-08_OCT_2012.xlsm" "R:\Local Council Tax\cabinet 20-11-2012\working papers\impact max-min and average October data Transitional Scheme.xls" R:\ Local Council Tax\cabinet 20-11-2012\working papers\CTXimpact by parish.xls</p>
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Checking delivery arrangements


10	<p>You now need to check the accessibility of your delivery arrangements against the requirements below. Click on the hyperlinks for more detailed guidance about the minimum criteria you should meet.</p> <p><i>If assessing a proposed strategy, policy, project, contract or decision, indicate 'Yes' if you anticipate compliance by launch of implementation.</i></p>	<div style="display: flex; justify-content: flex-end; margin-bottom: 10px;"> <div style="text-align: center; margin-right: 20px;">Yes</div> <div style="text-align: center; margin-right: 20px;">No </div> <div style="text-align: center;">N/A</div> </div> <div style="display: flex; justify-content: space-between; margin-bottom: 20px;"> <div style="width: 65%;">The premises for delivery are accessible to all.</div> <div style="width: 30%; text-align: center;"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox" value="Y"/> </div> </div> <div style="display: flex; justify-content: space-between; margin-bottom: 20px;"> <div style="width: 65%;"> Consultation mechanisms are inclusive of all. all claimants will receive a letter, stakeholders will be given an opportunity to comment </div> <div style="width: 30%; text-align: center;"> <input type="checkbox" value="Y"/> <input type="checkbox"/> <input type="checkbox"/> </div> </div> <div style="display: flex; justify-content: space-between; margin-bottom: 20px;"> <div style="width: 65%;"> Participation mechanisms are inclusive of all. </div> <div style="width: 30%; text-align: center;"> <input type="checkbox" value="Y"/> <input type="checkbox"/> <input type="checkbox"/> </div> </div> <p>If you answered 'No' to any of the questions above please explain why giving details of any legal justification.</p>
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Due to the challenging timeline for consultation, evaluation of responses; cabinet and full council approval before budget setting, consultation will be limited to a 6/8 week period. As this is part of an Essex framework, we will be expected to keep our consultation period in line with other Essex authorities. We are required to consult with major precepting authorities prior to public consultation.

Checking information and communication arrangements

11 You now need to check the accessibility of your information and communication arrangements against the requirements below. Click on the hyperlink for more detailed guidance about the minimum criteria you should meet.

If assessing a proposed strategy policy, project, contract or decision, indicate 'Yes' if you anticipate compliance by launch of implementation.

	Yes	No 	N/A
Customer contact mechanisms are accessible to all.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic, web-based and paper information is accessible to all.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Publicity campaigns are inclusive of all.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Images and text in documentation are representative and inclusive of all.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


If you answered 'No' to any of the questions above please explain why, giving details of any legal justification.

Future Impact

12 Think about what your strategy, policy, project, contract or decision is aiming to achieve over the long term and the ways in which it will seek to do this. This is your opportunity to take a step back and consider the practical implementation of your strategy, policy, project, contract or decision in the future. As well as checking that people from diverse groups will not be inadvertently excluded from or disadvantaged by any proposed activities, it is also an opportunity to think about how you can maximize your impact, reach as many people as possible and really make a difference to the lives of everyone in Uttlesford regardless of their background or circumstances.

Is it likely to inadvertently exclude or disadvantage any diverse groups?

☐ No





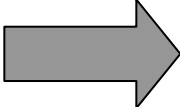
☐ Yes * 

OVERVIEW

70,000 residents

Demographic make up according to diverse groups.

As the changes are to low income households, and the reduction in Government funding will be passed to working age only; working age households on low incomes will be impacted most.

<input type="checkbox"/> Insufficient evidence  es identified.	
Improvement actions	
13 If your assessment has highlighted any potential issues or red flags, can these be easily addressed? In cases of exceptional hardship a small sum will be made available for discretionary awards.	<input type="checkbox"/> Yes <input type="checkbox"/> No*  <input checked="" type="checkbox"/> Not applicable <i>*If Yes, please describe your proposed action/s, intended impact, monitoring arrangements implementation date and lead officer:</i>
Making a judgement – conclusions and next steps	
14 Following this fast-track assessment, please confirm the following:	<div style="display: flex; align-items: center;"> <div style="margin-right: 20px;"> <input checked="" type="checkbox"/> There are no inequalities identified that cannot be easily addressed or legally justified </div> <div style="margin-right: 20px;"></div> <div> No further action required. Complete this form and implement any actions you identified in Q13 above </div> </div> <div style="display: flex; align-items: center; margin-top: 10px;"> <div style="margin-right: 20px;"> <input type="checkbox"/> There is insufficient evidence to make a robust judgement. </div> <div style="margin-right: 20px;"></div> <div> Additional evidence gathering required (go to Q17 on Page 7 below). </div> </div> <div style="display: flex; align-items: center; margin-top: 10px;"> <div style="margin-right: 20px;"> <input type="checkbox"/> Inequalities have been identified which cannot be easily addressed. </div> <div style="margin-right: 20px;"></div> <div> Action planning required (go to Q18 on Page 8 below). </div> </div>
15 If you have any additional comments to make, please include here.	<input type="checkbox"/> None
Completion	
16 Name and job title (Assessment lead officer)	Ann Parry-Jones Project Officer
Name/s of any assisting officers and people consulted during assessment: Date: Date of next review: <i>For new strategies, policies, projects, contracts or decisions this should be one year from implementation.</i>	Sue Mustill, Sue Ellis, Stephen Joyce November 2012 April 2013

Uttlesford District Council Supplementary Equality Impact Assessment

The purpose of this document is to assess the potential equality impact of proposed changes to a strategy, policy or project and to assist the organisation in making fair financial decisions.

Name of strategy, policy or project to be assessed		
Local Council Tax Support Scheme		
Name and Signature of Lead Officer completing assessment	Job title	Date Completed
Ann Parry-Jones	Project Officer	November 2012

1. What is the main purpose of the strategy, policy or project?

To fulfil Uttlesford District Council's legal obligation under the Localism Act and Local Government Finance Bill to provide a Localised Council Tax Support Scheme (LCTS) with effect from 1st April 2013 that costs less than the current Council Tax Benefit scheme but also complies with the Transitional Grant Scheme funding announced by DCLG October 2012.

2. List the main activities of the strategy, policy or project.

To implement a fair and equitable scheme which qualifies for the Transitional Grant Scheme funding announced by the DCLG 2012 (a one-off grant for 2013/14); that reduces the shortfall in Government funding to the Council Tax preceptors and in accordance with prescribed legislation. This scheme must

- protect pensioners and
- retain work incentives and
- claimants who currently qualifies for 100% benefit must not have to pay more than 8.5% of their Council Tax liability from April 2013.

3. Who are the main stakeholders and who is likely to be affected?

The main stakeholders are:

Any authority that can levy a charge to contribute to Council Tax (Essex County Council, Essex Police and Essex Fire)

UDC Council Taxpayers

Residents of UDC who are on a low income and have minimal savings.

Housing providers

DCLG

DWP

4. What outcomes are required from the strategy, policy or project?

The Policy fundamentally aims to provide support with Council Tax for those who are socio-economically disadvantaged whilst also encouraging people into work. It has been recognised that in this regard opportunities for some groups may not be equal and therefore the Policy has been designed to provide protection for those groups where advancement of equal opportunity may be restricted. The scheme also has to qualify for the Transitional Grant Scheme funding.

5. Are there any concerns that the strategy, policy or project could have a differential impact in terms of equality?

Use the table below to indicate:

a) *Where you think that the strategy, project or policy could have a negative impact on any of the protected characteristic groups.*

If you assess a negative impact for any of the protected characteristic groups, then you will need to assess whether the extent of that impact is low, medium or high.

b) *Where you think that the strategy, project or policy could have a positive impact on any of the protected characteristic groups.*

c) *Where you think that the strategy, project or policy could have a neutral impact on any of the protected characteristic groups.*

You must refer to the evidence you have used in identifying the potential impact and provide an explanation as to how you reached this decision for all of the protected characteristic groups.

Protected Characteristic	Potential Positive Impact	Potential Negative Impact ➡	Extent of Impact: Low, Medium or High	No Impact	Explanation
Age Identify the potential impact on different age groups	194 working age households will be 'better off' under the LCTS scheme than the CTB scheme due to the introduction of a universal £25 wages disregard. This will help single claimants and couples. (Current disregards are £5 for a single person and £10 for a couple)	People over the age of 18 will be required to pay more Council Tax. This represents 1837 households, but protection for the disabled and introduction of new wages disregards reduces this to 1234 households who will be adversely affected or 3.7% of UDC households. Dependants under the age of 18 years old may be disadvantaged indirectly if their parents have to pay more as a result of this policy. This will impact on 819 households with children and 1650 children.	Working Age claimants with the lowest income (who currently do not have to pay any Council Tax) will not have to pay more than 8.5% of their Council Tax liability. On average this will mean £1.50 per week additional Council Tax to pay and the range is from 5pence to £12.40 per week additional Council Tax to pay. The level of impact is significantly reduced from the outline scheme agreed by cabinet in August 2012 that went out to public consultation, where the average loss per	Protection is given to all claimants who have attained the State Pension Age ie born before 5/4/1951 This represents 2152 households	Legislation dictates that pensioners will be protected from any change to the Council Tax Support (CTS) scheme – ie they will broadly be awarded a similar level of support as they receive now under CTB rules Data Analysis using the 'Northgate Modelling tool' on CTB caseload as at 8/10/2012

Protected Characteristic	Potential Positive Impact	Potential Negative Impact ➡	Extent of Impact: Low, Medium or High	No Impact	Explanation
			household was £6 per week and the range of impact was from 6pence per week to £41 per week		
Disability Identify the potential impact on disabled people	Disabled households who are in part-time work or low paid employment will benefit by increasing the wages disregard from £20 per week to £25 per week. This will potentially assist 47 households. Disabled household will continue to have disability benefits such as DLA disregarded from their income calculations and additional premiums will be included in assessing their 'needs' allowance – in line with Housing Benefit Regulations	Claimants who are long term sick will not be directly protected from the changes to CTB and the maximum liability cap of 91.5% however they will continue to qualify for additional disability premiums when calculating their support entitlement – in line with Housing Benefit rules. This will impact on 215 households.	The impact to long term sick households will be on average £1.78 per week to pay as additional Council Tax liability, and the range is from £0.68 to £3.58 per week. This is broadly the same impact as unemployed households.	410 working age disabled households will be protected from the changes to support. This will include households with a disabled dependant child; the claimant or partner receive Carer's Allowance or Disability Living Allowance (DLA) (for care or mobility) or from April 20123 Personal Independence Payment (PIP) or the claimant or partner is registered blind	UDC local discretion to protect this group of disabled households Data Analysis using the 'Northgate Modelling tool' on CTB caseload as at 8/10/2012

Protected Characteristic	Potential Positive Impact	Potential Negative Impact ➡	Extent of Impact: Low, Medium or High	No Impact	Explanation
Gender Reassignment Identify the potential impact on people that have changed gender identity					No information available to indicate an impact on this group
Marriage and Civil Partnership Identify the potential impact on people who are married or in a civil partnership	Working age couples who are currently working part-time or on very low wages with benefit by increasing the wages disregard from £10 per week to £25 per week. This will potentially help 224 households 3 households will be 'better off' the others will have partial protection from the other changes in the LCTS scheme	The introduction of a minimum award of £2 per week will mean that some couples will no longer qualify for financial support, this will impact on 11 couples,	Low impact; if the household only qualified for less than £2 per week CTB , they are the least socio-economic disadvantaged claimants		Data Analysis using the 'Northgate Modelling tool' on CTB caseload as at 8/10/2012
Pregnancy and Maternity Identify the potential impact on pregnant or maternal mothers and those women who wish to					This group are not impacted any differently to other working age groups

Protected Characteristic	Potential Positive Impact	Potential Negative Impact ➡	Extent of Impact: Low, Medium or High	No Impact	Explanation
breastfeed					
Race Identify the potential impact on different ethnic groups, including national origins, colour and nationality					No information available to indicate an impact on this specific group
Religion and Belief Identify the potential impact on different religious/faith groups					No information available to indicate an impact on this specific group
Sex Identify the potential impact on men and women		1188 working age females will be "worse-off" under LCTS compared to 560 males.	Low impact – although there are more females impacted by these changes, on average working age females are 'worse off' by £1.94 per week compared to males who will be 'worse-off' by an average of £2.02 per week. This is largely due to difference in Council Tax liability females are almost 4	Lone parents under the current CTB scheme have a £25 wages disregard – this will be maintained under the LCTS scheme. This affects 307 households. As females are more likely to be lone parents the continued disregard of child benefit and maintenance will reduce the impact	Analysis shows there are more female benefit recipients than male benefit recipients both for working age and pension age claims. This is due to 2 main factors, females have a higher life expectancy and account for the higher level of pensioner female claimants.

Protected Characteristic	Potential Positive Impact	Potential Negative Impact ➡	Extent of Impact: Low, Medium or High	No Impact	Explanation
			times more likely to have a single person discount for living alone	on these household compared to the original scheme. Child allowance and premiums will continue to be given in line with current CTB and Housing Benefit scheme which will help mitigate the impact of changes to all families, and in particular lone parents	Females are more likely to take on caring responsibilities – as lone parents or caring for disabled or elderly relatives and relying on benefits or part-time work. Data Analysis using the 'Northgate Modelling tool' on CTB caseload as at 8/10/2012
Sexual Orientation Identify the potential impact on lesbian, gay men, bisexual or heterosexual people					No information available to indicate an impact on this specific group
Other Characteristic – Rurality Identify the potential impact on people who are rurally isolated		6% of UDC households are in receipt of Council Tax Benefit (CTB).	Low impact		The larger parishes also have the larger working age CTB caseload. The % working age households are: Takeley 9% Dunmow 8%

Protected Characteristic	Potential Positive Impact	Potential Negative Impact ➡	Extent of Impact: Low, Medium or High	No Impact	Explanation
					<p>Saffron Walden 7% Stansted 7% Thaxted 6% this is largely due to the level of social housing in these parishes. Other more rural parishes have 5% or less households in receipt on CTB</p> <p>Data Analysis using the 'Northgate Modelling tool' on CTB caseload as at April 2012</p>

6. Could you minimise or remove any potential negative impact that is high, medium or low significance in advance of a full impact assessment? Please explain.

The scheme has been designed to minimise the negative impact on all working age groups by applying for the Transitional Grant Scheme which represents an additional £95k of central funding and a contribution from UDC reserves. An exceptional hardship fund of up to £25k will assist any cases any unforeseen circumstances of LCTS or where the changes to the level of support cause exceptional hardship to the household.
This scheme will be reviewed during 2013/14.

If Yes, complete the Action Plan below.

If No, proceed to a Full Equality Impact Assessment

7. Action Plan

8. Please provide any further information, qualitative or quantitative that does not fit into the questions, but you feel has a likely impact on this assessment

Application for the Transitional Grant Scheme post 31/1/2013.
Proactive engagement with recipients of LCTS to advise them of the likely impact and missed payments to avoid unnecessary court action and recovery costs
Regular monitoring of recovery of the LCTS debts
Review of the entire scheme mid 2013/14

Protected Characteristic	Details of possible disadvantage or negative impact	Action to be taken to address the disadvantage or negative impact	Officer responsible for progressing the action	Date action to be completed by

APPENDIX F part 3a

Impact Assessment showing number of claimants impacted by the UDC Transitional Grant scheme - (8/10/2012 data) showing the max, min and average weekly change by group						
category of claimant	worse off	no change	better off	av weekly loss	minimum weekly loss(-) or gain (+)	max weekly loss
working age non vulnerable	1234	0	194	-£1.50	+£3.19	-£12.40
working age disabled	0	363	47	£0.00	+£0.88	£0.00
pension age	0	2152	0	£0.00	£0.00	£0.00
passported non vulnerable	703	0	0	-£1.84	-£0.75	-£3.98
number of non vulnerable households with children	819	0	127	-£1.66	+£1.61	-£6.66
number of children in non vulnerable households	1650					
lone parents (non vulnerable)	672	0	0	-£1.93	£0.05	-£6.66
lone parent (non vulnerable) with one child	350	0	0	-£1.87	-£0.05	-£5.50
lone parent (non vulnerable) with two child	224	0	0	-£1.94	-£0.88	-£6.66
lone parent (non vulnerable) with three children	68	0	0	-£2.04	-£1.20	-£3.56
lone parent (non vulnerable) more than 3 children	30	0	0	-£2.27	-£1.69	-£4.99
number of children in lone parent families	1129					
lone parents with child aged 3 or younger	116	0	0	-£1.70	-£1.20	-£2.55
lone parents with child aged 5 or younger	187	0	0	-£1.74	-£0.57	-£3.65
single claimants (no partner or children) excl vulnerable	368	0	72	-£1.19	+£3.19	-£12.40
single claimants (no partner or children) incl vulnerable	649					
couples with children (excl vulnerable)	154	0	111	-£0.93	+£1.39	-£4.06
number of children in household with 2 parents	527					
couples with children (incl vulnerable)	214	0	114	-£1.18	+£1.39	-£4.02
number of children in household with 2 parents	657					
couples no children (excl vulnerable)	46	0	10	-£2.06	+£1.81	-£3.68
couples no children (incl vulnerable)	107					
claimant and/or partner in employment (excl vulnerable)	414	0	194	-£1.00	+£3.19	-£5.31
claimant/partner in employment with children (excl vulnerable)	373	0	112	-£1.39	+£1.61	-£5.31
claimant and/or partner in employment (incl vulnerable)	707					
claimant/partner in employment with children (incl vulnerable)	518					
lone parents in employment	313	0	0	-£2.02	-£0.05	-£5.31
household with non deps to help out	181					
household with non deps excl students	128					
household with non deps already contributing	86					
Second adult rebate	16					
capital exceeds £6k	33			-£2.07	-1.18	-£3.18
female with no partner	867					
female with partner	145					
male with no partner	239					
male with partner	176					
total adult females worse off	1188	0		-£1.94	-£0.06	-£4.02
total adult males worse off	560	0		-£2.02	-£0.41	-£4.06
long term sick but NO DLA	30	0		-£1.68	-£1.20	-£3.50

APPENDIX F part 3b

Demographics by Gender				
	All Claimant	Pensioners	Working age	
			Vulnerable	other
female claimant no partner	2979	1577	296	1106
female claimant with partner	316	114	57	145
male claimant no partner	753	411	103	239
male claimant with partner	694	461	57	176
Total males	1763	986	217	560
Total females	3989	2152	410	1427

females live longer; more likley to have caring responsibilities

Demographics by Gender with family responsibilities				
	All Claimant	Pensioners	working age	
			Vulnerable	other
female no partner no children	2218	1569	209	440
female lone parent	761	8	87	666
female claimant with partner no children	144	109	17	18
female claimant with partner with children	172	5	40	127
male claimant no partner no children	720	409	100	211
male claimant lone parent	33	2	1	28
male claimant with partner but no children	525	453	34	38
male claimant with partner with children	169	8	23	138
Total males with children	374	15	64	293
Total females with children	1102	21	150	931

Demographics by Gender including all caring responsibilities			
	All Claimant	Pensioners	working age
female claimant no partner no caring responsibilities	1448	1127	321
female claimant no partner caring responsibilities	778	39	739
female claimant with partner no caring responsibilities	21	10	11
female claimant with partner with caring responsibilities	109	2	107
male claimant no partner no caring responsibilities	698	398	300
male claimant no partner caring responsibilities	52	13	39
male claimant with partner but no caring repsonsibilities	444	387	57
male claimant with partner with caring responsibilities	238	73	165
Total males with caring responsibilities	399	88	311
Total females with caring repsonsibilities	1125	114	1011

Committee: LICENSING & ENVIRONMENTAL HEALTH

Agenda Item

Date: 24 October 2012

9

**Title: REVISION OF THE STATEMENT OF
LICENSING POLICY**

**Author: Michael Perry, Assistant Chief Executive
Legal, 01799 510416**

Item for decision

Summary

1. This report is to inform members of the response to the consultation on the proposed revisions to the council's Statement of Licensing Policy.

Recommendations

2. That members approve the revised Statement of Licensing Policy amended as suggested in this report and recommend the same to Full Council for adoption.

Financial Implications

3. None.

Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
 - Replies received in response to the consultation.

Impact

- 5.

Communication/Consultation	Consultation has taken place with the statutory consultees (which includes all responsible authorities), all premises licence holders and licensed clubs in the district and all town and parish councillors. In addition the views of the public were sought through a press release and the council's website.
Community Safety	Public safety is one of the licensing objectives promoted by the draft policy statement.
Equalities	There are no equality issues arising from this report.
Health and Safety	Public safety is one of the licensing objectives promoted by the draft policy statement.

Human Rights/Legal Implications	The council is obliged to keep its statement of licensing policy under review and make changes when necessary.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

6. On the 18 April 2012 this committee appointed a task group to advise the committee on changes to the Statement of Licensing Policy necessary to reflect amendments to the Licensing Act 2003 made by the Police Reform and Social Responsibility Act 2011. The task group consisted of Councillors Lemon, Loughlin and Perry.
7. The group met on 14 May 2012 and carried out a review of the Statement of Licensing Policy having regard to the amendments contained in the 2011 Act and the revised government guidance issued under section 182 of the 2003 Act. The task group's report was presented to this committee on the 11 July 2012 and the Revised Statement of Licensing Policy was approved as a basis for consultation.
8. Despite the very wide consultation referred to above, only 3 responses have been received.
9. One of these was a mere acknowledgement of the consultation process. Another was concerned with enforcement issues which had no relevance to the Revised Statement of Licensing Policy. The third pointed out that in preparing the draft statement of Licensing Policy a paragraph of some importance had been inadvertently omitted. This was paragraph 5.7 of the existing policy which reads:-

"When addressing the issue of prevention of public nuisance, the applicant should consider those factors that impact on the likelihood of public nuisance. These may include:

- The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship.
- The hours during which the licensable activities will be carried out particularly between 23:00 and 07:00.
- The closing time of the premises.
- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises.

- The design and layout of premises and in particular the presence of noise limiting features.
- The occupancy capacity of the premises.
- The availability of public transport.

Applicants for licences which include regulated entertainment will be aware of the potential of such entertainment to cause a public nuisance by reason of noise from the premises. If representations are made or a review is called for, the authority may consider imposing a condition to the effect that the licence holder shall take measures to ensure that music will not exceed a prescribed decibel limit at the boundaries of certain properties or within a location described in the condition. What may be an acceptable level of noise may vary from location to location or depending on the time of day as perception of noise from a particular source is affected by background noise levels. Directions given under the Noise Act 1996 provide that the permitted noise level for the purposes of that Act is 34 decibels where the underlying noise level does not exceed 24 decibels or 10 decibels above underlying noise levels in any other case. In the event that representations are received and the authority concludes that a noise limiting condition is required, the starting point for such a condition would be 34 decibels. If an applicant wishes to contend that a higher limit is appropriate, then the authority would expect the applicant to provide a noise survey to support such a contention.”

10. This amendment to the Statement of Licensing Policy was introduced in February 2011 following a decision in the case of Developing Retail Limited v East Hampshire Magistrates’ Court which determined that the condition which had been used by licensing authorities in accordance with government guidance (that noise should not be clearly audible at the boundaries of noise sensitive premises) was unenforceable. This amendment to the council’s Licensing Policy was subject to the same rigorous consultation as the present proposed amendments and no objections to paragraph 5.7 were received. In the circumstances, if members were minded to amend the draft statement of Licensing Policy to incorporate this provision I do not consider it is necessary to re-consult.
11. Members will be aware of recent amendments to the Licensing Act made by the Live Music Act 2012. As the effect of this Act is to remove certain activities from the definition of regulated entertainment it is not necessary for any amendments to be made to the Statement of Licensing Policy as a result. The policy is adequate to deal with circumstances where by virtue of the Act conditions can be imposed for the performance of live music as if it were regulated entertainment.

Risk Analysis

12. There are no risks associated with this report.

**STANDARDS COMMITTEE held at COUNCIL OFFICES
LONDONROAD SAFFRON WALDEN at 4.00 pm on 1 OCTOBER
2012**

Present: Councillor R M Lemon – Chairman.
Councillors C Cant, K Eden and E Godwin (Uttlesford members).
Mrs G Butcher-Doulton, Mr A Brobyn and Mr V Lelliott (Independent members)

Officers in attendance: M Cox (Democratic Services Officer) and M Perry (Assistant Chief Executive - Legal).

S5 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors J Loughlin and J Menell.

S6 MINUTES

The minutes of the meeting held on 23 July 2012 were agreed and signed by the Chairman as a correct record.

**S7 RECOMMENDATIONS FROM THE STANDARDS SUB-COMMITTEE
1 – REVISIONS TO THE COUNCIL'S CODES OF PRACTICE**

The Committee received the minutes and recommendations from the sub-committee 1 meeting on 18 September 2012. The meeting had agreed amendments to the Codes of Good Practice: Probity in Licensing and Probity in Planning. The changes had been required because of the changes in the Standards regime which meant that aspects of the Code no longer reflected the legislation or the new Code of Conduct of the Council.

The Assistant Chief Executive – Legal explained that the main amendments were to reflect the changes introduced by the Localism Act and in particular Section 25. This stated that Council members should not be taken as having a closed mind just because they had previously done something to indicate their view on a matter. However, it was not considered that this provision would offer protection to councillors in such circumstances as the provision only related to the validity of a decision and would not prevent a councillor being investigated for maladministration by the Ombudsman or for a breach of the Code of Conduct. The revised Codes therefore recommended that the existing guidance for members should continue and they should not indicate how they were likely to vote before a meeting.

RECOMMENDED to Full Council that the amendments to the Codes of Practice: Probity in Planning and Probity in Licensing be approved.

S8

RECOMMENDATIONS FROM THE STANDARDS SUB-COMMITTEE 2 – GUIDANCE ON THE CODE OF CONDUCT

The Sub-Committee had considered whether it would be useful to members to issue guidance regarding the Council's Code of Conduct and if so what form it should take. The guidance would replace that previously provided by Standards for England which had ceased to have effect. The aim was to provide members of the district council and those town and parish councils that had adopted the Uttlesford Code with a general understanding of the Code of Conduct and its requirements. The Standards Committee would also have regard to the guidance in considering allegations of breaches of the Code of Conduct.

The Sub-Committee had considered the existing guidance and suggested the areas that should be included in the updated version. A draft guide had been prepared encompassing all these different parts and was now before members for approval. There had been a request at the last meeting for the guidance to define more clearly what constituted a breach of the Code but the sub-committee felt that it was not possible to clarify this in precise terms.

It had been agreed that the guidance should be available to all parish councils even if they had not adopted the District's code. It was noted that 20 of the parish councils had now confirmed that they had adopted the District's code; the position of the other parishes was unclear. Members highlighted the problem of engaging with parish councils about this issue, when many parishes met infrequently and tended to discuss small local issues. The Assistant Chief Executive – Legal said that all the parish clerks had been sent the relevant information, and there had been training events on the subject where all Parish Councils had been invited. It was agreed that the guidance would now be sent to the parish councils and they should again be reminded of their obligations under the Act.

RESOLVED that

- 1 the draft guidance to members to assist them in observing the Code of Conduct be approved.
- 2 the guidance be placed on the Council's website and made available to all District Councillors and Parish Councils.

SUGGESTED AMENDMENTS TO THE CODE OF CONDUCT

The Committee considered suggested amendments to the Code of Conduct in the light of the implications of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The regulations had been effective from 10 September 2012 but as they had been introduced without consultation, there had been no time to amend the constitution to enable compliance.

The report outlined the main changes introduced by the regulations. The part that affected the Code of Conduct related to the reference to the words 'conflict of interest', which had not been defined. The Localism Act, referred to disclosable pecuniary interests, other pecuniary interests and non-pecuniary interests and these applied to all councillors and all meetings. The regulations only applied to members of the Executive, when making executive decisions.

The regulations also provided for dispensations to be granted by the Head of Paid Service, whereas under the Localism Act the Council had delegated the function of granting dispensations to the Monitoring Officer.

The regulations did not repeal or amend the Act which left the Council operating two concurrent regimes.

The Assistant Chief Executive - Legal had drafted proposed amendments to the Code of Conduct to take account of the provisions in the regulations. In relation to granting of dispensations, the Committee agreed that a dispensation from the Head of Paid Service was not necessary where the member held a dispensation granted under the Act or under the Council's Code of Conduct. However to avoid any possibility of duplication the Head of Paid Service had indicated that he would delegate to the Monitoring Officer his power to grant dispensations under the regulations.

With regard to the issue of 'conflict of interest' it was noted that the current Executive Procedure Rules referred to 'conflict of interest' in the context of the previous regulations and appeared to be synonymous with prejudicial interests. The Constitution Task Group had recently met to consider the implications of the regulations and had recommended that in the light of the confusion caused by the regulations the references to "conflicts of interests" should be dealt with in the Code of Conduct. The proposed amendments therefore set out an additional section to the Code which defined 'conflict of interest' and how it would apply to executive members.

RECOMMENDED to Full Council that the amendments to the Code of Conduct be approved and adopted.

The meeting ended at 4.40 pm

Access to Information Procedure Rules

RULE 1 SCOPE

These rules apply to all meetings of the Council, overview and scrutiny committees, Area Forums, the Standards Committee, regulatory committees and public meetings of the executive (together called meetings).

RULE 2 ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

RULE 3 RIGHT TO ATTEND MEETINGS

Members of the press and public may attend all meetings subject only to the exceptions in these rules.

RULE 4 QUESTIONS OR STATEMENTS BY THE PUBLIC

- 4.1 The Council has a period to enable the public to ask questions or make statements at the start of meetings of the Council and meetings of the executive. A period of 15 minutes is set-aside for members of the public to ask questions or make statements on any matters for which the Committee is responsible.
- 4.2 The purpose of the question time is to enable the public to express their concerns and receive a response directly from the leader, a member of the executive, the Chairman of a committee, other councillors or officers of the Council.
- 4.3 The question time is kept as informal as possible but there are guidelines in order to make the system as fair and easy to operate as possible. A time limit of three minutes is allowed for each speaker and two working days' notice to the Chief Executive is required in writing or by email.
- 4.4 Most meetings are held at the Council Offices, London Road, Saffron Walden and commence at 7.30pm, and public questions are dealt with at the start of meetings. The following meetings incorporate a question and answer session:
 - Council
 - ~~Public meetings of the executive~~Cabinet
 - Scrutiny Committee
 - Performance and Audit Committee

APPENDIX

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- Licensing and Environmental Health Committee other than when dealing with individual cases
- Standards Committee other than when dealing with individual cases

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- 4.5 The ~~Development Control~~Planning Committee allows members of the public to speak on planning applications. The procedure is set out in Part 5 of the Constitution.
- 4.6 Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.
- 4.7 A question may only be asked if notice has been given by delivering it in writing or by email to the proper officer no later than 12pm two working days before the day of the meeting. Each question must give the name and address of the questioner.
- 4.8 At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation.
- 4.9 The proper officer may reject a question if it:
- 4.9.1 is not about a matter for which the local authority has a responsibility or which affects the district;
 - 4.9.2 is defamatory, frivolous or offensive;
 - 4.9.3 is substantially the same as a question which has been put at a meeting in the past six months; or
 - 4.9.4 requires the disclosure of confidential or exempt information
- 4.10 The proper officer will enter each question/statement in a book open to public inspection and will immediately send a copy of the question to the leader or other councillor to whom it is to be put. Rejected questions will include reasons for rejection.
- 4.11 Copies of all questions/and statements accepted will be circulated to all members and will be made available to the public attending the meeting.
- 4.12 The Chairman will invite the questioner to put the question to the Council, or member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may

ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

- 4.13 A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule 4.9 above.
- 4.14 Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.
- 4.15 No discussion will take place on any question.

RULE 5 NOTICES OF MEETING

The council will give at least five clear working days notice of any meeting by posting details of the meeting at the Council Offices, London Road, Saffron Walden, Essex, CB11 4ER ("the designated office").

RULE 6 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection for the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Chief Executive shall make each such report available to the public as soon as the report is completed and sent to councillors.

RULE 7 SUPPLY OF COPIES

The Council will supply copies of:

- 7.1 any agenda and reports which are open to public inspection;
- 7.2 any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- 7.3 unless an exemption under the Freedom of Information Act 2000 the Environmental information Regulations 2004 or any other legislation which may require disclosure of information applies, copies of any

other documents supplied to councillors in connection with an item to any person on payment of a charge for postage and any other costs.

RULE 8 ACCESS TO MINUTES ETC AFTER THE MEETING

The Council will make available copies of the following for six years after a meeting:

- 8.1 the minutes of the meeting or records of decisions taken by the Council or any of its committees excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- 8.2 the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the executive, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- 8.3 a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- 8.4 the agenda for the meeting; and
- 8.5 reports relating to items when the meeting was open to the public

RULE 9 BACKGROUND PAPERS

9.1 List of background papers

The proper officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- 9.1.1 disclose any facts or matters on which the report or an important part of the report is based; and
 - 9.1.2 which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 11) and, in respect of executive reports, the advice of a political advisor.
- 9.2 The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

RULE 10 SUMMARY OF PUBLIC'S RIGHTS

A written summary of public rights to attend meetings and to inspect and copy documents is kept at and is available to the public at the Council Offices, London Road, Saffron Walden, Essex, CB11 4ER and is available on the Council's website. Details are also set out in a leaflet available to the public.

RULE 11 EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

- 11.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.
- 11.2 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.
- 11.3 Where the meeting will determine any persons civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.
- 11.4 The Licensing and Environmental Health Committee may exclude the public from all or part of a meeting where the Committee is of the opinion that the public interest in so doing outweighs the public interest in the hearing or that part of the hearing taking part in public (Licensing Act 2003 (Hearings) Regulations regulation 14). This includes parties to the hearing and those representing them. In general it is considered desirable that the part of the meeting when members debate applications before announcing a decision should take place in the absence of the public.
- 11.5 Confidential information means information given to the Council by a Government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.
- 11.6 Exempt information means information falling within the following categories:
 - 11.6.1 Information relating to any individual.
 - 11.6.2 Information which is likely to reveal the identity of an individual.

- 11.6.3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 11.6.4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a minister of the Crown and employees of, or office holders under, the authority.
- 11.6.5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceeding.
- 11.6.6 Information which reveals that the authority proposes
 - (a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) To make an order or direction under any enactment
- 11.6.7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- 11.7 Information falling with paragraph 11.6.3 above is not exempt information if it is required to be registered under an Act of Parliament.
- 11.8 Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.
- 11.9 Where information would be exempt by virtue of paragraphs 11.6.1 to 11.6.7 above and is not prevented from being exempt by virtue of paragraphs 11.7 and 11.8 above then it is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 11.10 For the purposes of paragraphs 11.6 to 11.9 above
 - 11.10.1 "Employee" means a person employed under a contract of service.

- 11.10.2 "Financial or business affairs" includes contemplated, as well as past or current, activities.
- 11.10.3 "Labour relations matter" means any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 or any dispute relating to any such matter.
- 11.10.4 "Office Holder" in relation to the authority means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.
- 11.10.5 References to "the authority" are a reference to Full Council, the executive or as the case may be committees or sub-committees of the Council.
- 11.11 If the proper officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

RULE 12 APPLICATION OF RULES TO THE EXECUTIVE

~~12.1~~ Rules 13 - ~~24-21~~ apply to the executive and its committees. ~~If the executive or its committees meet to take a key decision then it must also comply with Rules 1 - 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 13.3 of this Constitution otherwise provided for. In the event of a conflict between Rules 13 - 21 and Rules 1 - 11 in respect of executive decisions then Rules 13 - 21 shall prevail.~~

~~12.2 If the executive or its committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with Rules 1 - 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 13.3 of this Constitution. This requirement does not include meetings, whose sole purpose is for officers to brief members.~~

RULE 13 PROCEDURE BEFORE TAKING KEY DECISIONS AS DEFINED IN ARTICLE 13.3 OF THE CONSTITUTION

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

- 13.1** ~~13.1~~—a notice ~~(called here a forward plan)~~ has been published in connection with the matter in question; at the Council Offices and on the Council's website at least 28 days before the decision is made which states:-
- ~~13.1.1 That a key decision is to be made on behalf of the Council~~
 - ~~13.1.2 The matter in respect of which the decision is to be made~~
 - ~~13.1.3 Where the decision maker is an individual, that individual's name and title (if any) and where the decision maker is a decision making body the name of that body and a list of its members~~
 - ~~13.1.4 The date on which, or the period within which, the decision is to be made~~
 - ~~13.1.5 A list of the documents submitted to the decision maker for consideration in relation to the matter~~
 - ~~13.1.6 The address from which any documents listed can be obtained~~
 - ~~13.1.7 That other documents relevant to those matters may be submitted to the decision maker~~
 - ~~13.1.8 The procedure for requesting details of those documents as they become available~~
- 13.2** ~~Where in relation to any matter the public may be excluded from the meeting at which a matter is to be discussed or documents need not be disclosed under these Rules the notice under Rule 13.1 must contain details of the matter but must not contain any confidential or exempt information or particulars of the advice of any political advisor or assistant.~~
- 13.2** ~~—at least five clear days have elapsed since the publication of the forward plan; and~~
- 13.3** ~~—where the decision is to be taken at a meeting of the executive or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings)~~

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RULE 14 THE FORWARD PLAN

- 14.1** Forward plans will be prepared by the Leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.
- 14.2** The forward plan will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the executive, a committee of the executive, individual members of the executive,

officers, Area Forums or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. ~~It will describe the following particulars in so far as the information is available or might reasonably be obtained:~~

- ~~14.2.1 — the matter in respect of which a decision is to be made;~~
- ~~14.2.2 — where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;~~
- ~~14.2.3 — the date on which, or the period within which, the decision will be taken;~~
- ~~14.2.4 — the identity of the principal groups whom the decision taker proposes to consult before taking the decision;~~
- ~~14.2.5 — the means by which any such consultation is proposed to be undertaken;~~
- ~~14.2.6 — the steps any person might take who wishes to make representations to the executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and~~
- ~~14.2.7 — a list of the documents submitted to the decision taker for consideration in relation to the matter.~~

- 14.3 The forward plan must be published at least 14 days before the start of the period covered. The proper officer will publish once a year a notice in at least one newspaper circulating in the area, stating:
- ~~14.3.1 — that key decisions are to be taken on behalf of the Council;~~
 - ~~14.3.2 — that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;~~
 - ~~14.3.3 — that the plan will contain details of the key decisions to be made for the four month period following its publication;~~
 - ~~14.3.4 — that each plan will be available for inspection at reasonable hours free of charge at the Council's offices and will be published on the Council's website;~~
 - ~~14.3.5 — that each plan will contain a list of the documents submitted~~

~~to the decision takers for consideration in relation to the key decisions on the plan;~~

~~14.3.6 — the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;~~

~~14.3.7 — that other documents may be submitted to decision takers;~~

~~14.3.8 — the procedure for requesting details of documents (if any) as they become available; and~~

~~14.3.9 — the dates on each month in the following year on which each forward plan will be published and available to the public at the Council's offices~~

~~14.3.10 — Exempt information need not be included in a forward plan and confidential information cannot be included.~~

RULE 15 GENERAL EXCEPTION

~~If a matter which is likely to be a key decision has not been included in the forward plan, Where publication of the intention to make a key decision under Rule 13.1~~ then subject to Rule 16 (special urgency), the decision may ~~still be taken if only be made where:~~

~~15.1 — the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;~~

~~15.2.1~~ the proper officer has informed the Chairman of a relevant overview and scrutiny committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;

~~15.3.2~~ the proper officer has made copies of that notice available to the public at the offices of the Council and has published it on the Council's website; and

~~15.4.3~~ at least five clear days have elapsed since the proper officer complied with ~~15.1 and~~ Rule 15.2

~~15.5 — where such a decision is taken collectively, it must be taken in public.~~

RULE 16 SPECIAL URGENCY

16.1 If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision ~~taker-maker (if an individual) or the Chairman of the body making the decision,~~ obtains the agreement of the Chairman of a relevant overview and scrutiny committee or if there is none or the Chairman of that Committee is unable to act, the Chairman of the Council or, if there is none, the Vice Chairman of the Council that the taking-making of the decision is urgent and cannot be reasonably deferred. If there is no Chairman of a relevant overview and scrutiny committee, or if the Chairman of each relevant overview and scrutiny committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice Chairman will suffice.

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16.2 As soon as reasonably practicable after the decision maker has obtained agreement under Rule 16.1 that the making of the decision is urgent and cannot be reasonably deferred he must publish a notice at the Council Offices and on the Council's website setting out the reasons why the meeting is urgent and cannot reasonably be deferred

RULE 17 REPORT TO COUNCIL

17.1 ~~If an overview and scrutiny committee thinks that a key decision has been taken which was not:~~

~~17.1.1 — included in the forward plan; or~~

~~17.1.2 — the subject of the general exception procedure; or~~

~~17.1.3 — the subject of an agreement with a relevant overview and scrutiny committee chair, or the Chairman/Vice-Chairman of the Council under Rule 16;~~

~~the committee may require the executive to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the proper officer, who shall require such a report on behalf of the committee when so requested by (the chairman or any five members). Alternatively the requirement may be raised by resolution passed at a meeting of the relevant overview and scrutiny committee. Where an executive decision has been made which was not treated as a key decision but the relevant overview and scrutiny committee are of the opinion should have been treated as a key decision the overview and scrutiny committee may require the Executive to submit a report to the Council within such period as the Council may specify~~

~~17.2 A report requested under Rule 17.1 shall contain:-~~

~~17.2.1 the decision and the reasons for it~~

~~17.2.2 the decision maker by which the decision was made~~

~~17.2.3 if the Executive are of the opinion that the decision was not a key decision the reasons for that opinion~~

~~17.3 The Executive Leader shall submit to the Council a report at such frequency as the Council shall determine but not less than annually giving details of each executive decision taken since the preparation of the last such report where the making of the decision was agreed as urgent in accordance with Rule 16 such report to include particulars of each decision made and a summary of the matters in respect of which each decision was made~~

~~17.2 The executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within six clear working days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the leader is of the opinion that it was not a key decision the reasons for that opinion.~~

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~~17.3 In any event the Leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.~~

RULE 18 RECORD OF DECISIONS

~~18.1 After any meeting of the executive or any of its committees, whether held in public or private, the proper officer or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable.~~

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~~18.2 After an executive decision has been made by an individual member or an officer the member or officer will produce a record of that decision as soon as practicable~~

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~~18.3 The record produced under Rules 18.1 and 18.2 will include:-~~

~~18.3.1 the decision including the date it was made~~

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~~18.3.2 a statement of the reasons for each the decision and~~

~~18.3.3 details of any alternative options considered and rejected at that meeting.~~

~~18.3.4 details of any conflict of interests in relation to the matter decided which was declared by any member of the body making the decision or, in the case of an individual or officer decision, by any executive member who is consulted by the decision maker which relates to the decision~~

~~18.3.5 in respect of any declared conflict details of any dispensation granted~~

~~18.4 Records prepared in accordance with this Rule and any reports considered at meetings or by individual members or by officers relating to executive decisions taken shall be available for inspection by the public at the Council Offices and will be published on the Council's website as soon as reasonably practicable~~

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RULE 19 EXECUTIVE MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS ACCESS TO MEETINGS

~~The executive will decide whether meetings relating to matters which are not key decisions will be held in public or private.~~

~~19.1 Save for as provided in Rules 11.1 and 11.2 all meetings of the Executive and its committees will be held in public~~

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~~19.2 Nothing in Rule 19.1 prevents the exercise of a lawful power to exclude a member or members of the public in order to maintain orderly conduct or to prevent misbehaviour at a meeting~~

~~19.3 A meeting which will be held in whole or in part in the absence of the public under Rule 11.1 or Rule 11.2 is referred to as a private meeting~~

~~19.4 At least 28 clear days before a private meeting notice of the intention to hold a private meeting must be published at the Council Offices and on the Council's website~~

~~19.5 A notice under Rule 19.4 must include a statement of the reasons for the~~

meeting to be held in private

19.6 At least 5 clear days before a private meeting a further notice must be published at the Council Offices and on its website

19.7 A notice under Rule 19.6 must include:-

19.7.1 a statement of the reasons for the meeting to be held in private

19.7.2 details of any representations received about why the meeting should be held in public

19.7.3 details of the response to such representations

19.8 Where the date by which the meeting must be held makes compliance with Rules 19.4 – 19.7 impracticable the meeting may only be held in private if it is agreed with the chairman of the relevant overview and scrutiny committee or, if there is none or he is unable to act, the chairman of the Council or, if there is none, the Vice Chairman of the Council that the meeting is urgent and cannot reasonably be deferred.

19.9 In the event of an agreement being reached under Rule 19.8 the Council shall as soon as reasonably practicable publish at the Council Offices and on its website a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

RULE 20 NOTICE OF PRIVATE MEETING OF THE EXECUTIVE

~~Members of the executive or its committees will be entitled to receive five clear working days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.~~

RULE 21 ATTENDANCE AT PRIVATE MEETING OF THE EXECUTIVE

~~All members of the council may attend private meetings of the executive unless exempt or confidential information is being considered but may not vote and may only speak with the Leader's consent.~~

RULE 22 DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE

~~22.1 Where an individual member of the executive receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least five clear days after receipt of that report.~~

~~22.2 On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chairman of every relevant overview and scrutiny committee as soon as reasonably practicable, and make it publicly available at the same time.~~

~~22.3 As soon as reasonably practicable after an executive decision has been taken by an individual member of the executive or a key decision has been taken by an officer, he/she will prepare, or instruct the proper officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 8 and 9 relating to inspection of documents after meetings will also apply to the making of decisions by individual members of the executive. This does not require the disclosure of exempt or confidential information or advice from a political assistant.~~

RULE 20 ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

~~20.1 This Rule is without prejudice to any other rights of access to information that members may have under the Constitution or by law~~

~~20.2 Any member may inspect any documents in the possession or control of the Executive which contains material relating to business transacted at a public meeting~~

~~20.3 Documents referred to in Rule 20.2 shall be available for inspection by any member for at least 5 clear days before the meeting or, if the item is added to the agenda at shorter notice, from the time the item is added to the agenda~~

~~20.4 Documents in the possession or control of the Executive which contain material relating to business transacted at a private meeting of the Executive (as~~

defined in Rule 19.3) or relating to any decision made by an individual member or an officer shall be available for inspection by any member when the meeting concludes or when the executive decision by an individual member has been made

20.5 Rule 20.4 does not entitle a member to inspect advice provided by a political adviser or assistant or exempt information other than information of the nature referred to in:-

20.5.1 Rule 11.6.3 (except to the extent that it relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract)

20.5.2 Rule 11.6.

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RULE ~~23~~21 OVERVIEW AND SCRUTINY COMMITTEES' ACCESS TO DOCUMENTS

~~2321~~.1 Subject to Rule ~~2321.2-3~~below, an overview and scrutiny committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the executive and which contains material relating to:

~~2321~~.1.1 any business transacted at a ~~public or private meeting~~ of the executive or its committees; or

~~2321~~.1.2 any ~~executive~~ decision taken by an individual member of the executive ~~or~~

~~21.1.3~~ any executive decision taken by an officer of the Council

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21.2 Subject to Rule 21.3 where a member of an overview and scrutiny committee requests any document which falls within Rule 21.1 I shall be supplied as soon as is reasonably practicable and in any event within 10 clear days

21.3 No member of an overview and scrutiny committee shall be entitled to a copy of:-

21.3.1 a document containing exempt or confidential information unless that information is relevant to an action or decision that the member is reviewing or scrutinising or to any review contained in any programme of work of such a committee or sub-committee of such a committee

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21.3.2 advice of a political adviser or assistant

21.4 Where the executive determines that a member of an overview or scrutiny committee is not entitled to a document or part of a document for a reason set out in Rule 21.3 it must provide the overview and scrutiny committee with written reasons for that decision

~~23.2 An overview and scrutiny committee will not be entitled to:~~

~~23.2.1—any document that is in draft form;~~

~~23.2.2—any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or~~

~~23.2.3—the advice of a political adviser~~

~~RULE 24 ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS~~

~~24.1—All members will be entitled to inspect any document which is in the possession or under the control of the executive or its committees and contains material relating to any business previously transacted at a private meeting unless either it contains exempt information falling within paragraphs 1 to 6, 9, 11, 12 and 14 of the categories of exempt information; or it contains the advice of a political adviser.~~

~~24.2—All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the executive or its committees which relates to any key decision unless either it contains exempt information falling within paragraphs 1 to 6, 9, 11, 12 and 14 of the categories of exempt information; or it contains the advice of a political adviser.~~

~~24.3—These rights of a member are additional to any other right he/she may have.~~

CODE OF GOOD PRACTICE: PROBITY IN PLANNING

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1 Introduction

- 1.1 Planning is not an exact science. Rather, it relies on informed judgement within a firm policy context. It can be highly contentious. It is important that the process is characterised by open and transparent decision-making.
- 1.2 One of the key purposes of the planning system is to control development in the public interest. Performing this role, planning necessarily affects land and property interests, particularly the financial value of land holdings and the quality of their settings. It is important, therefore, that the Council makes planning decisions affecting those interests openly, impartially, with sound judgement and for justifiable reasons. There should be no grounds for suggesting that a decision has been biased, not impartial or not well founded in any way.
- 1.3 This Code applies to all councillors (whether or not they are members of the Planning Committee) at all times when they involve themselves in the planning process. This includes both decision making meetings of the Council and less formal situations, such as meetings with officers or the public and consultative meetings

2. Conduct of Councillors and Officers

2.1 General

- 2.1.1 Councillors and officers have different, but complementary roles both serving the public. Councillors are responsible to the electorate, officers are responsible to the Council as a whole.-
- 2.1.2 Both councillors and officers are guided by codes of conduct. The Councillors Code of Conduct provides guidance and on standards for councillors. Breaches of the Code may be regarded as maladministration by the Local Government Ombudsman and may lead to a councillor being reported to the Standards Committee for England. Such a report may result in sanctions being imposed upon the councillor concerned. Officers will be subject to a Statutory Employees Code of Conduct. In addition officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of the Code may be subject to disciplinary action by the Institute. In

addition to these codes, the Council's Procedural Rules set down rules which govern the conduct of Council business.

- 2.1.3 Councillors must not instruct officers to make a particular recommendation nor to take a particular course of action other than through a decision of the Council or one of its committees. Officers must give objective, impartial planning advice, based on their professional judgement and not be compromised or influenced by political considerations. Chartered Town Planners may only advocate their own professional view.

2.2 Public Duty

~~The Councillors Code of Conduct sets out the duties and responsibilities of councillors. It states that, whilst c~~Councillors have a special duty to their ward constituents including those who did not vote for them; ~~However~~ their overriding duty is to the whole community. The Council's District Plan is adopted in the interests of the whole community, following public consultation. It therefore reflects the overall public interest, rather than those individuals or organisations. Councillors and officers must support the Council's planning policies and make decisions in accordance with them, unless there are sound planning reasons for not doing so.

2.3 Voting and Impartiality

- 2.3.1 ~~Notwithstanding the provisions of s.25 Localism Act 2011~~ Members of the ~~Development Control~~Planning Committee ~~must-should~~ not declare which way they intend to vote in advance of the consideration of an application. To do so ~~would, in effect, be pre-judging~~may indicate pre-judgement of the application and expose the Council to the possibility of legal challenge ~~as the exact meaning of s.25 has yet to be determined by the courts. Further, even if s.25 does prevent a legal challenge to the validity of a decision it offers no protection against allegations of -or a charge of~~ maladministration ~~or a breach of the Code of Conduct.~~. Members ~~must-should~~ not make up their minds until they have read the relevant committee reports, heard the evidence and considered the representations. It is important that members hear all the evidence and representations prior to reaching a decision. Consequently members should ensure that they are present in the Council Chamber/Committee Room at all times whilst an item is being discussed. In the event that a member arrives after consideration of a particular item has commenced or leaves the Council Chamber/Committee Room during the consideration of an item and then returns then that Member should not vote on that item.
- 2.3.2 Councillors who are also members of town or parish councils may find that they are expected to express a view at a Town or Parish Council meeting or vote on whether the town or parish council should object or comment on a proposal from its point of view. In such circumstances they should not declare outright support or opposition for a proposal and if they chose to vote should make clear that they may find themselves

having to vote differently when sitting on the committee, having heard the evidence, technical and legal background from officers. In particularly contentious cases councillors are advised to abstain from the town or parish council vote to make clear that they are not prejudicing the decision they will have to make as a [District district Councillorcouncillor](#). This will assist in ensuring that the propriety of their vote at the Council's committee meeting cannot be challenged.

- 2.3.3 If a councillor does declare his outright support for or opposition to a proposal at a town or parish meeting or elsewhere before the matter has been put before the committee where that councillor would be entitled to vote he should, if attending the committee meeting when the matter is being discussed or reported, make an open declaration to that meeting to that effect and take no part in the voting on that item. This does not mean that councillors on the committee cannot make a comment or reflect local concerns about a proposal before it is considered. However, the view or comment [must-should](#) not pre-determine or be seen to pre-determine the way the councillor will vote.
- 2.3.4 Councillors should not organise support for or against a planning application and should not lobby other councillors since this would also signal that they had made up their mind before hearing the evidence. Each councillor should make up his own mind on the evidence and facts presented to the committee.
- 2.3.5 The basis of the planning system is the consideration of private proposals against wider public interests. Opposing views are often strongly held by those involved. Whilst councillors should take account of various views expressed on an application they should not favour or show bias against or towards any particular person, company or group or any particular site or locality. They should not put themselves in a position where they may appear to do so.

2.4 Gifts and Hospitality

Councillors should be very cautious about accepting gifts and hospitality and must follow the [advice in paragraph 13 of the](#) Councillors Code of Conduct. They should also have regard to the Guidance on receipt of gifts and hospitality in part 5 of the Members' Handbook. Officers should follow that Guidance.

2.5 Declaration and Registration of Interests

2.5.1 The Councillors Code of Conduct sets out requirements and guidance for councillors, for the registration and declaration of interests, ~~on declaring personal and prejudicial interests and the consequences of having such interests.~~ These must be followed scrupulously and councillors should review the situation regularly. It must be borne in mind ~~that the Code advises~~ that not only should impropriety be avoided but also any appearance, or grounds for suspicion, of improper conduct. Responsibility for this rests individually with each councillor. When declaring an interest at committee this should be done at the beginning of the meeting and councillors should be clear and specific in identifying the item on the agenda in which they have a personal pecuniary or non-pecuniary interest and, if so ~~whether the interest is prejudicial or not and in either event~~ the nature of that interest.

2.5.2 Officers must declare any personal or financial interest in any planning matter before the Council, must not deal with such matters on behalf of the Council and must not give advice to councillors or other officers on them. An officer with a personal or financial interest in a planning matter must withdraw from any relevant committee meeting whilst that matter is discussed. Planning officers must maintain their professional integrity and should avoid becoming associated in the public mind with representatives of the development industry or environmental or other pressure or amenity groups.

2.6 Development Proposals Submitted by Councillors and Officers

2.6.1 Proposals to Council by serving and former councillors and officers and their close friends and relatives could easily give rise to suspicions of impropriety. It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in a way to give no grounds for accusations of favouritism. Such applications ~~should~~ will be reported to the committee and not dealt with by officers under delegated powers.

2.6.2 Serving councillors who act as agents for people pursuing a planning matter with the Council or submitting planning applications on behalf of their employers as part of their job, must declare an interest and take no part in the processing of the application or in the decision-making process. Any councillor

who is a planning or similar agent will not be appointed to the committee.

2.6.3 Members of the committee should not act as agents or submit planning applications for other parties or voluntary bodies. To do so would give rise to suspicion that the committee was not impartial or may be influenced in the decision making process.

2.6.4 The procedures set out in the paragraphs 2.6.1 – 2.6.3 above shall also apply in relation to determining applications and notifications to carry out works to trees.

2.7 Council Development

The Council's own proposals for development and determining applications and notifications to carry out works to trees must be dealt with on exactly the same basis as applications submitted by members of the public. Officers must make recommendations having regard only to proper planning or tree matters and must not have regard to any other benefits, financial or otherwise, which may accrue to the Council as a result of any particular decision on a planning or tree proposal. Councillors must make decisions similarly. Such applications will be reported to the committee and not dealt with by officers under delegated powers.

2.8 Lobbying of and by Councillors

2.8.1 Lobbying is an attempt to influence councillors' views in order to achieve a particular decision. It can be of councillors by applicants, agents or objectors or by other councillors. Lobbying may be verbal or by the circulation of letters or documents to all or some councillors. Planning decisions must be made strictly on the facts and policies relating to each application. Lobbying can, unless care and common sense are exercised by all parties concerned, lead to the impartiality and integrity of a councillor being called into question. [Notwithstanding the provisions of s.25 Localism Act 2011](#) ~~W~~hen being lobbied, councillors, and members of the committee in particular, should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such circumstances they should restrict themselves to giving procedural advice, including suggesting to those who are lobbying that they should speak or write to the relevant officer in order that their opinions can be included in the officer's report to the committee. If they do express an opinion they should make

it clear that they will only be in a position to take a final decision after having received and considered all the relevant evidence and arguments at committee.

- 2.8.2 A committee member who represents a ward affected by an application is in a difficult position if it is a controversial application around which a lot of lobbying takes place. If a member responds to lobbying by deciding to go public in support of, or against, a particular outcome it would be very difficult for that member to argue convincingly when the committee takes its decision that he has carefully weighed the evidence and arguments presented at committee. Although not amounting to a [prejudicial-disclosable or other pecuniary](#) interest according to the Code [of Conduct](#) the proper course of action for such a member would be to make an open declaration not to vote. However, this is a severe restriction on the member's wish - duty, even - to represent the views of the electorate. Thus, councillors should, generally, avoid organising support for or opposition to a planning application and avoid lobbying other councillors. Such actions can easily be misunderstood by parties to the application and by the public. Where a member makes a declaration that he or she will not vote then the member should withdraw from the committee table but may remain in the room and speak on behalf of his or her ward members either for or against the application.

2.9 Circulation of Information

Planning applications must be determined on the basis of the documents and information formally submitted. Any submissions from applicants' agents or objectors which are formally received by the Council can properly be taken into account in making a decision. It can cause problems if councillors are given information or assurances by applicants which are not part of the formal application and which are not, therefore, enforceable. Problems can also arise if councillors are given information by objectors which may be misleading, untrue or irrelevant. It can be problematical if officers are unaware of submissions by applicants and objectors and are therefore unable to consider them and advise the committee about their relevance or enforceability. Councillors should forward such information to the officers for consideration prior to the committee meeting.

2.10 No Political Decisions on Planning Applications

Decisions on planning applications must not be taken in political

group meetings prior to committee meetings. The view of the Ombudsman was that the use of political whips to influence the outcome of a planning application was contrary to the National Code and amounted to maladministration. There is nothing in the [Localism Act 2011](#) nor the Councillors Code of Conduct which would contradict this view. It could also give rise to legal challenge.

3. The Decision-Making Process

3.1 Pre-application Discussions

- 3.1.2 Discussions between a potential applicant and the Council (through its planning officers) prior to the submission of the application can be of considerable benefit to both parties and is encouraged by the Audit Commission, the Local Government Association and the National Planning Forum. It should always be made clear at the outset that the discussions will not bind the Council to make a particular decision and that any views expressed are personal and provisional. Advice should be considered and based upon the development plan and material considerations. There should be no significant difference of interpretation of planning officers. In addition, all officers taking part in such discussions should make clear whether or not they are the decision maker. A written note should be made of all potentially contentious meetings and telephone discussions. A follow up letter may be advisable, especially when documentary material has been left with the Council.
- 3.1.2 Councillors should not seek to advise applicants or agents about the likely acceptability of planning proposals. They should advise prospective applicants to contact the appropriate officer for advice on both merits and procedures. They should make it clear that they will only be in a position to take a decision after having considered the officers' reports and any representations and heard any debate in the committee meeting.
- 3.1.3 Councillors should not meet applicants or agents or third parties in connection with a current or proposed application. If councillors do agree to meet they should only do so in the presence of a planning officer. In exceptional circumstances, where it is not possible to

arrange a meeting in the presence of a planning officer without causing undue delay councillors should notify the relevant planning officer of the proposed meeting beforehand and the notification recorded in the application file. Councillors should listen and may ask questions but should not comment or negotiate. They must make clear that any views they express are personal, rather than those of the Council. A note should be taken of the meeting and placed on the application file. The fact that a councillor has discussed any proposal with the applicant, agent, supporters or objectors must be made clear when the application is before the committee for determination.

- 3.1.4 If councillors receive information that is relevant to a planning decision they must declare that information to the relevant planning officers and to the committee. Discussions with applicants, agents or objectors should be reported and any correspondence made available to officers before the committee meeting.
- 3.1.5 Paragraphs 3.1.2 to 3.1.4 above do not apply to councillors when they are acting as agents for people pursuing a planning matter with the Council or submitting planning applications on behalf of their employers as part of their job. However, they should make it clear to their clients that they cannot and will not use their position as a councillor to influence the outcome of an application.
- 3.1.6 Any councillor may request that an application delegated to officers for determination be reported to committee for determination.

3.2 Reports to Committee

Officer reports to committee should be accurate and cover, amongst other things, the substance of objections and views of consultees. Relevant points should include a clear exposition of the development plan, the site, its related history and any other material considerations. Reports should contain a clear written recommendation. Oral reporting (except to update a report) should be extremely rare and carefully minuted when it does occur. If the report's recommendation is contrary to the provisions of the development plan the material considerations which justify this must be clearly stated.

3.3 Committee Procedures and Decision

- 3.3.1 Pre-committee briefing meetings between officers and councillors are not part of a formal committee proceeding. They must always be after the agenda has been set and officers' recommendations have been made. The purpose of the meetings is to inform the Chairman/Vice-Chairman on planning issues, the reasons for officer recommendations and to give the Chairman/Vice-Chairman an opportunity to give notice of or to be told about any potential problems or the need for more information.
- 3.3.2 Councillors should endeavour to obtain factual information from officers prior to the meeting. This can assist in reducing delays which may be caused by deferral to obtain further information.
- 3.3.3 The committee's decision must be in accordance with the provisions of the development plan unless material considerations indicate otherwise. When councillors propose to make a decision contrary to officer recommendation the proposer must set out clearly the reasons for so doing. The Chairman will ensure that the planning officer is given an opportunity to comment before a vote is taken. Any decision contrary to the provisions of the Development Plan must be clearly justified and recorded in the Minutes.
- 3.3.4 Any information received after preparation of the committee report which is relevant to the determination of an application will be summarised on the supplementary representation sheet circulated prior to the meeting. Any information or documents received after its printing will be verbally reported to the meeting. In certain circumstances consideration of the application may need to be deferred.

3.4 Deferments

The decision on any application should not be deferred without proper justification. For example, the justification for deferring a decision might be to ensure that all the proper consultation procedures are being followed or to secure amendments without which the application would have to be refused. However, where an amendment would be significant a fresh application is appropriate. If councillors have concerns regarding technical advice received they may wish to defer to seek independent advice before deciding the application. The reason for deferring an application must be clearly set out by the proposer and recorded in the Minutes.

3.5 Public Attendance at Committee Meetings

- 3.5.1 All planning applications, other than those determined by officers exercising delegated powers, will be considered in public session and all background information will be made available for public inspection upon publication of the agenda papers, unless there are specific reasons for exempting information in accordance with the Local Government Act 1972.
- 3.5.2 Applicants, agents and members of the public, representatives of parish councils and members of the Council who are not members of the committee may speak at the meeting. The procedures for notifying the Council and speaking are set out ~~later~~ in part 5 of the Constitution.

3.6 Site Visits

Site visits can cause delay and additional costs and should only be used when the expected benefit is substantial. A site visit is only likely to be necessary if the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers. The reason for requesting a site visit must be clearly set out by the proposer and recorded in the Minutes. All site visits must be carried out in accordance with the Council's agreed procedures (~~set out later in part 5 of the Constitution~~ [Appendix 1 to this Code 5 of the Constitution](#)). A site visit is not part of the formal committee proceedings and is not a forum for debate or making planning decisions. Site visits are not open to the public and should not be used to canvass local opinions or ~~promote as~~ an opportunity for lobbying or advocacy. Councillors should not express personal opinions during site visits.

4. Administrative Matters

4.1 Member Training

Councillors will be given regular updates to keep them informed of important changes in legislation, procedures or practices, either verbally at meetings or as briefing notes (for example in the Members' Bulletin). Officers will arrange training on planning issues. All members of the Council will be invited to attend. All members of the ~~Development Control~~ [Planning](#) Committee should attend.

4.2 Monitoring of Decisions

The Council should monitor planning decisions taken, on an annual basis, both in terms of quality and consistency. Annually, councillors will visit a sample of implemented planning permissions to assess the quality of the decisions. The committee should formally consider the annual report and decide whether it gives rise to the need to review any policies or practices. The review may include information identifying the number of cases where officers' recommendations were not accepted and the outcome of any related appeal decisions. The results of the monitoring will be reported to councillors along with any recommendations to improve quality, consistency or performance.

4.3 Record Keeping

The planning application files should be complete and accurate containing sufficient information and itemising events so that the reason for the decision can be easily understood. Only "background papers" as defined in the Local Government Act 1972 are automatically available as a right to third parties. These would include, in addition to the application document, associated letters and supporting information, replies from consultees and letters from supporters and objectors. The same principles apply to applications determined under officers' delegated powers. Such decisions should be as well documented and recorded as those taken by councillors. These principles apply equally to enforcement and development [plan framework](#) matters.

4.4 Complaints

Any complaints received about the way in which a planning application or other planning matter has been dealt with in terms of procedures or fairness will be investigated under the Council's complaints procedure. The fact that someone may disagree with the decision the Council has reached is not a complaint which will normally necessitate investigation as such. However, officers will explain the reasons for the Council's decision in any particular case.

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DEVELOPMENT CONTROL PLANNING COMMITTEE PROCEDURE FOR MEMBERS' SITE VISITS

1. Procedure

- 1.1 The decision to visit the site of a current planning application is taken by the committee and the reasons are recorded in the minutes of the meeting. The Divisional Head: Planning and Building Control is also authorised to organise a meeting if it is necessary in advance of a committee meeting.
- 1.2 The purpose of the site visit is to acquaint members with the site, not to hold a debate or take a decision other than ~~in-at~~ the Committee Room Meeting.
- 1.3 Site visits normally take place during the morning of the relevant meeting.
- 1.4 The applicant or his agent is notified of the visit and requested to make access available and peg out the proposed location of the building(s), if appropriate. The applicant may attend the site visit, but may not make any representations.
- 1.5 One representative of the town or parish council may attend but may not make representations.
- 1.6 The local District Council member(s) is/are notified and he should contact the Chairman if he wishes to attend but may not make representations at the site visit.
- 1.7 On site, the Chairman usually states the reasons for the visit and invites the planning office to run briefly through the proposal. Members should remain in one group for the duration of the visit.
- 1.8 Sometimes, neighbours and other interested persons are also at the site, particularly if it is next to public land. The landowner has the right under common law to exclude anyone from his land if he so chooses. Members are requested to ignore unauthorised representations.
- ~~1.9 A detailed note shall be taken of the site visit.~~

2. Notes

- 2.1 Apologies for absence from members to the Chairman assist in the conduct of the meeting and timekeeping.
- 2.2 Should a member be delayed or in any doubt about the location of a site, he should contact the Chairman.

APPENDIX 2

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PROCEDURE FOR PARISH/TOWN COUNCIL REPRESENTATIVES/ MEMBERS OF THE PUBLIC ATTENDING MEETINGS OF ~~DEVELOPMENT CONTROL~~ THE PLANNING COMMITTEE

1. Agendas

- 1.1 The Council will send out the agenda sheets for all committee meetings to all parish and town councils, unless a parish/town council has specifically requested not to receive any agendas.
- 1.2 The agenda sheets will be sent out a week before the meeting.
- 1.3 If the parish/town council would like a copy of a particular report, the clerk should telephone the committee officer listed at the end of the agenda.

2. Attendance by Parish/Town Councillors and Members of the Public

- 2.1 Town/parish councils and applicants/agents, objectors and supporters may make representations on all applications.
- 2.2 A representative of the town or parish council may also attend site visits. (see Procedure for Members' Site Visits above).
- 2.3 The Town or parish council representative and members of the public may speak for up to three minutes. They must contact the committee officer at Uttlesford District Council (telephone 01799 510369) or e-mail: mcox@uttlesford.gov.uk by 2pm on the Tuesday before meeting to advise that they will be speaking.
- 2.4 At the meeting those making representations should sit in the public area until the relevant item is to be considered.
- 2.5 Those making representations should sit at the allotted desk alongside members to make their statement and having made their statement should then return to the public area (or leave the meeting).

CODE OF GOOD PRACTICE: PROBITY IN LICENSING

1. Introduction

- 1.1 The Licensing Act 2003 transferred control of Licensing from magistrates to local authorities. Although the licensing function is by law delegated to the Licensing Committee all members of the Council may become involved in dealing with applications eg by representing the views of constituents or debating upon the Council's Licensing Policy. Decisions must be taken to promoting the licensing objectives and with regard to the Council's Licensing Policy [and Government guidance](#). Applications can be highly contentious. It is important that the process is characterised by open and transparent decision-making.
- 1.2 The Licensing Act seeks to balance freedom of greater choice in how people spend their leisure time with safeguards to prevent crime and nuisance, to ensure public safety and to protect children from harm. Performing this role, licensing necessarily affects licensees, those living or carrying on business in the vicinity of licensed premises and the public at large. It is important, therefore, that the Council makes licensing decisions affecting those interests openly, impartially, with sound judgement and for justifiable reasons. There should be no grounds for suggesting that a decision has been biased, not impartial or not well founded in any way.

2. Conduct of Councillors and Officers

2.2 General

Councillors and officers have different, but complementary roles.

- 2.2.1 ~~Both councillors and officers are guided by codes of conduct.~~
The Councillors Code of Conduct provides guidance and standards for councillors. Breaches of the Code may be regarded as maladministration by the Local Government Ombudsman and may lead to a councillor being reported to the Standards Committee. Such a report may result in sanctions being imposed upon the councillor concerned. ~~Officers will be subject to a Statutory Employees Code of Conduct. Breaches of the Code may be subject to disciplinary action by the Council.~~ In addition to ~~these codes~~ [the Code of Conduct](#), the Council's Procedure Rules set down rules which govern the conduct of Council business. [The Licensing Act 2003 \(Hearings\) Regulations 2005 also contain provisions for the conduct of hearings under the 2003 Act.](#)

- 2.2.2 Officers from different departments within the council also have different roles with regard to licensing. Licensing officers are responsible for the administration of licences. As such they must be completely impartial and not express a view on applications. In particular reports from licensing officers will not contain any recommendations. Environmental Health, [Licensing](#) and Planning are statutory consultees on applications. Officers from these departments will make representations on some applications and will suggest conditions or even that a licence should be refused within those representations.
- 2.2.3 Councillors must not instruct officers from any department to make a particular representation nor to take a particular course of action other than through a decision of the Council or one of its committees. Officers must give objective professional advice, based on their professional judgement and not be compromised or influenced by political considerations.

2.2 Public Duty

- 2.2.1 The Councillors Code of Conduct sets out the duties and responsibilities of Councillors. It states that, whilst councillors have a special duty to their ward constituents including those who did not vote for them, their overriding duty is to the whole community. The Council's Licensing Policy is adopted in the interests of the whole community, following public consultation. It therefore reflects the overall public interest, rather than those of individuals or organisations. Councillors and officers must support the Council's Licensing Policy and make decisions in accordance with it unless there are sound reasons for not doing so.

2.3 Voting and Impartiality

- 2.3.1 [Notwithstanding the provisions of s.25 Localism Act 2011 members of the Licensing Committee should not declare which way they intend to vote in advance of the consideration of a matter. To do so may indicate prejudgment and expose the Council to the possibility of legal challenge as the exact meaning of s.25 has yet to be determined by the courts. Further, even if s.25 does prevent a legal challenge to the validity of a decision it offers no protection against allegations of maladministration or a breach of the Code of Conduct.. Members should not make up their minds until they have read](#)

the relevant committee reports, heard the evidence and considered the representations. It is important that members hear all the evidence and representations prior to reaching a decision. Consequently members should ensure that they are present in the Council Chamber/Committee Room at all times whilst an item is being discussed. In the event that a member arrives after consideration of a particular item has commenced or leaves the Council Chamber/Committee Room during the consideration of an item and then returns then that Member should not vote on that item.

~~Members of the Licensing Committee must not declare which way they intend to vote in advance of the consideration of an application. To do so would, in effect, be pre-judging the application and expose the Council to the possibility of legal challenge, an appeal or a charge of maladministration. Members must not make up their minds until they have read the relevant committee reports, heard the evidence and considered the representations. It is important that members hear all the evidence and representations prior to reaching a decision. Consequently members should ensure that they are present in the Council Chamber/Committee Room at all times whilst an item is being discussed. In the event that a member arrives after consideration of a particular application has commenced or leaves the Council Chamber/Committee Room during the consideration of an application and then returns then that member should not vote on the application.~~

- 2.3.2 Councillors who are also members of town or parish councils may find that they are expected to express a view at a town or parish council meeting or vote on whether the town or parish council should object or comment on a proposal from its point of view. ~~Unless the town or parish had operational premises in the vicinity of the site of an application the town or parish council has no standing to make representations in its own right. It may only do so on the basis that it is representing persons living or carrying on business in the vicinity of premises in respect of which an application has been made. As the Council represents the entire town or parish it could only be seen to represent a small group if it were asked to do so.~~ In such circumstances dual-hatted members who sit on the Licensing Committee should not declare outright support or opposition for a proposal and should abstain from voting to make clear that they are not prejudicing the decision they will have to make as a District Councillor. This will assist in ensuring that the propriety of their vote at the Council's committee meeting cannot be challenged. If a councillor does declare his outright support for or opposition to a proposal at a town or parish council meeting or elsewhere before the matter has been put before the committee where that councillor

would be entitled to vote he should, if attending the committee meeting when the matter is being discussed or reported, make an open declaration to that meeting to that effect and take no part in the [voting decision making process](#) on that item.

- 2.3.3 Councillors should not organise support for or against a licensing application and should not lobby other councillors since this would also signal that they had made up their mind before hearing the evidence. Each councillor should make up his own mind on the evidence and facts presented to the committee.
- 2.3.4 The basis of the licensing system is often the balancing of conflicting interests. Opposing views are frequently strongly held by those involved. Whilst councillors should take account of various views expressed on an application they should not favour or show bias against or towards any particular person, company or group or any particular premises or locality. They should not put themselves in a position where they may appear to do so.

2.4 Gifts and Hospitality

Councillors should be very cautious about accepting gifts and hospitality and must follow the advice in [paragraph 13 of the](#) Councillors Code of Conduct. They should also have regard to the Guidance on receipt of gifts and hospitality in Part 5 of the constitution. Officers should follow that Guidance.

2.5 Declaration and Registration of Interests

- 2.5.1 The Councillors Code of Conduct sets out requirements and guidance for councillors, for the registration [and declaration](#) of interests ~~on declaring personal and prejudicial interests~~ and the consequences of having such interests. These must be followed scrupulously and councillors should review the situation regularly. It must be borne in mind that [the Code advises that](#) not only should impropriety be avoided but also any appearance, or grounds for suspicion, of improper conduct. Responsibility for this rests individually with each councillor. When declaring an interest at committee this should be done at the beginning of the meeting and councillors should be clear and specific in identifying the item on the agenda in which they have an [personal](#) interest, if so whether the interest is [prejudicial a disclosable or other pecuniary](#)

interest or a non-pecuniary interest~~er not~~ and in either any event the nature of that interest.

- 2.5.2 Officers must declare any personal or financial interest in any licensing matter before the Council, must not deal with such matters on behalf of the Council and must not give advice to councillors or other officers on them. An officer with a personal or financial interest in a licensing matter must withdraw from any relevant committee meeting whilst that matter is discussed. Officers must maintain their professional integrity and should avoid becoming associated in the public mind with representatives of the licensed trade or environmental or other pressure or amenity groups.

2.6 Licensing Proposals Submitted by Councillors and Officers

- 2.6.1 Unopposed proposals to the Council by serving councillors and officers and their close friends and relatives will be dealt with under delegated powers as the Council has no power to refuse a licence where no representations are made. Where representations are made from relevant bodies or interested parties the matter will be dealt with by a hearing before the Licensing Committee in the usual way. However to avoid any suspicion of impropriety in the case of member or officer applications Environmental Health, Licensing and Planning officers will prepare full reports on the applications for consideration by their respective committees which will determine what (if any) representations ought to be made.
- 2.6.2 Serving councillors who act as agents for people pursuing a licensing matter with the Council or submitting licensing applications on behalf of their employers as part of their job, must declare an interest and take no part in the processing of the application or in the decision making process. Any councillor who is a licensing or similar agent will not be appointed to the committee.
- 2.6.3 Members of the committee should not act as agents or submit licensing applications for other parties or voluntary bodies. To do so would give rise to suspicion that the committee was not impartial or may be influenced in the decision-making process.

2.7 Council Applications

- 2.7.1 The Council's own applications must be dealt with on exactly the same basis as applications submitted by members of the

public. Officers must make representations having regard only to the licensing objectives and the Council's Licensing Policy and must not have regard to any other benefits, financial or otherwise, which may accrue to the Council as a result of any particular decision on a licensing application. Councillors must make decisions similarly. Unless there are representations the applications will be dealt with under delegated powers.

However to avoid any suspicion of impropriety in the case of a Council application Environmental Health, [Licensing](#) and Planning officers will prepare full reports on the applications for consideration by their respective committees which will determine what (if any) representations ought to be made.

2.8 Lobbying of and by Councillors

- 2.8.1 Lobbying is an attempt to influence councillors' views in order to achieve a particular decision. It can be of councillors by applicants, agents or objectors or by other councillors. Lobbying may be verbal or by the circulation of letters or documents to all or some councillors. Licensing decisions must be made strictly on the facts and policies relating to each application. Lobbying can, unless care and common sense are exercised by all parties concerned, lead to the impartiality and integrity of a councillor being called into question.

[Notwithstanding the provisions of s.25 Localism Act 2011](#)

~~When~~ when being lobbied, councillors, and members of the committee in particular, should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such circumstances they should restrict themselves to giving procedural advice, including suggesting to those who are lobbying that they should make written representations to the relevant officer in order that their opinions can be presented with the officer's report to the committee.

- 2.8.2 A committee member who represents a ward affected by an application is in a difficult position if it is a controversial application around which a lot of lobbying takes place. If a member responds to lobbying by deciding to go public in support of, or against, a particular outcome it would be very difficult for that member to argue convincingly when the committee takes its decision that he has carefully weighed the evidence and arguments presented at committee. Although not amounting to a [prejudicial-disclosable or other pecuniary](#) interest according to the Code the proper course of action for

such a member would be to make an open declaration not to vote. However, this is a severe restriction on the member's wish - duty, even - to represent the views of the electorate. Thus, councillors should, generally, avoid organising support for or opposition to a licensing application and avoid lobbying other councillors. Such actions can easily be misunderstood by parties to the application and by the public. Where a member makes a declaration that he or she will not vote then the member should withdraw from the committee table but may remain in the room and speak on behalf of his or her ward members either for or against the application.

2.9 Circulation of Information

Licensing applications must be determined on the basis of the documents and information formally submitted. Any submissions from applicants' agents or objectors which are formally received by the Council [within the statutory time scale](#) can properly be taken into account in making a decision. It can cause problems if councillors are given information or assurances by applicants which are not part of the formal application and which are not, therefore, enforceable. Problems can also arise if councillors are given information by objectors which may be misleading, untrue or irrelevant. Councillors should return such information to the sender and draw attention to the fact that only officially submitted representations can be considered. As ~~there are the~~ [strict](#) time limits for parties to make representations [are strict](#), this should be done promptly.

2.10 No Political Decisions on Licensing Applications

Decisions on licensing applications must not be taken in political group meetings prior to committee meetings. The view of the Ombudsman was that the use of political whips to influence the outcome of a planning application was contrary to the National Code and amounted to maladministration. There is nothing in the Councillors Code of Conduct which would contradict this view. By analogy the same would apply to licensing applications which are also quasi judicial in nature. The use of political whips to influence the outcome of a licensing could also give rise to an appeal or a legal challenge.

3. The Decision-Making Process

3.1 Pre-application Discussions

3.1.1 Discussions between a potential applicant, relevant authorities, interested parties and the Council (through its

licensing officers) prior to the submission of the application can be of considerable benefit. It should always be made clear at the outset that the discussions will not bind the Council to make a particular decision and that any views expressed by officers are personal and provisional. Advice should be considered and based upon the licensing objectives, [and the Council's Licensing Policy](#) [and government guidance](#). There should be no significant difference of interpretation by licensing officers. A written note should be made of all potentially contentious meetings and telephone discussions. A follow up letter may be advisable.

- 3.1.2 Councillors should not seek to advise applicants, agents, relevant authorities or interested parties about the likely acceptability of licensing proposals. They should advise such parties to contact the appropriate officer for advice on both policy and procedures. They should make it clear that they will only be in a position to take a decision after having considered the officers' reports and any representations and heard any debate in the committee meeting.
- 3.1.3 Councillors should not meet applicants or agents or third parties in connection with a current or proposed licensing application. If councillors do agree to meet they should only do so in the presence of a licensing or legal officer. In exceptional circumstances, where it is not possible to arrange a meeting in the presence of an officer without causing undue delay councillors should notify the relevant officer of the proposed meeting beforehand and the notification should be recorded in the application file. Councillors should listen and may ask questions but should not comment or negotiate. They must make clear that any views they express are personal, rather than those of the Council. A note should be taken of the meeting and placed on the application file. The fact that a councillor has discussed any proposal with the applicant, agent, relevant authority or interested parties must be made clear when the application is before the committee for determination.
- 3.1.4 The two paragraphs above do not apply to councillors when they are acting as agents for people pursuing a licensing matter with the Council or submitting licensing applications on behalf of their employers as part of their job. However, they should make it clear to their clients that they cannot and will not use their position as a councillor to influence the outcome of an application.

3.2 Reports to Committee

Officer reports to committee should be accurate and cover, amongst other things, the substance of objections and views of consultees. Reports should be impartial and should not contain any recommendations. Oral reporting (except to update a report) should be extremely rare and carefully minuted when it does occur.

3.3 Committee Procedures and Decision

The committee's decision must be in accordance with the provisions of the Council's Licensing Policy unless material considerations indicate otherwise. Any decision contrary to the provisions of the Licensing Policy must be clearly justified and recorded in the Minutes.

3.4 Adjournments

Hearings should not be adjourned without proper justification. In no case should a hearing be adjourned to a date after which a decision is required to be taken by legislation.

3.5 Public Attendance at Committee Meetings

3.5.1 Except in exceptional circumstances where the public interest requires it licensing applications, other than those to be determined by officers exercising delegated powers, will be considered in public session and all background information will be made available for public inspection upon publication of the agenda papers, unless there are specific reasons for exempting information in accordance with the Local Government Act 1972. However to enable members to have a free and frank debate and exchange of views the committee will normally consider it in the public interest to exclude the press and public from that part of the meeting when the members discuss the application and form their conclusions. The legal advisor will remain with the committee whilst it considers applications. However any legal advice will be given in public and the parties will be given the opportunity of commenting upon it.

3.5.2 The applicant, relevant authorities who have made representations and interested parties who have made relevant representations may speak at the meetings. They may if they wish be represented by a lawyer or some other person. With the permission of the committee these parties may also call witnesses. Permission to call a witness should not be withheld unreasonably.

3.6 Site Visits

Site visits are unlikely to be necessary and may lead to accusations of bias. In the event that a member of the committee considers that a site visit is necessary he should inform the Assistant Chief Executive Legal in writing as soon as possible setting out his or her reasons as to why a site visit is required. A site visit will only be arranged if approved by the Chairman or (in the case of the request coming from the Chairman) the Vice-Chairman. Site visits if arranged will be on the day of the meeting and should be attended by all members who will take part in the decision making process. All site visits must be carried out in the presence of a licensing and/or legal officer. A site visit is not part of the formal committee proceedings and is not a forum for debate or

making licensing decisions. Site visits are not open to the public and should not be used to canvass local opinions or promote an opportunity for lobbying or advocacy. Councillors should not express personal opinions during site visits.

4. Administrative Matters

4.1 Member Training

Councillors will be given regular updates to keep them informed of important changes in legislation, procedures or practices, either verbally at meetings or as briefing notes (for example in the Members' Bulletin). Officers will arrange training on licensing issues. All members of the Council will be invited to attend. All members of the Licensing Committee should attend.

4.2 Complaints

Any complaints received about the way in which a licensing application or other licensing matter has been dealt with in terms of procedures or fairness will be investigated under the Council's complaints procedure. The fact that someone may disagree with the decision the Council has reached is not a complaint which will normally necessitate investigation as such. However, officers will explain the reasons for the Council's decision in any particular case.

▪ THE COUNCILLORS' CODE OF CONDUCT

▪ Part 1

▪ General Provisions

1. Introduction and Interpretation

- This is the code of the conduct expected of members of Uttlesford District Council adopted under s.27 (2) Localism Act 2011. Uttlesford District Council considers that this code viewed as a whole is consistent with the principles contained in s.28 (1) of that Act which are set out in the Appendix to this Code.
- This Code applies to **you** as a member of your authority. It is your responsibility to comply with the provisions of this Code.
- In this Code:
- “body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest
- “land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for you or a relevant person (alone or jointly with others) to occupy the land or to receive income
- “meeting” means any meeting of your authority or of the cabinet or of any committee or sub-committee of your authority or its cabinet or of any joint committees, joint sub-committees, area forums, task groups or working groups.
- “relevant authority” means the Council of which you are a member
- “relevant period” means the period of 12 months ending with the day on which you give notification of a disclosable pecuniary interest to the Monitoring Officer
- “relevant person” means you or your spouse or your civil partner or a person you are living with as if they were your spouse or civil partner

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- “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society
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2. Scope

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- You must comply with this Code whenever you conduct the business of your authority (which includes the business of the office to which you are elected or appointed) or act, claim to act or give the impression you are acting as a representative of your authority.
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-

3. General Obligations

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- 3.1. You must treat others with respect.
-
- 3.2. You must observe any protocols or codes of practice adopted by your authority.
-
- 3.3. You must not:
 -
 - 3.3.1. do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 -
 - 3.3.2. bully any person;
 -
 - 3.3.3. intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct;
 -
 - 3.3.4. do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
 -
 - 3.3.5. disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
-

- 3.3.5.1. you have the consent of a person authorised to give it;
 - 3.3.5.2. you are required by law to do so;
 - 3.3.5.3. the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - 3.3.5.4. the disclosure is reasonable and in the public interest; and is made in good faith and in compliance with the reasonable requirements of the authority;
 - 3.3.6. prevent another person from gaining access to information to which that person is entitled by law.
 - 3.3.7. conduct yourself in a manner which could be reasonably regarded as bringing your authority or your office into disrepute
 - 3.3.8. use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage
- 3.4. You must, when using or authorising the use by others of the resources of your authority:
 - 3.4.1. act in accordance with your authority's reasonable requirements;
 - 3.4.2. ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - 3.4.3. have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- Part 2**
- Members Interests**
- 4. Disclosable Pecuniary Interests**

4.1. You have a disclosable pecuniary interest in any business of your authority if it is of a description set out in 4.2 below and is an interest of a relevant person and in the case of a relevant person other than yourself you are aware that that other person has the interest

4.2. “Disclosable pecuniary interests” are defined by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and are:-

- | | |
|-----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ▪ Employment, office, trade, profession or vocation | ▪ Any employment, office, trade, profession or vocation carried on for profit or gain |
| ▪ Sponsorship | ▪ Any payment or provision of any financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out your duties as a member or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 |
| ▪ Contracts | ▪ Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority –
a) under which goods or services are to be provided or works are to be executed; |

- and
 - b) which has not been fully discharged
- Land
 - Any beneficial interest in land which is within the area of the relevant authority
- Licences
 - Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer
- Corporate tenancies
 - Any tenancy where to your knowledge –
 - a) the landlord is the relevant authority; and
 - b) the tenant is a body in which the relevant person has a beneficial interest
- Securities
 - Any beneficial interest in securities of a body where –
 - a) that body (to your knowledge) has a place of business or land in the area of the relevant authority; and
 - b) either –
 - (i) the total nominal value of the securities exceeds £25000 or one hundredth of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total

nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class

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5. Other Pecuniary Interests

- You have a pecuniary interest in any business of your authority where either:-
 - 5.1 it relates to or is likely to affect any person or body who employs or has appointed you or
 - 5.2 a decision in relation to that business might reasonably be regarded as affecting your financial position or the financial position of a related person to a greater extent than the majority of (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision or (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

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6. Non-Pecuniary Interests

- You have a non-pecuniary interest in any business of your authority where either:-
 - 6.1.it relates to or is likely to affect:-
 - 6.1.1. any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority
 - 6.1.2. any body:-
 - 6.1.2.1. exercising functions of a public nature;
 - 6.1.2.2. directed towards charitable purposes; or
 - 6.1.2.3. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

- of which you are a member or in a position of general control or management

6.1.3. the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25

- or

6.2. a decision in relation to that business might reasonably be regarded as affecting your wellbeing or the wellbeing of a related person to a greater extent than the majority of:-

6.2.1. (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

6.2.2. (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

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7. "Related Persons"

- For the purposes of paragraphs 5.2 and 6.2 "related person" means:-

7.1. a member of your family or any person with whom you have a close association

7.2. any person who employs or has appointed such persons, any firm in which they are a partner or any company of which they are directors

7.3. any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000.00 or one percent of the total issued share capital (whichever is the lower)

7.4. any body of which such persons are a member or in a position of general control or management and to which you are appointed or nominated by your authority

7.5. any body of a type described in paragraph 6.1.2 of which such persons are members or in a position of general control or management

▪

8. Disclosure of Interests

8.1. Subject to paragraph 8.2 where you or a relevant person have a disclosable pecuniary interest, any other pecuniary interest or a non-pecuniary interest in

any business of your authority and you are present at a meeting of your authority at which the business is considered you must disclose to that meeting the existence and the nature of the interest if you are aware or ought reasonably to be aware of it.

8.2. Where you or a relevant person have an interest in any business of your authority which would be disclosable by virtue of paragraph 8.1 but by virtue of paragraph 12 (sensitive interests) details of the interest are not registered in your authority's published register of members' interests you must disclose to the meeting the fact that you have an interest and that the interest is a disclosable pecuniary interest (if that is the case) but need not disclose the nature of the interest to the meeting

8.3. Where you or a relevant person have an interest in any business of your authority which would be disclosable by virtue of paragraph 8.1 and you have made an executive decision in relation to that business you must ensure that any written statement of that decision records the existence and nature of that interest and for the purposes of this paragraph "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under s.22 Local Government Act 2000

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9. Effect of interests upon participation in meetings

9.1. If you have a disclosable pecuniary interest in any business of your authority and are present at a meeting of the authority at which such business is to be considered or is being considered you must:-

9.1.1. disclose the existence and nature of the interest in accordance with paragraph 8.1 (but subject to paragraph 8.2)

9.1.2. withdraw from the room or chamber where the meeting considering the business is being held unless you have obtained a dispensation from your authority

9.1.3. not participate or participate further in any discussion of the matter at the meeting

9.1.4. not participate in any vote or further vote taken on the matter at the meeting

9.2. if a function of your authority may be discharged by a member acting alone and you have a disclosable pecuniary interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by yourself) unless you have obtained a dispensation from your authority permitting you to do so

9.3. If you have a pecuniary interest other than a disclosable pecuniary interest in any business of your authority which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and you are present at a meeting of the authority at which such business is to be considered or is being considered you must:-

9.3.1. disclose the existence and nature of the interest in accordance with paragraph 8.1 (but subject to paragraph 8.2)

9.3.2. unless you have obtained a dispensation from your authority withdraw from the room or chamber where the meeting considering the business is being held in a case where paragraph 9.4 applies immediately after making your representations or in any other case when the business is under consideration

9.4. Where you have a pecuniary interest other than a disclosable pecuniary interest in any business of your authority unless you hold a dispensation you may attend a meeting for the purpose of making representations only

▪ Part 3

▪ Registration of Members Interests

10. Disclosable Pecuniary Interests

10.1. Under the Localism Act 2011:-

10.1.1. you are required to notify your authority's monitoring officer of any disclosable pecuniary interests as referred to in paragraph 4 which you have at the time notification is given before the end of 28 days beginning with the day on which you become a member or co-opted member of the authority.

10.1.2. you are also to notify your authority's monitoring officer of any disclosable pecuniary interest as referred to in paragraph 4 which is not

entered in your authority's register of interests and is not subject of a pending notification before the end of 28 days beginning from the date of disclosure of that interest at a meeting of your authority

10.1.3. if a function of your authority may be discharged by a member acting alone and you are exercising such a function you are also required to notify your authority's monitoring officer of any disclosable pecuniary interest as referred to in paragraph 4 which is not entered in your authority's register of interests and is not subject of a pending notification before the end of 28 days beginning from the date you become aware that you have a disclosable pecuniary interest relating to the matter being to be dealt with or being dealt with in the course of discharging that function

10.2. Notifications of disclosable pecuniary interests to the monitoring officer under paragraph 10.1 shall be in writing

10.3. Notwithstanding the provisions of the Localism Act 2011:-

10.3.1. before the end of 28 days beginning from the date upon which this Code takes effect or within 28 days of your election or appointment to office (whichever is later) you must register in your authority's Register of Members' Interests maintained under s.29 Localism Act 2011 your disclosable pecuniary interests as referred to in paragraph 4

10.3.2. you must within 28 days of becoming aware of any new disclosable pecuniary interest or change to any disclosable pecuniary interest registered under paragraph 10.1 or paragraph 10.2 register details of that new disclosable pecuniary interest or change by providing written notification to your authority's monitoring officer

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11. Other Pecuniary Interests and Non-Pecuniary Interests

11.1. Before the end of 28 days beginning from the date upon which this Code takes effect or within 28 days of your election or appointment to office (whichever is later) you must register in your authority's Register of Members' Interests maintained under s.29 Localism Act 2011 your pecuniary interests of a description referred to in paragraph 5.1 and your non-pecuniary interests

of a description referred to in paragraph 6.1 by providing written notification to your authority's monitoring officer

- 11.2. You must within 28 days of becoming aware of any new interest registerable under paragraph 11.1 or change to any interest registered under that paragraph register details of that new interest or change by providing written notification to your authority's monitoring officer

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12. Sensitive interests

- Where you have an interest registerable under paragraphs 10.1, 10.2, 10.4 or 11.1 and the nature of the interest is such that you and your authority's monitoring officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the authority's register then copies of the register available for inspection and any published version of the register shall not include details of the interest but may state that you have an interest details of which are withheld under s.32(2) Localism Act 2011 and/or this paragraph

■ **Part 4 – Conflicts of interest for members of the Executive**

13. This part applies only to members of the Council's executive (cabinet)

14. For the purpose of this part a "conflict of interest" includes (but is not limited to) disclosable pecuniary interests, other pecuniary interests and non-pecuniary interests

15. Where a member of the executive is present at a meeting of the council or a committee or sub-committee of the council or at a meeting of the executive or a committee or sub-committee of the executive and the member has a disclosable pecuniary interest, another pecuniary interest or a non-pecuniary interest the provisions of paragraphs 8 and 9 of this Code shall apply

16. Where a member of the executive is present at a meeting of the executive or at a meeting of a committee or sub-committee of the executive and the member has a conflict of interests which is not a disclosable pecuniary interest, another pecuniary interest or a non-pecuniary interest the member concerned shall declare the existence and nature of that interest to the meeting at the commencement of the meeting or when the item to which the interest relates comes under consideration.

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17 The Council's head of paid service or those authorised by him may grant a dispensation to a member of the executive allowing him to speak and/or vote on issues where a member has such a conflict of interests as is referred to in paragraph 16 of this Code

18 Where a member of the executive has any conflict of interest and is not a decision maker with regard to an executive function but is consulted by another member of the executive or by an officer who is to make an executive decision then the member with such a conflict of interest shall declare the existence and nature of the interest and shall not take part in the consultation unless he has a dispensation from :-

18.1 the authority under the Localism Act 2011 in the case of a conflict of interests with is either a disclosable pecuniary interest or another pecuniary interest or

18.2 The head of paid service or those authorised by him in the case of any other conflict of interest

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▪ APPENDIX

▪ THE PRINCIPALS CONTAINED IN s.28 (1) LOCALISM ACT 2011

1. Selflessness

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2. Integrity

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3. Objectivity

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4. Accountability

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5. Openness

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6. Honesty

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7. Leadership

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