



Uttlesford District Council

Chief Executive: Dawn French

Council

Date: Tuesday, 16 May 2017
Time: 19:30
Venue: Council Chamber
Address: Council Offices, London Road, Saffron Walden, CB11 4ER

Members: All members of the Council.

Public Speaking

At the start of the meeting 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 notice by 12 noon two working days' before the meeting.

AGENDA PART 1

Open to Public and Press

- 1 Election of Chairman**
Councillor G Sell has already been nominated for this post under Article 5.1.2
- 2 Chairman's Statutory Declaration of Office**
The Chairman to make the Statutory Declaration of Office.
- 3 Appointment of Vice-Chairman**
Councillors R Freeman and L Wells have already been nominated for this post under Article 5.1.2.

- 4 Vice-Chairman's Statutory Declaration of Office**
The Vice-Chairman to make the statutory declaration of Office.
- 5 Apologies for absence and declarations of interest**
To receive any apologies for absence and declarations of interest.
- 6 Minutes of the previous meeting** 5 - 12
To receive the minutes of the meeting held on 4 April 2017.
- 7 Chairman's announcements**
To receive any announcements from the Chairman.
- 8 Leader's announcements**
To receive the Leader's announcements.
- 9 Review of political balance** 13 - 18
To review the political balance of the Council.
- 10 Appointment of Committees 2017-18**
To appoint the Council's committees for 2017-18.
- 10i Governance, Audit and Performance Committee - Proposed Terms of Reference** 19 - 24
To approve the terms of reference for the Governance, Audit and Performance Committee.
- 10ii To agree the nominations from the group leaders for the committee members, Chairman, Vice-Chairman and substitutes.**
To follow.
- 11 Appointment of Working Groups 2017-18**
To agree the group leaders nominations for membership of the Council's working groups (to follow).
- 12 Essex Police and Crime Panel**
To appoint a member to the Essex Police and Crime Panel.
- 13 Reports from the Leader and members of the Executive**
To receive matters of report from the Leader and members of the Executive

- 14 Members' questions to the Leader, members of the Executive and chairmen of committees (up to 15 Minutes)**
To receive members questions
- 15 Review of Standards Code of Conduct and Procedure** 25 - 70
At its meeting on 4 April, the Council received a report setting out recommendations from the Standards Committee for the adoption of a revised Code of Conduct and Procedures. The report was debated at the meeting on 4 April and amendments were considered and rejected. No changes were made. The Standards Committee's recommendation was that the report should be received by the Council 4 April but that a decision on adoption should be made at this meeting. The report submitted on 4 April is therefore also included in this agenda.
- 16 Scrutiny Committee 2016-17 Review** 71 - 74
To receive the annual report from the Scrutiny Committee.
- 17 Performance and Audit Committee 2016-17 Review** 75 - 78
To receive the annual report from the Performance and Audit Committee.
- 18 Matters received from committees and working groups** 79 - 94
To consider the Member- Officer protocol report from the Constitution Working Group.
- 19 Matters received about joint arrangements and external organisations**
Matters concerning joint arrangements and external organisations
- 20 Gambling Policy** 95 - 130
To consider the amended Gambling Policy and the new Statement of Principles.
- 21 Any other items which the Chairman considers to be urgent**
To consider any items which the Chairman considers to be urgent.

MEETINGS AND THE PUBLIC

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The agenda is split into two parts. Most of the business is dealt with in Part I 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.

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

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COUNCIL MEETING held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 4 APRIL 2017 at 7.30pm

Present: Councillor J Davey – Chairman
Councillors A Anjum, K Artus, H Asker, G Barker, S Barker, R Chambers, P Davies, A Dean, P Fairhurst, T Farthing, M Felton, J Freeman, R Freeman, T Goddard, N Hargreaves, S Harris, E Hicks, S Howell, T Knight, G LeCount, P Lees, M Lemon, B Light, J Lodge, J Loughlin, A Mills, S Morris, E Oliver, V Ranger, J Redfern, H Rolfe, H Ryles, G Sell and L Wells

Officers in attendance: D French (Chief Executive), R Harborough (Director of Public Services), A Knight (Assistant Director Finance), P Snow (Democratic and Electoral Services Manager) and A Webb (Director of Finance and Corporate Services)

C75 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Foley, Gordon and Jones.

C76 MINUTES OF THE MEETING HELD ON 23 FEBRUARY 2017

The Minutes of the meeting held on 8 December 2016 were received, approved and signed as a correct record, subject to noting that Councillor Loughlin, quoted in the first line of Minute 64, had not been present at the meeting.

[Note: the quote attributed to Councillor Loughlin should have been attributed to Councillor Lodge and the necessary correction has been noted.]

The Chief Executive advised Councillor R Freeman that a clarification of the role of members at planning inquiries would soon be made.

C77 CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that he would update members about his recent and forthcoming engagements at the Annual Meeting on 16 May.

He did mention that he was delighted to have attended a ceremony for the opening of the new Police office in the Lodge building adjacent to the Council Offices in Saffron Walden. He welcomed a strong Police presence in the district.

The Chairman welcomed a group of representatives to the shadow Uttlesford Youth Council who were present at this meeting.

C78 REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE

Following on from the Chairman's remarks, the Leader extended a warm welcome to the youth council representatives.

In summarising the present position regarding progress on the Local Plan, the Leader referred to the recent presentation of new settlement options and said that this had been a positive move. It had given members the opportunity to ask a number of questions of the developers making presentations.

There would be a further meeting of the Planning Policy Working Group later this week providing further opportunities for members to partake in detailed consideration of the Local Plan process.

The Leader welcomed Councillor Lemon as a newly confirmed member of the Conservative Group.

The Leader announced the appointment of Councillor Ryles as a member of the Cabinet with responsibility for economic development, parking and Stansted Airport.

Councillor Redfern drew the attention of members to a section of the website dedicated to children and refugees.

C79 **MEMBERS QUESTIONS**

In response to a question from Councillor Lodge, the Leader confirmed that the appointment of an additional Cabinet member would result in extra expenditure.

C80 **MATTERS REFERRED FROM COMMITTEES AND WORKING GROUPS**

(i) Youth Engagement Working Group

Councillor Lemon presented a recommendation from the Youth Engagement Working Group to support the actions taken to establish a pilot Uttlesford Youth Council subject to a further evaluation of the progress made in three months' time. He said it was a huge pleasure to be involved in this project and he was convinced the youth council would provide a great benefit to Uttlesford. All of the young people involved were enthusiastic to make a success of the project. He extended his thanks to members of the working group for their support and to John Starr in particular for the help and advice he had given.

Councillor S Barker asked whether the youth council was representative of Uttlesford as a whole. Councillor Lemon replied that all senior schools except one had provided a platform for meetings and there was a good geographical spread of representation throughout the district.

Councillor Fairhurst supported the remarks made by Councillor Lemon. In his estimation, the quality of the young people involved in this project was exceptional. Their contribution would add a great deal of value to the Council's work. He asked all members to take time to meet with the youth representatives to help achieve the possible best youth council for Uttlesford.

RESOLVED to support the pilot Uttlesford Youth Council as initially set up with a further evaluation to take place after three months.

(ii) Standards Committee Review of Standards Code of Conduct and Procedure

Councillor Knight presented the recommendation of the Standards Committee to adopt the proposed Code of Conduct and associated Procedure as set out in full in the report. She said that present procedures were seen as unfair. It was not right that the Monitoring Officer should also act as the investigating officer in advising a panel meeting to consider a complaint about a breach of the Code of Conduct.

The proposed revised Code and Procedure had been framed in more easily understood, plain English. This mammoth task had been undertaken by two task groups supported by the independent members whose contribution had proved exceptional.

The intention of the proposals was to make the process of investigating complaints more transparent with the inclusion of witnesses on both sides. It was hoped this would lead to fewer cases going forward to a hearing.

The Nolan principles expected of elected members had been set out clearly at the beginning of the proposed Code of Conduct. After much discussion by members, the form of wording being proposed was that it was intended “to promote the adherence by members” to those principles.

For the majority of elected members the Code of Conduct operated very well but she considered strong sanctions were needed in a small number of cases where a clear breach had been committed and this was something central government should consider.

In concluding her remarks, Councillor Knight thanked members of the Standards Committee and the independent members for their strong support and time commitment given to this review.

Councillor Loughlin seconded the motion.

Councillor Artus said the present Code was open to misinterpretation and misunderstanding. It had been substantially rewritten and reworked by Councillor Jones to incorporate the Nolan principles of standards expected of those holding public office.

The proposed wording of promoting adherence to those principles had watered down the impact of the original intention and rendered it meaningless. There should either be adherence to those principles or not. Accordingly he proposed the following amendment:

In the introduction to the Code of Conduct, instead of the words “It is also intended to promote the adherence by members to the following principles”, substitute “Members shall adhere to the following principles”.

Councillor Goddard seconded the amendment.

Councillor Dean said the report proposed adoption of the revised code at the meeting on 16 May and asked whether this meant that amendments could be considered at this meeting.

Councillor Loughlin said that the wording had been backwards and forwards but the Committee had now agreed the wording in the recommendation and this had been endorsed by Mr Pugh.

Councillor Knight said that the wording proposed by Councillor Artus was not enforceable. Promoting adherence was considered the strongest wording that could be included so she considered it pointless to agree wording that could not be enforced. With one exception, the Committee had agreed with the view of the legal officer and this should be supported.

Councillor Fairhurst said it was his view that both options were lawful but that it would not be possible to enforce adherence to the Nolan principles. The choice was between being vague or trying to enforce wording that could not be upheld.

Councillor Artus said that another council had decided to incorporate the wording he had proposed so he could not see why it could not be agreed.

Councillor Dean said that strong advice had been received from a retired judge against adopting the wording in the amendment. The Nolan principles had a wide application including the principle of leadership and as such the perceived failure to provide leadership could lead to a large number of complaints. For that reason he favoured the proposed wording to promote adherence to these values.

In the view of Councillor Hargreaves, the wording proposed by Councillor Artus would place too onerous a duty on members to investigate alleged failures of leadership. Complaints raised against members should be concerned with specific matters mentioned in the code.

In summing up his proposed amendment, Councillor Artus said that his intention was to simplify the code. His proposed amendment would not lead to a plethora of complaints. It would either be in accordance with the code or not.

The amendment was put to the vote and was lost by 18 votes against to 12 in favour.

The substantive motion would therefore be taken at the Annual Council meeting on 16 May.

(iii) Constitution Working Group Proposal for Revised Member Officer Protocol

Councillor Ranger presented the recommendation of the Constitution Working Group to adopt a revised Member Officer Protocol. It was intended to use plain language to encourage partnership and mutual respect between members and officers, explain the difference between each other's roles and expectations, and set out the support members could expect from officers.

The proposal was seconded by Councillor Chambers.

Councillor Artus explained his reasoning for proposing an amended version of the protocol, including the word “advocate”. The present protocol included reference to members as representatives and advocates for their ward and constituents but this was omitted in the revised version.

In his view it was the job of members to be advocates for their communities and this was more important than their role as representatives. Elected members should be advocates for causes in which they believed. He proposed the following amendment:

1 To include the word “Advocate” in the definition of a member.

2 Include the following clause either at the beginning or the end of the protocol:

“Nothing in this protocol shall prevent or hinder a council member from fully engaging with officers of the council, including calling or attending meetings, or offering information and advice in the furtherance of any issue within their wards or wards for which they have responsibility.”

The amendment was seconded by Councillor Asker.

Councillor Loughlin asked for an exclusion to apply to members of the Planning Committee if the amendment was agreed as Planning members could not advocate the views of local residents in relation to planning applications.

Councillor Knight supported the amendment. Officers sometimes acted in good faith without being aware of ward issues and members needed the freedom to speak openly.

A number of members spoke on both sides of the argument, including councillors Ranger, Hicks and Chambers.

Councillor Rolfe felt it right that the Constitution Working Group should again meet to consider the right balance to be achieved in the wording to be proposed.

Councillor Artus summed up his position by saying the right of a member to act as an advocate could be jeopardised if the wording he proposed were to be omitted.

Upon being put to the vote, the amendment was carried by 18 votes to 12.

Councillor Ranger then withdrew the recommendation and agreed the protocol should be referred back to the Constitution Working Group for further consideration.

(iv) Constitution Working Group Proposal for the Appointment of Substitutes on Committees

Councillor Ranger presented the recommendation of the Constitution Working Group to introduce substitutes to attend meetings when regular members could not attend because of other commitments.

The key elements of the proposal were to allow each political group two substitutes per committee to be appointed, by nomination, at the Annual Meeting, to be treated as full members of the committee when attending in the absence of a principal member, for the duration of the meeting concerned. Appointed substitute members would be required to undertake training before attending either the Licensing or Planning Committee.

RESOLVED to adopt the scheme for the appointment of substitutes on committees, with effect from the Annual Meeting on 16 May 2017, and that suitable amendments to the Constitution be drafted by the Monitoring Officer

(v) Constitution Working Group Proposal for Changes to the Performance and Audit Committee

Councillor Ranger presented the recommendation of the Constitution Working Group to change the status of the Performance and Audit Committee from a scrutiny committee to an ordinary committee, and to strengthen the role of the committee by giving it a clear responsibility for governance. The committee would be renamed as the Governance, Audit and Performance Committee and would take on the roles of the Constitution and Electoral Working Groups, both of which would then be dissolved.

RESOLVED to approve the recommendation to change the Performance and Audit Committee from a scrutiny to an ordinary committee with a revised title of Governance, Audit and Performance Committee and with revised terms of reference to be agreed

C81 POLITICAL BALANCE

The Democratic and Electoral Services Manager reported on the Council's political balance and the revised entitlement to committee places following the recent Elsenham and Henham by-election, the decision of Councillor Lemon to join the Conservative group, and the resignation of former Councillor Parry.

RESOLVED to approve the political balance report and allocate committee places accordingly

C82 APPOINTMENTS TO FILL VACANCIES ON COMMITTEES AND WORKING GROUPS

Nominations were received from political groups to fill those vacancies indicated in the resolution, in accordance with political balance requirements. Councillor Rolfe indicated that the Conservative group would not make any nominations in advance of the Annual Meeting as it appeared likely the allocation of committee places would alter between now and that meeting.

RESOLVED to make the following appointments:

Licensing and Environmental Health Committee: Councillor Sell to fill the vacancy allocated to the Liberal Democrats, one vacancy (Conservative) to remain unfilled

Scrutiny Committee: Councillor LeCount (Residents for Uttlesford) to replace Councillor Sell (Liberal Democrats)

Performance and Audit Committee: one vacancy (Residents for Uttlesford) to remain unfilled

Vacancies on the Constitution Working Group and the Youth Engagement Working Group to remain unfilled

C83 INDEMNITY FOR THE RETURNING OFFICER

Councillor Howell presented a recommendation to indemnify the Council's Chief Executive and Returning Officer against any excess or liability for the conduct of elections not already covered by the relevant insurance policies. It was noted that the personal liability carried by the Returning Officer included an excess of £1,000 in respect of public liability and £5,000 for employer's liability. There was no excess relating to the conduct of elections.

RESOLVED to indemnify the Returning Officer against any excess or liability not covered by insurance

C84 NOMINATIONS FOR THE POSTS OF CHAIRMAN AND VICE-CHAIRMAN OF THE COUNCIL FOR 2017/18

Councillor Rolfe said it gave him much pleasure to propose Councillor Sell for the position of Chairman of the Council in 2017/18. This nomination was seconded by Councillor Davey.

Councillor Rolfe then proposed Councillor Wells as Vice-Chairman of the Council and this nomination was duly seconded by Councillor Loughlin.

Councillor Lodge then proposed Councillor R Freeman as Vice-Chairman and this was seconded by Councillor Morris.

The nomination of Councillor Sell would go forward to the Annual Meeting unopposed.

The nomination of Councillors Wells and R Freeman would be submitted for election at the Annual Meeting.

C85 EXCLUSION OF THE PUBLIC

RESOLVED that, under Section 100I of the Local Government Act 1972, the public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1, Schedule 12A

INVESTMENT OPPORTUNITY

Councillor Howell presented details of an investment opportunity and answered detailed questions from members.

Following a lengthy debate, he proposed the approval of a recommendation in the report and asked members to note a decision taken on 9 March 2017 under delegated authority.

A recorded vote was requested on the motion before members. The outcome of the recorded vote was as follows:

For the motion:

Councillors G Barker, S Barker, Chambers, Davey, Davies, Dean, Farthing, Felton, J Freeman, Goddard, Harris, Hicks, Howell, Lemon, Lodge, Loughlin, Mills, Oliver, Ranger, Redfern, Rolfe, Ryles, Sell and Wells

Against the motion:

Councillors Anjum, Artus, Asker, Fairhurst, R Freeman, Hargreaves, LeCount, Light and Morris

Abstained

Councillors Knight and Lees

The motion was carried by 24 votes in favour to nine votes against with two abstentions.

RESOLVED to approve the recommendation to delegate authority to the S151 officer, in consultation with the Finance Portfolio Holder, to agree the final version of the Parent Company Guarantee

The meeting ended at 9.10pm.

Committee: Full Council

Agenda Item

Date: 16 May 2017

9

Title: Political Balance on the Council

Author: Peter Snow, Democratic and Electoral Services Manager

Item for decision

Summary

- 1 This report considers the political composition of the Council and recommends that seats on the main committees be allocated to the three political groups as detailed in the report.

Recommendation

That the Council reviews its political composition to achieve political balance and approves the allocation seats on its committees as detailed in the report.

Financial Implications

None

Background Papers

None

Impact

Communication/Consultation	Political parties to consult within their groups to determine their views on the recommendation
Community Safety	n/a
Equalities	n/a
Health and Safety	n/a
Human Rights/Legal Implications	To comply with the Local Government and Housing Act 1989. In the event that members decide an allocation of seats which does not accord with the principles of political balance set out above this can only be achieved if no members attending the meeting dissent.
Sustainability	n/a
Ward-specific impacts	All
Workforce/Workplace	None

Situation

- 2 A review of political balance was carried out at the Council meeting on 4 April. This followed changes to the Council's composition at the Elsenham and Henham by-election in February and took account of the vacancy created in Newport ward, since filled at the election held last week. A further review must now take place to determine the entitlement of political groups on the Council to committee seats to apply in 2017/18.
- 3 The Local Government and Housing Act 1989 requires local authorities to review the representation of the different political groups at the Annual Meeting or as soon as practicable thereafter. It further requires them to allocate the seats on their committees to political groups represented in accordance, so far as reasonably practicable, with the following four principles of proportionality:-
- (a) that not all seats on the body concerned are allocated to the same political group;
 - (b) that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
 - (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of an authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority;
 - (d) subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all seats on that body as is borne by the number of members of that group to the membership of the authority.

Current Situation

- 4 The number of seats on ordinary committees of the Council (excluding Standards) are as follows:-

Committee	No of seats
Planning	10
Licensing and Environmental Health	10
Scrutiny	10
Governance, Audit and Performance	10
Total	40

- 5 The current political composition of the Council is as set out below:

Group	Members	Percentage
Conservative	24	61.54%
Residents	11	28.21%

for Uttlesford		
Liberal Democrats	4	10.26%
	39	100%

- 6 Based on 40 committee places, the number of seats available to each group is as follows

Group	Percentage	Calculated seats	No. of seats
Conservative	61.54%	24.62	25
Residents for Uttlesford	28.21%	11.28	11
Liberal Democrats	10.26%	4.10	4
	100%	40	40

- 7 The effect of the allocation of committee places indicated above will mean that three committees will have an allocation of 6/3/1 with the remaining committee allocated to the groups on the basis of a 7/2/1 membership. The Leader has indicated that he wishes to take up his group's additional seat on the Scrutiny Committee and will therefore propose that the Council moves to 41 committee places. Based on 41 committee places, the number of seats available to each group is as follows:

Group	Percentage	Calculated seats	No. of seats
Conservative	61.54%	25.23	25
Residents for Uttlesford	28.21%	11.57	12
Liberal Democrats	10.26%	4.21	4
	100%	41	41

Allocation of Seats – Committees

(i) Licensing Committee

- 8 The Council is not obliged to take the Licensing Committee into account for the purposes of the calculation because it was not established under the Local Government Act 1972. However, it is usual to offer the ten places to be allocated on the same basis of proportionality, and the Licensing Committee has therefore been included in the calculation of the number of seats.

(ii) Standards Committee

- 10 The Localism Act 2011 set out changes to the standards regime. There is no longer a statutory obligation to appoint a Standards Committee. However it was agreed in 2012 that the Council would not be an appropriate forum for dealing with individual allegations of breaches of the Code of Conduct and a Standards Committee was appointed to undertake this function.

- 11 In the absence of a separate statutory power, a Standards Committee is required to be appointed under the provisions of the Local Government Act 1972 and is subject to the rules of political balance.
- 12 Since the Localism Act changes, the Standards Committee has had an equality of representation between all political groups. The Council's Constitution recognises that the rules of political balance contained in the Local Government and Housing Act 1989 apply but acknowledges that a politically balanced Standards Committee would be undesirable. It provides that, subject to no member present voting against the proposal, each political group on the Council would have at least one member on the Standards Committee. Article 9 of the Constitution provides for each political group to have at least one member on the committee and for up to three nominations from each political group. The Council appointed a Standards Committee of 9 members at the last annual meeting and it is suggested that this should continue, unless fewer than three members are nominated by any one group.
- 13 If this committee was included within the calculations the result would be as set out below:

A total of 50 seats would be available and the number of seats allocated to each group would be:-

Group	Percentage	Total Seats
Conservative	61.54%	(30.77) 31
Residents for Uttlesford	28.21%	(14.11) 14
Liberal Democrats	10.26%	(5.13) 5

Proposal for allocation of seats

- 14 Based on the principles outlined in this report, and the entitlement of each of the political groups to the committee places set out in paragraph 7, the allocation of the 50 seats (including the Standards and Licensing Committees) would be as follows:-

Committees	Seats available	Conservative	Residents for Uttlesford	Liberal Democrats
Planning	10	6	3	1
Licensing and Environmental Health	10	6	3	1
Scrutiny	11	7	3	1
Governance, Audit and Performance	10	6	3	1

Standards	9	3	3	3
Total allocation of seats	50	28	15	7

Risk Analysis

There are no risks associated with this report.

Committee: Council

Agenda Item

Date: 16 May 2017

10 (i)

Title: Governance, Audit and Performance
Committee: Proposed Terms of Reference

Author: Simon Pugh – Interim Head of Legal
Services

Item for decision

Summary

1. On 4 April, Council approved the proposal to constitute the Performance and Audit Committee as a committee of the Council, rather than as a scrutiny committee. Council further resolved:
 - That members agree to the expanded remit of the Committee, subject to approval of detailed terms of reference at the Annual Council Meeting on 16 May 2017.
 - That the Committee is known as the Governance, Audit and Performance Committee.
 - That the roles of the Constitution Working Party and the Electoral Working Group are taken over by the GAP Committee from the date of the Annual Council Meeting and are dissolved.
 - That the Monitoring Officer is given delegated authority to make necessary consequential drafting changes to the Constitution.

This report recommends detailed terms of reference for the GAP Committee.

Recommendations

2. That the Council approves the terms of reference for the Governance, Audit and Performance Committee set out in the Appendix.

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.

Report to Council meeting on 4 April: Proposal for changes to Audit and Performance Committee

Impact

5.

Communication/Consultation	The Constitution Working Group considered the proposal to Council before the meeting of 4 April. Council has approved the proposal subject to approval of detailed terms of reference
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	None.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

6. Proposed terms of reference are set out in the Appendix. They combine the existing functions of the Performance and Audit Committee set out in Article 6 of the Constitution (page (2)-20 onwards) with the “Committee” functions given to full Council and set out on pages (3)-9 to (3)-11 of the Constitution. The “governance” functions. They also add responsibility for recommending changes to the Constitution, currently the responsibility of the Constitution Working Group.
7. The terms of reference do not include any delegations to the new Committee to carry out governance functions on behalf of the Council. A scheme of delegation to the Committee can be considered at a future meeting. Delegations to officers will remain unchanged, at least until any further consideration.
8. On 4 April, the Council gave the Monitoring Officer delegated authority to make necessary consequential drafting changes to the Constitution. These will primarily involve:
 - Removing references to the Performance and Audit Committee in Article 6 (page (2)-20 onwards) and in the Overview and Scrutiny Procedure Rules page (4)-56 onwards.
 - Adding the terms of reference of the GAP Committee, once approved, to Part 3 of the Constitution – Delegation of Council Functions. Page (3)-18 onwards.

- Amending Article 15 (Page (2)-46 (“Review and Revision of the Constitution”) to refer to the Governance, Audit and Performance Committee instead of the Constitution Working Group.

Risk Analysis

9.

Risk	Likelihood	Impact	Mitigating actions
That the terms of reference of an expanded Governance, Audit and Performance Committee are insufficiently clear.	2	3	Approval by the Council of detailed terms of reference at this meeting and a scheme of delegation at a future meeting.

- 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.

Appendix

The functions of the Council referred to below are delegated to the Governance, Audit and Performance Committee

1. To monitor the performance of the Council and progress against improvement plans; to oversee the Council's internal audit and risk functions; to receive and approve external audit reports; to scrutinize and approve the annual statement of accounts; to make reports and recommendations to the executive, committees and the Council as a whole on its performance management and corporate governance as appropriate.
2. To consider the Internal Audit Manager's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
3. To consider summaries of specific internal audit reports as requested.
4. To consider reports dealing with the management and performance of the providers of internal audit services.
5. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
6. To consider the external auditor's Annual Letter, relevant reports, and reports to those charged with governance.
7. To consider specific reports as agreed with the external auditor.
8. To comment on the scope and depth of external audit work and to ensure it gives value for money.
9. To liaise with the Audit Commission over the appointment of the Council's external auditor and to be responsible for appointing the external auditor under any successor arrangements.
10. To commission work from internal and external audit.
11. To maintain an overview of the Council's contract procedure rules and financial regulations and to monitor compliance therewith.

12. To review any issue referred to it by the Chief Executive or a Director, or any Council body.
13. To monitor the effective development and operation of risk management and corporate governance in the Council.
14. To monitor council policies on whistleblowing and the anti-fraud and corruption strategy and the Council's complaints process;
15. To oversee the production of the authority's Annual Governance Statement and to recommend its adoption;
16. To oversee the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
17. To monitor the Council's compliance with its own and other published standards and controls.
18. To review and approve the annual statement of accounts for publication. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
19. To consider the external auditor's report to those charged with governance issues arising from the audit of the accounts.
20. To make recommendations to the Full Council on its discharge of the following functions, subject to powers delegated to officers:
 - a. Duty to appoint an electoral registration officer
 - b. Power to assign officers in relation to the requisitions of the registration officer
 - c. Duty to appoint a Returning Officer for local government elections
 - d. Duty to provide assistance at European Parliamentary Elections
 - e. Power to pay expenses properly incurred by electoral registration officers
 - f. Power to make temporary appointments to parish councils
 - g. Power to submit proposals to the Secretary of State for a pilot scheme for local elections
 - h. Duty to consult on a change of scheme for elections
 - i. Power to alter the years of ordinary elections of parish councillors

- j. Functions relating to the change of name of an electoral area
- k. Power to change the name of the district
- l. Power to confer the title of Honorary Alderman or to grant the freedom of the district
- m. Power to petition for a charter to confer borough status
- n. Power to make, amend, revoke, re-enact or enforce byelaws
- o. Power to promote or oppose local or personal bills
- p. Functions relating to local government pensions etc
- q. Power to make standing orders including standing orders as to contracts
- r. Power to appoint staff and to determine the terms and conditions upon which they hold office
- s. Duty make arrangements for the proper administration of financial affairs etc under s.151 Local Government Act 1972
- t. Power to appoint "proper officers"
- u. Duties with regard to the appointment of a Head of Paid Service and Monitoring Office
- v. Power to adopt a scheme permitting co-opted members of overview and scrutiny committees to vote under paragraphs 12 and 14 schedule 1 Local Government Act 2000
- w. Government Act 2000
- x. Power to make payments or provide benefits in cases of maladministration
- y. Duty to adopt a code of conduct for members under the Localism Act 2011
- z. Power to dissolve small parish councils
- aa. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups
- bb. The division of the constituency into polling districts
- cc. Power to divide electoral divisions into polling districts at local government elections
- dd. Powers in respect of holding elections
- ee. Power to fill vacancies on parish councils in the event of insufficient nominations
- ff. Declaration of vacancy in office in certain cases
- gg. Giving notice of casual vacancies in office
- hh. Duties relating to publicity under the Local Government and Public Involvement in Health Act 2007
- ii. Duties relating to notice to the electoral commission
- jj. Power to change the name of a parish
- kk. All powers and duties exercisable in connection with community governance reviews and petitions

Committee:	Council	Agenda Item
Date:	Thursday 16th May	15
Title:	Review of Standards Code of Conduct and Procedure	
Author:	Simon Pugh	Item for decision: yes

Summary

1. This report brings before members the work of the Standards Committee and two task groups which have been reviewing the Council's Code of Conduct and the procedure for considering complaints.
2. The draft Code and Procedures attached to this report are recommended by the Standards Committee for adoption by the Council. The Standards Committee has recommended that the proposals are received by the Council on 4 April and are considered for adoption at the Annual Meeting on 16 May.
3. The Standards Committee meeting on 20 March made some minor changes to the "final draft" it considered. These are shown as tracked changes.
4. The report to the Standards Committee meeting 20 March is attached to this report which, together with the attachments, set out the background, summarise the proposals and identify the issues.

Recommendations

5. That members receive the proposals set out in this report and in the report to the Standards Committee on 20 March.
6. That members decide whether to adopt the proposed Code of Conduct and associated Procedure (Annexes D and E) at its meeting on 16th May.

Financial Implications

7. The Members' Allowances Panel would take account of the role of substitutes in considering any amendments to the allowances scheme.

Background Papers

8. There are no background papers to this report.

Impact

- 9.

Communication/Consultation	Detailed consideration by the Standards Committee including the Independent Persons based on the work of its two task groups. .
Community Safety	None
Equalities	The Code and Procedure take account of equalities issues. The main issue is whether the Procedure accommodates those who, by reason of disability or otherwise, would find it more difficult to exercise rights under the Procedure.
Health and Safety	None
Human Rights/Legal Implications	The proposed Code and Procedure are compliant with the Council's legal obligations under the Localism Act 2011 and the Human Rights Act, 2000.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Risk Analysis

10.

Risk	Likelihood	Impact	Mitigating actions
<p>That members act in a manner not compatible with the principles of conduct set out in s.28(1) Localism Act 2011</p> <p>That the Council suffers reputational damage and that confidence in elected members and local government is undermined.</p>	2.	3.	<p>The adoption of a Code of Conduct and Procedure that are clearly drafted and that are proportionate and fair.</p> <p>Ensuring that members understand and accept their obligations under the Code and are able to seek advice about its application.</p>

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.

Committee: Standards Committee

Agenda Item

Date: 20 March 2017

15

Title: Review of Standards Code of Conduct and Procedure

Author: Interim Head of Legal Services

Item for decision:
yes

Summary

1. The Standards Committee met on 3 February to consider proposals for revising the Council's Code of Conduct for Members and its Procedure for dealing with allegations that the Code has been breached. This followed the work of the two teams of the Task Group, one dealing with the Code and one with the Procedure.
2. A meeting on 16 December of the full Task Group agreed its final proposals, which were considered on 3 February. The covering report to that meeting, but not the appendices are annexed to this report. (Appendix A.)
3. Most aspects of the revised Code and Procedure found favour with the meeting on 3 February but two aspects proved contentious. These could not be resolved at the meeting and are summarised in this report.
4. The meeting on 3 February approved some drafting changes to the Code and Procedures. These are included in the revised versions out in in Appendices B and C to this report.

Recommendations

5. That the Standards Committee decides how it wishes to approach:
 - a. The relationship between the Nolan Principles and the requirements of the Code; and
 - b. The inclusion of rights of appeal. recommends the revised Code and Procedure annexed to this report to Council for adoption.
6. That the Standards Committee recommends a revised Code and Procedure for adoption by the Council on 4 April 2017.

Financial Implications

7. None.

Background Papers

8. Report to Standards Task Force meeting on 16 December 2016. The current Code and procedure are annexed to this report.

9. The Annexes to this report are:

- A. Report to Standards Meeting on 3 February (Pages 5-8) **(now 9-12)**
- B. Current Code of Conduct. (Pages 9-16) **(now 13-20)**
- C. Current Standards Procedure. (Pages 17-21) **(now 21-25)**
- D. Draft Code of Conduct updated following meeting on 3 February. (Pages 22-30) **(now 26-34)**
- E. Draft Standards Procedure updated following meeting on 3 February. (Pages 31-40) **(now 35-44)**
- F. Solihull Metropolitan Borough Council Code of Conduct. (Pages 41-43) **(now 45-47)**

Impact

10.

Communication/Consultation	None yet but this needs to be considered by the Standards Committee.
Community Safety	None
Equalities	The Code and Procedure take account of equalities issues. The main issue is whether the Procedure accommodates those who, by reason of disability or otherwise, would find it more difficult to exercise rights under the Procedure.
Health and Safety	None
Human Rights/Legal Implications	The proposed Code and Procedure are compliant with the Council's legal obligations under the Localism Act 2011 and the Human Rights Act, 2000.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

11. The draft Code of Conduct sets out the Nolan principles for good governance in the first paragraph. The Localism Act 2011 requires the Council to adopt a code of conduct which, when viewed as a whole, is consistent with the following principles—

- (a) selflessness;

- (b) integrity;
- (c) objectivity;
- (d) accountability;
- (e) openness;
- (f) honesty;
- (g) leadership.

12. The strong point of contention at the meeting on 3 February was whether breach of these principles should be a direct breach of the Code. On the one hand, the principles are of high importance and should inform the conduct of those in public life. It was argued that failure to incorporate these directly would weaken the Code and would not allow action to be taken in respect of matters that should fall within the Code. On the other hand, the principles are set out in general terms and are not rules. Their direct incorporation could lead to uncertainty for members and an increase in complaints that were not, in substance, about the ethical behaviour of councillors. However, the principles are accompanied by explanatory text in the draft Code.

13. Cllr Artus has supported the inclusion of a provision in the Code as a new paragraph 2, stating that

"You must comply with the principles set out in the first paragraph of this Code."

14. Mr Pearl has proposed an alternative paragraph 2:

"Section 27 of the Localism Act 2011 places a duty on local authorities to ensure that its members maintain high standards of conduct as set out in the seven principles of public life (above in paragraph 1) and to require such authorities to adopt a Code of Conduct for their members."

"Section 28 requires a relevant authority to adopt a Code whose contents must be consistent with the seven principles of public life"

"This Code and the Code of Conduct Procedure are both consistent with the seven principles, and the authority has adopted this Code to ensure compliance with the conduct that is expected of members when they are acting in that capacity."

15. Annex F to this report sets out the Code of Conduct adopted by Solihull Council. This is an example of a Code that incorporates the principles more directly, subject to qualifying text that is more specific than the text in paragraph 1 of the draft Code.

16. There was discussion at the last meeting about rights of appeal. On the one hand, rights of appeal are, in principle, desirable and, whilst judicial review and review by the Ombudsman may be remedies for procedural unfairness and illegality, they do not provide an appeal on the merits. On the other hand, a complaint will only be considered by a hearing panel if an external investigator has concluded that a member is in breach of the Code of Conduct and this view is supported by the Monitoring Officer after consulting an Independent Person. In this respect it differs

from, say, a Magistrates' Court prosecution, for which the prosecutor's test is whether prosecution is in the public interest and whether there is a reasonable prospect of conviction. There are also practical difficulties about how a right of appeal might be given. There is no scope for an external appeal on the merits and there is no reason to believe that an internal appeal would result in a more authoritative outcome than the decision made by the hearing panel.

Risk Analysis

17.

Risk	Likelihood	Impact	Mitigating actions
<p>That members act in a manner not compatible with the principles of conduct set out in s.28(1) Localism Act 2011</p> <p>That the Council suffers reputational damage and that confidence in elected members and local government is undermined.</p>	2.	3.	<p>The adoption of a Code of Conduct and Procedure that are clearly drafted and that are proportionate and fair.</p> <p>Ensuring that members understand and accept their obligations under the Code and are able to seek advice about its application.</p>

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.

Annex A

Committee: Standards Committee

Agenda Item

Date: 3 February 2017

15

Title: Review of Standards Code of Conduct and Procedure

Author: Interim Head of Legal Services

Item for decision:
yes

Summary

18. The Standards Committee appointed a Standards Task Group to review the Council's Code of Conduct for Members and its Procedure for dealing with allegations that the Code has been breached. The Task Group has been working in two teams, one dealing with the Code and one with the Procedure.
19. A meeting on 16 December of the full Task Group agreed its final proposals. The revised Code and Procedure developed by the Task Group are set out in Appendices C and D to this report.
20. The Procedure has a wider application, in that it would also apply to complaints against parish councillors. The Council's Code has been widely adopted by parish councils, which may wish to bring their codes in line with changes made by Uttlesford DC.

Recommendations

21. That the Standards Committee recommends the revised Code and Procedure annexed to this report to Council for adoption.
22. That the Standards Committee considers the timing and form of the recommendation to Council. (See paragraph 13.)

Financial Implications

23. None.

Background Papers

24. Report to Standards Task Force meeting on 16 December 2016. The current Code and procedure are annexed to this report.

Impact

- 25.

Communication/Consultation	None yet but this needs to be considered by the Standards Committee.
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Community Safety	None
Equalities	The Code and Procedure take account of equalities issues. The main issue is whether the Procedure accommodates those who, by reason of disability or otherwise, would find it more difficult to exercise rights under the Procedure.
Health and Safety	None
Human Rights/Legal Implications	The proposed Code and Procedure are compliant with the Council's legal obligations under the Localism Act 2011 and the Human Rights Act, 2000.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

26. The Task Force was set up to review the current Code of Conduct and Procedure. Its membership is: Cllrs Artus, Asker, Dean, Derek Jones and Knight, and the Council's three Independent Persons for Standards – Georgina Butcher, David Pearl and Catherine Wellingbrook-Dodswell. It was constituted to propose a revised Code and Procedure that:

- Meet the Council's legal obligations under the Localism Act, 2011;
- Are fair and proportionate; and
- Are clearly drafted and easily understood.

The current Code and Procedure are attached to this report as Appendices A and B respectively. The Task Force's proposed Code and Procedure are attached as Appendices C and D.

27. Whilst many of the differences between the two sets of documents are intended to bring clarity, rather than to make substantive changes, there are some important differences between them and members should read them carefully.

28. In respect of the Code, differences include:

- The provisions for disclosure of "disclosable pecuniary interests" is set in law and no substantive changes are proposed. However, the current code distinguishes between "other pecuniary" and non-pecuniary" interests. The proposed revision groups these together as "personal interests".

- The current code applies a “prejudicial interest” test to “other pecuniary” interests but not to “non-pecuniary” interests. The proposed revision applies a prejudicial interest test to personal interests, whether they are financial in nature or not. If a member has an interest that is prejudicial in nature (i.e. it is so significant that it is likely to prejudice their judgment of the public interest) then they should not participate, whether the interest is financial or not (in the author’s view).
- The current code contains a section dealing with “Conflicts of interest for members of the Executive”. Its deletion is proposed to simplify the code. Its scope is unclear, the inclusion of separate provisions for members of the Executive is unusual and it is difficult to see what this adds to the other provisions of the Code.
- The proposed Code increases the threshold for declaring receipt of hospitality from £25 to £50. The £25 threshold has been in place for a number of years and Task Force members felt that it should be updated.

29. In respect of the Procedure, differences include:

- The proposed Procedure clarifies the role of the Monitoring Officer and seeks to avoid the Monitoring Officer acting as investigating officer and adviser to the Standards Hearing Panel.
- Under the present Procedure, a complaint has to be referred to a Hearing Panel where an investigation finds that a member has breached the Code. The proposed Procedure allows some flexibility in this. A formal hearing may not be necessary, for instance, if the subject member accepts the findings of an investigation and is prepared to offer an apology. In these circumstances, the outcome would be reported to the Standards Committee for information.
- Under the present Procedure, where the Investigating Officer finds that the subject member has not breached the Code, any member of the Standards Committee can “call in” the complaint for a hearing by a Panel. The proposed Procedure deletes this call-in where the Monitoring Officer and Independent Person accept a finding that a member is not in breach of the Code.
- The proposed Procedure is intended to deal more clearly with the process to be followed at hearings.

30. Changes to the Code and Procedure need to be approved by full Council. The next Council meeting is on 23 February, followed by the meeting on 4 April. It would be prudent to consult and inform all members about what is proposed before the Council makes a decision to address concerns and to provide clarification. Council will then have a clear picture of what is before it when it meets. The short gap between this Standards Committee and full Council on 23 February does not allow a lot of time to do this. It might therefore be better to take this to Council on 4 April. An alternative approach put forward by the Task Force is to report this to Council on 23 February but to ask Council to defer making a

decision on adoption until its meeting on 4 April. The views of the Standards Committee are sought, along with ideas on the best ways to engage other councillors in this.

31. There is also a need to consider parish councils, as the Uttlesford Code of Conduct has been widely adopted and UDC's Procedure applies when considering complaints against parish councillors. Parish councils could be informed of proposals to revise the Code and Procedure and invited to comment.
32. The Task Force is keen that the new procedures should be illustrated by a flowchart of the Procedure from Complaint to calling a Hearing and by a diagram showing a 'standardised' room setup for a hearing. More work is needed on these but they can be developed in consultation between members and officers. They do not need formal member approval, as they are illustrative.

Risk Analysis

33.

Risk	Likelihood	Impact	Mitigating actions
<p>That members act in a manner not compatible with the principles of conduct set out in s.28(1) Localism Act 2011</p> <p>That the Council suffers reputational damage and that confidence in elected members and local government is undermined.</p>	2.	3.	<p>The adoption of a Code of Conduct and Procedure that are clearly drafted and that are proportionate and fair.</p> <p>Ensuring that members understand and accept their obligations under the Code and are able to seek advice about its application.</p>

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.

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

“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

2. Scope

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.

3. General Obligations

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 the Equality Act 2010.
 - 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 vocation	Any employment, office, trade, 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

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.

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.

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.

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

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

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

13. Conflicts of interest for members of the Executive

- 13.1 This part applies only to members of the Council's executive (cabinet)
- 13.2 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
- 13.3 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.
- 13.4 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.
- 13.5 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 13.4 of this Code
- 13.6 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 :-
- 13.6.1 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
- 13.6.2 The head of paid service or those authorised by him in the case of any other conflict of interest.

APPENDIX TO CODE OF CONDUCT

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

1. Selflessness
2. Integrity
3. Objectivity
4. Accountability
5. Openness
6. Honesty
7. Leadership

Annex C: Current Procedure

PROCEDURE FOR DEALING WITH COMPLAINTS TO THE STANDARDS COMMITTEE

1. The Standards Committee can only investigate complaints of a breach of the Code of Conduct by individual members. It cannot investigate complaints against the whole council, the cabinet, committees or council officers.
2. Complaints must be in writing. If a complainant is unable to make a complaint in writing personally council officers will assist. The council will supply a complaints form to assist complainants in making their complaint but its use is not compulsory and a letter or e-mail complaint will suffice.
3. Upon receipt of a complaint an acknowledgement will be sent to the complainant. The subject member will be informed that a complaint has been made and be told the substance of the complaint unless in the opinion of the Monitoring Officer to do so could prejudice a fair investigation.
4. The complainant will be offered the opportunity to advance reasons why his or her name should not be disclosed to the subject member and will be informed that if no response is received within 10 working days the subject member will be informed of the complainant's identity. In the event that the complainant does advance reasons as to why his or her name should not be revealed to the subject member at that time the Monitoring Officer will consult with an independent person. In the event that following such consultation the Monitoring Officer decides that the complainant's identity should be revealed then the complainant will be notified of that decision and will be given a period of 5 working days to decide whether to proceed with the complaint. If the complaint is not withdrawn the subject member will be informed of the complainant's name.
5. The Monitoring Officer or his or her deputy will consult with an independent person with regard to all complaints received. Such consultation may be at a meeting, by telephone or in writing. Following such consultation the Monitoring Officer or his or her deputy will take one of the following decisions:-
 - a. To take no action
 - b. To take action other than an investigation (e.g. to ascertain whether the subject member may be willing to apologise, undergo training or undergo mediation)
 - c. To require an investigation

Whilst the Monitoring Officer is solely responsible for taking the decision, where the independent person has expressed a view that the allegation should be

investigated the Monitoring Officer may refer the matter to the Standards Committee if he or she is of a view that an investigation is unnecessary and the Standards Committee will then determine how the allegation should be dealt with.

6. Not all complaints will be passed for action. The subject of the complaint must have been a member of the council at the time the facts alleged occurred. The Code of Conduct must also apply to the acts complained of. Members are only bound by the Code of Conduct when they are conducting the business of the council (including acting as a councillor) or when they are acting, claiming to act or give the impression that they are acting as a representative of the council. Conduct by members in their private capacity does not engage the Code of Conduct. The complaint, if proved, must also be capable of amounting to a breach of the Code of Conduct. No findings of fact are made at this stage. The decision as to whether to investigate a complaint is made on the assumption that the facts as alleged are true. Findings of fact are only made after an investigation and report to a sub-committee.
7. Even when the aforementioned conditions are satisfied this does not necessarily mean that a case will be passed for action. There is a balance to be struck between the desirability of ensuring that issues regarding the Code of Conduct are dealt with appropriately against the costs involved of carrying out an investigation and hearing. The Standards Committee are of the view that there is little public benefit in investigating allegations which are not sufficiently serious, politically motivated, malicious or vexatious. In reaching a decision whether to refer a case for action the following criteria will be applied:-
 - a. Complaints which are not supported by sufficient information are unlikely to be referred.
 - b. If the complaint has been or should be investigated or dealt with elsewhere further action is unlikely to be justified.
 - c. Stale complaints are unlikely to be referred. The Standards Committee expects that complainants would normally make their complaint within six months of the relevant facts coming to light.
 - d. Regard will be had to the very high degree of protection given to freedom of expression by Article 10 of the European Convention on Human Rights
 - e. Where a member who is the subject of a complaint has acknowledged the breach of the Code and made a sincere apology the complaint is unlikely to be referred unless it is considered that such apology would be insufficient.
8. Where a case is accepted for investigation the Monitoring Officer will arrange for an investigation to be carried out.
9. At the conclusion of the investigation the investigating officer may prepare a draft report which he sends to the complainant and the subject member for comment. The investigating officer may or may not amend the report in the light of representations received. Alternatively the investigating officer may in his or her sole discretion proceed to a final report.

10. In the final report the investigating officer will set the facts which have been agreed and any conflicting evidence he has received from the complainant, the subject member and any witnesses. The investigating officer will make any findings of fact and state whether in his or her opinion the facts as found constitute a breach of the Code of Conduct.
11. Where there has been a finding on no breach of the Code of Conduct the report shall be circulated to all members of the Standards Committee. Any member shall be entitled to make a request to the Monitoring Officer that a meeting of the Standards Committee be convened for the purpose of a hearing to consider the report. If no member of the Standards Committee requests a hearing within 10 working days of the report being circulated the findings of the investigating officer become final and the decision stands.
12. In the event that a member of the Standards Committee does request a hearing the hearing the public and press shall be excluded from the hearing under s.100I and paragraphs 1 and 2 Schedule 12A Local Government Act 1972 unless the subject member requests otherwise it being generally considered in the public interest to apply the exemption as the member's right to privacy until such time as the findings of the investigating officer have been reversed outweigh the public interest in making the information available.
13. Where the investigating officer finds that there has been a breach of the Code of Conduct or where a member of the Standards Committee has requested a hearing under paragraph 12 above there will be a hearing to consider the complaint and the investigating officer's report. Unless paragraph 12 above applies the hearing will normally be held in public.
14. The procedure for a hearing will be as follows:
 - a. The investigating officer will usually have interviewed all relevant witnesses and a summary of their evidence will appear in the report
 - b. Live evidence will not usually be called by the Investigating Officer at the hearing
 - c. The subject member may apply for permission to call live rebuttal evidence. The Monitoring Officer (or his or her deputy if the Monitoring Officer carried out the investigation) shall determine with the Chairman of the Standards Committee (or another voting member of the Standards Committee in the absence of the Chairman) whether live witness evidence will be permitted.

- d. Any request for permission to call live evidence shall be in writing, state the name of the witness concerned and give a summary of the evidence the witness is likely to give.
 - e. Where a witness has given evidence which is referred to in the investigating officer's report and the subject member wishes that person to be subject to cross examination at the hearing the subject member may request the investigating officer to endeavour to arrange for that witness's attendance. The subject member should however be aware that witnesses cannot be required to attend Standards Committee hearings. Further the investigating officer may decide not to request the witness to attend. In either event the evidence is admissible but when evidence is in dispute and is no subject to cross examination the Committee will need to determine what weight to give to it.
 - f. The subject member will have the opportunity of attending and addressing the hearing and calling evidence if having first been given permission to do so.
15. Having received evidence and hearing submissions the Committee will announce its findings of fact, its findings as to whether there has been a breach of the Code of Conduct and what sanction (if any) should apply.
16. The range of sanctions available is:-
- a. To find that no further action is required.
 - b. To censure the member (this is the only sanction available if the member is no longer a councillor at the date of the hearing)
 - c. To recommend that a member's access to council premises or the use of council resources be restricted providing that such restrictions do not prevent the member performing his functions as a councillor
 - d. To recommend that the member makes a written apology in a form acceptable to the Standards Committee.
 - e. To recommend that the member undertakes specified training.
 - f. To recommend that the member undertakes specified conciliation or mediation.

- g. To recommend that the member be removed from a committee or committees of the Council (this can only be done by Full Council and if the member is a member of a recognised political group on the Council with the consent of his or her group leader)
 - h. To recommend that the member be removed from an outside body or bodies to which the member has been appointed by the Council (this can only be done by Full Council and if the member is a member of a recognised political group on the Council with the consent of his or her group leader)
 - i. To recommend that the member be removed from the Cabinet (this can only be done by the Leader of the Council)
 - j. To require the decision of the Standards Committee to be published.
17. A finding that there has been no breach of the Code of Conduct (whether by the investigating officer or by the Standards Committee) shall only be published if the subject member requests that this should be done.

Annex D: Draft revised code of conduct. (Updated THE COUNCILLORS' CODE OF CONDUCT Part 1

Introduction and Interpretation

1. This is the Code of Conduct adopted by Uttlesford District Council. It sets out standards of conduct expected of elected and co-opted members of the Council. It is also intended to promote the adherence by members to the following principles:

- *Selflessness*: Holders of public office should act solely in terms of the public interest.
- *Integrity*: Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or friends.
- *Objectivity*: Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- *Accountability*: Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- *Openness*: Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.
- *Honesty*: Holders of public office should be truthful.
- *Leadership*: Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour when it occurs.

What does the Code cover?

2. The Code covers three main areas:

- It sets out some general obligations regarding the behaviour of elected and co-opted members.
- It explains how members should behave if they have a personal interest in an item of Council business.
- It sets out rules requiring registration of interests for public inspection.

When does the Code apply?

3. You must comply with this Code whenever you are carrying out your Council duties for which you were elected or appointed. The Code also applies when you act, claim to act or give the impression you are acting as a representative of the Council. It does not apply to your conduct in your private life. However, conduct that falls short of the high standards expected of those in public life can damage the reputation of the Council and its members, even if it is not within the scope of the Code. The Code applies to elected councillors and it also applies to co-opted members.

General obligations regarding behaviour

4. You must treat others with respect.
5. You must observe any protocols or codes of practice adopted by your authority.
6. You must not:
 - a. Do anything which may cause the Council to breach the Equality Act 2010 or otherwise act unlawfully.
 - b. Bully any person;
 - c. 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;
 - d. Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
 - e. 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:
 - i. You have the consent of a person authorised to give it;
 - ii. You are required by law to do so;
 - iii. 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

- iv. 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;
 - f. Prevent another person from gaining access to information to which that person is entitled by law.
 - g. Conduct yourself in a manner which could be reasonably regarded as bringing the Council or your office into disrepute
 - h. 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
7. You must, when using or authorising the use by others of the resources of your authority:
- a. Act in accordance with your authority's reasonable requirements;
 - b. Ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - c. Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Members' Interests in Council Business

Disclosable pecuniary interests.

8. Disclosable pecuniary interests (DPIs) are defined by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. An explanation of what is a DPI is set out in Appendix A to this Code. It is very important that members understand what amounts to a DPI, that they identify carefully all the DPIs relevant to them and that they take the action required by law. Breach of the requirements related to DPIs may amount to a criminal offence.

Personal Interests

9. Personal interests are interests you have in business considered by the Council that do not fall within the definition of a disclosable personal interest but which should be declared in the interests of transparency. They are defined in Appendix B to this Code.

Personal and Prejudicial interests.

10. To decide whether a personal interest is prejudicial, members should apply the following test:

“Would a member of the public with knowledge of the relevant facts reasonably regard my interest as so significant that it is likely to prejudice my judgement of the public interest?”

If the answer is “yes”, then you should treat your interest as “personal and prejudicial”.

Disclosure of Members’ Interests

11. If you are present at a Council meeting that is considering business in which you have an interest, you must disclose the existence and nature of the interest to the meeting. Council meetings for this purpose also include:

- Meetings of committees, sub-committees, working groups and panels.
- Meetings of the Cabinet and of committees and sub-committees of the Cabinet.

This provision only applies if you are aware or ought reasonably to be aware of the interest.

Decisions made by Cabinet members

12. If you are a Cabinet member with an interest in any business of the Council which would be disclosable by virtue of paragraph 11 and you have made a decision on behalf of the Cabinet in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest. This applies to decisions made on behalf of the Cabinet outside meetings as well as to those made at meetings.

Disclosure of Sensitive Interests

13. If details of your interest are not published in the Register of Members’ Interests because they have been classed as “sensitive”, you must disclose the fact that you have an interest and the type of interest (disclosable pecuniary or personal) but need not disclose the nature of the interest.

Participation in meetings if you have an interest

14. If you have a **disclosable pecuniary interest** in any Council business then, unless you have a dispensation from the Council’s Monitoring Officer, you must:

- Withdraw from the room or chamber where the meeting considering the business is being held.
- Not participate or participate further in any discussion of the matter at the meeting.
- Not participate in any vote or further vote taken on the matter at the meeting.

15. If you have a **personal and prejudicial interest** in any Council business then, unless you have a dispensation from the Council's Monitoring Officer:
- You may attend a meeting for the purpose of making representations only.
 - You must not participate or participate further in any discussion of the matter at the meeting.
 - You must not participate in any vote or further vote taken on the matter at the meeting.
16. If you have a **personal interest that is neither a disclosable pecuniary interest nor a prejudicial interest**, you may participate in discussion of the matter and may vote.
17. If a Council function may be discharged by a member acting alone and you have a disclosable pecuniary interest in such a matter, 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 the Monitoring Officer permitting you to do so.

Registration of Members' Interests

Disclosable Pecuniary Interests

18. You are required to notify The Council's monitoring officer of any disclosable pecuniary interests as follows:
- You must give notice of all disclosable pecuniary interests within 28 days of being elected or appointed as a member of the Council.
 - If you are re-elected or reappointed, you must give notice within 28 days of re-election or re-appointment of any disclosable pecuniary interests that are not already entered in the Register of Members' Interests
 - If you are obliged, at a meeting or as part of a record of an executive decision, to declare a disclosable pecuniary interest which is not entered on the Register of Members' Interests, you must notify the Council's Monitoring Officer within 28 days of the declaration.
 - Notify the Monitoring Officer of new disclosable pecuniary interests within 28 days of becoming aware of them.

Personal Interests

19. You are required to notify The Council's monitoring officer of any personal interests that are not registrable as disclosable pecuniary interests as follows:
- The name of 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 the Council.

- The name of any body:
 - exercising functions of a public nature; or
 - directed towards charitable purposes; or
 - 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
- The name of any person or body from whom you have received a gift or hospitality with an estimated value of at least £50.

Sensitive interests

20. Where you have an interest that is registrable and the nature of the interest is such that you and The Council’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.

APPENDIX A: DISCLOSABLE PECUNIARY INTERESTS

A1. You have a disclosable pecuniary interest in any business of the Council if:

- it is of a kind described in A2 below;
- it is an interest held by you or by another “relevant person” as set out in A3 below; and
- in the case an interest held by another “relevant person”, you are aware that the other person has the interest.

A2. The table below sets out the nature of “disclosable pecuniary interests”. As an elected or co-opted member, you fall within the description “relevant person”, as well as others described in A3 below.

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 Council) 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

	<p>the Council-</p> <p>a) under which goods or services are to be provided or works are to be executed; and</p> <p>b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the Council's area.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	<p>Any tenancy where to your knowledge -</p> <p>a) the landlord is the Council; and</p> <p>b) the tenant is a body in which the relevant person has a beneficial interest</p>
Securities	<p>Any beneficial interest in securities of a body where -</p> <p>a) that body (to your knowledge) has a place of business or land in the Council's area; and</p> <p>b) either -</p> <p>(i) the total nominal value of the securities exceeds £25000 or one hundredth of the total issued share capital of that body; or</p> <p>(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.</p>

A3 As explained, you will have a disclosable pecuniary interest if you or another "relevant person" has an interest described in A2. The following are "relevant persons":

- You, as an elected or co-opted member of the Council.
- Any of the following:
 - Your spouse or civil partner,
 - A person with whom you are living as husband and wife,
 - A person with whom you are living as if you are civil partners.

A4. You will only have a disclosable pecuniary interest through another person if you are aware that the other person has that interest.

A5. The following are statutory definitions to be used for the interpretation of the table in A2:

"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;
"director"	includes a member of the committee of management of a

	registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014, other than a society registered as a credit union
“land”	excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
“member”	includes a co-opted member;
“relevant period”	means the period of 12 months ending with the day on which a member gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Localism Act;
“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.

APPENDIX B: PERSONAL INTERESTS

Even if an interest does not amount to a disclosable pecuniary interest, you will have a personal interest in an item of Council business in these circumstances:

B1. The item of business relates to or is likely to affect any person or body who employs or has appointed you. Or

B.2 A decision in relation to that business might reasonably be regarded as affecting your financial position or wellbeing or that of a related person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision. Or

B.3 The item of business relates to or is likely to affect:

- 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 the Council.
 -
- Any body of which you or a related person are a member or in a position of general control or management which does one or more of the following:
 - exercises functions of a public nature;
 - is directed towards charitable purposes; or
 - seeks, as one of its principal purposes to influence public opinion or policy (including any political party or trade union)
- The interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50.

B.4 “Related Persons”. The following are “related persons” in determining whether you have a personal interest:

- A member of your family or any person with whom you have a close business or personal association.
- 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.
- 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)

Annex E: Draft revised Code of Conduct procedure

Uttlesford District Council Procedure for Considering a Complaint under the Code of Conduct for Councillors

Our Code of Conduct for Councillors is available on our website at [address]. A paper copy may be obtained on request to the Council's Monitoring Officer.

If you wish to make a complaint under our Code of Conduct, or under the Code of Conduct for one of the town or parish councils within Uttlesford, please send your complaint in writing to:

[Name], Monitoring Officer, [email address] or Council Offices, London Road, Saffron Walden, CB11 4ER.

1. Purpose of the Code of Conduct procedure

This procedure covers the following topics:

- Some definitions.
- The sort of complaints we can consider.
- Making a complaint.
- Assessing the complaint.
- Investigating the complaint.
- Considering the Investigating Officer's report.
- The procedure for hearings before a Hearing Panel of the Standards Committee.
- What sanctions can be imposed if a complaint is upheld.

2. Some definitions

2.1 "Assessment Panel": Assessment panels meet to decide on how to proceed with a complaint in cases where this is not agreed between the Monitoring Officer and the Independent Person assigned to a complaint. Assessment panels are made up of three members of Uttlesford District Council who are also members of its Standards Committee.

2.2 "Code of Conduct": Local councils, including Uttlesford District Council and parish councils within its area, must adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity. The Code is expected to promote principles of

selflessness, integrity, objectivity, accountability, openness, honesty and leadership. These principles are explained in the Code itself.

2.3 “Hearing Panel”: Hearing panels meet to consider complaints that members have breached the code of conduct. Hearing panels are made up of three members of Uttlesford District Council who are also members of its Standards Committee, together with a non-voting Independent Person.

2.4 “Independent Person”: This is a statutory role established by the Localism Act 2011. Uttlesford District Council is obliged to appoint at least one “independent person”. In fact, it has appointed three.

- The An Independent Person’s views must be sought, and taken into account, by UDC before it makes decisions on allegations that it has decided to investigate.
- The An Independent Person’s views must also be sought in the circumstances set out in this procedure.
- The views of an Independent Person may also be sought by a member or co-opted member of UDC or of one of the parishes in its area if that member’s behaviour is the subject of an allegation.
- One of the Independent Persons will participate in hearing panels alongside elected members.

2.5 “Investigating Officer”: This is a person appointed by UDC to investigate a complaint against a member or a co-opted member.

2.6 “Member”: This term is used in this procedure to refer to an elected councillor or co-opted member of UDC or of one of the town or parish councils in its area.

2.7 “Monitoring Officer”: This is a statutory role provided for by the Local Government and Housing Act, 1989. UDC is obliged to designate one of its officers as Monitoring Officer.

- The Monitoring Officer has an oversight role in ensuring that local authorities act lawfully and address instances of maladministration.
- In the context of this procedure, the role of the Monitoring Officer is not to carry out formal investigation of complaints but to make some decisions on how to respond to complaints, in consultation with an Independent Person, and to provide advice and support to Hearing Panels.
- The Monitoring Officer is responsible for initiating steps towards the informal resolution of a complaint where informal resolution is identified as appropriate by the Monitoring Officer and the Independent Person who is advising on the complaint.
- The Monitoring Officer is also responsible for keeping a clear and auditable record of how complaints are considered.

2.8 “Standards Committee”: This is a committee made up of elected members of Uttlesford District Council. Its main role is to promote and maintain high standards

of conduct by councillors and co-opted members. The membership of Hearing Panels is drawn from UDC's Standards Committee.

3. The sort of complaints we can consider.

- 3.1 This procedure applies to complaints that a member has acted in a way that breaches the Code of Conduct. Uttlesford District Council ("UDC") has a code of conduct for councillors and so do most town and parish councils. Some parish councils have the same code of conduct as UDC but some have their own codes.
- 3.2 The Code of Conduct only applies to councillors when they are conducting council business or are acting, claiming to act or are giving the impression that they are acting as a representative of the council to which they are elected. The Code of Conduct does not apply to their private lives.
- 3.3 We cannot consider complaints under this procedure that do not allege a breach of the Code. It is not a way simply of challenging decisions with which someone disagrees. There may be other ways of pursuing complaints or challenges to actions or decisions taken by councillors that do not relate to the Code of Conduct; for instance through a council's complaints procedure, by complaining to the Local Government Ombudsman or through a statutory appeal process.
- 3.4 We can only consider complaints about councillors elected to UDC or to one of the town or parish councils within Uttlesford.

4. Making a complaint

- 4.1 Complaints should be made in writing, which includes email. They should be addressed to UDC's Monitoring Officer and set out full details of the complaint.
- 4.2 If a member of the public has difficulty in putting a complaint in writing, the Monitoring Officer shall arrange other means to record and register the complaint. If the scope or nature of a complaint is not clear, the Monitoring Officer may ask for more detail. In these circumstances the Monitoring Officer must ask the complainant to confirm that the complaint has been accurately recorded.
- 4.3 The Monitoring Officer will offer advice and assistance but will remain impartial between the complainant and the councillor who is the subject of the complaint.
- 4.4 'Anonymous' complaints will not normally be accepted. If a complainant requests anonymity, they must explain why. The Monitoring Officer will consult an Independent Person before deciding whether to accept a complaint on an anonymous basis. The Monitoring Officer shall record the reason for granting anonymity, if allowed.

- 4.5 Within 5 working days of receipt of the complaint in final form the Monitoring Officer shall acknowledge the complaint and provide a copy of the Code of Conduct and this procedure to the complainant.
- 4.6 Once a complaint is in final form, the Monitoring Officer shall send a copy of the complaint to the member who is the subject of the complaint. The Monitoring Officer will aim to do this within 5 working days. However, the Monitoring Officer may decide not to do this if this might prejudice the investigation. The Monitoring Officer shall consult an Independent Member of the Standards Committee before withholding a copy of the complaint from the member who is the subject of the complaint.
- 4.7 If, at any stage, a complainant wishes to withdraw a complaint, the Monitoring Officer shall consult the Independent Person and may consult the member who is the subject of the complaint. Ordinarily consideration of a complaint would cease if the complainant wished to withdraw it. However, there may be circumstances in which it would be appropriate, in the public interest, to pursue a complaint despite the wishes of the complainant.
- 4.8 In the event that the Monitoring Officer receives a complaint that a councillor has failed to declare a disclosable pecuniary interest (“DPI”) and there is evidence that a serious potential DPI offence may have been committed, they will make immediate contact with the Police through a nominated single point of contact. In these circumstances this procedure under the Code will be suspended pending consideration of the complaint by the Police. For the avoidance of doubt there is no requirement for the Monitoring Officer to refer cases to the Police where it appears there may have been a genuine error or oversight by the member concerned and no advantage has been secured by them.

5. Assessing the Complaint

- 5.1 Once the substance of a complaint is clear, the Monitoring Officer shall consult the Independent Member about how to proceed. Options at this stage include:
- No further action.
 - Informal resolution.
 - Formal investigation.
 - The Monitoring Officer shall, where appropriate, ascertain if the complainant and the member who is the subject of the complaint are prepared to attempt resolution of the complaint by informal means. Informal means may include mediation. In the event that informal resolution is not possible, the formal procedure will continue. Informal resolution may not be appropriate where a serious breach of the Code is alleged, where third party rights may be adversely affected or where there is a wider public interest in pursuing a formal investigation.

5.2A number of factors, not limited to those below, will inform the Monitoring Officer's decision.

- Whether the alleged action relates to a breach of the code of conduct.
- When the action complained about occurred. (Complaints should be made in a timely manner and should usually be made within three months of the alleged breach.)
- Whether the alleged action is considered to be serious or minor/trivial.
- Whether the complaint appears to be politically motivated, vexatious or retaliatory.
- Whether the allegations relate to actions occurring whilst the member was acting in their official capacity or in their private capacity.
- Whether it is in the public interest to investigate.
- Whether the matter is considered suitable for alternative resolution and if so whether the member and the complainant are prepared to consider this alternative.
- Whether the complaint should be pursued by other means; e.g. through a parish or town council complaints procedure, through an appeals process or through complaint to the Local Government Ombudsman.
- Whether there is sufficient information on which to consider the complaint.
- In deciding whether to investigate a complaint, careful regard will be had to the right of members to freedom of expression and their role in contributing to political debate.
- Regard will also be had to whether an investigation is appropriate if a member has admitted the breach and has offered a sincere apology.
 - If the Monitoring Officer and Independent Member cannot agree on how to proceed, an assessment panel of the Standards Committee shall decide.

6. Investigating the Complaint

6.1 When there is a decision to investigate a complaint, the Monitoring Officer shall formally appoint an investigating officer with appropriate skills and experience. The appointment shall take account of any potential 'conflict' between the Investigating Officer and Member. If there is no suitable internal appointee, an

officer from another authority or an external investigator may be appointed. The Investigating Officer must be prepared to attend any subsequent hearing.

6.2 On appointment, the Investigating Officer shall contact, and where possible meet, the complainant, to ensure a full understanding of the nature and substance of the complaint. The Investigating Officer shall acquire a copy of any documentation offered or referred to as evidence, and take details of any witness or witnesses prepared to provide evidence. At this point, the Complainant may not extend the scope of the complaint but may clarify any matters.

6.3 The Investigating Officer shall contact witnesses and either obtain signed and dated statements from them concerning the complaint, or interview them and obtain a signed and dated record of the interview from them.

6.4 Witnesses should generally be prepared to attend a hearing, and have their evidence examined and cross-examined.

6.5 Throughout the investigation process, any interviewee, including the complainant and the member, has the right for a 'friend' to attend. The 'friend' shall not normally act in a legal capacity.

6.6 After interviewing the parties and witnesses and considering the evidence, the Investigating Officer shall produce a draft report summarising the investigation and making provisional findings of fact. The draft report shall also indicate whether the Investigating Officer considers that there has been a breach of the Code of Conduct, with reasons.

6.7 The Investigating Officer shall send a copy of the draft report to both the complainant and the member, marked 'In Confidence', and invite the parties to identify anything in the report with which they disagree, or which they believe requires further consideration. The Investigating Officer shall receive and take account of any comments. If necessary, in the interests of accuracy and justice, this process may be repeated.

6.8 The Investigating Officer shall then submit a final report to the Monitoring Officer.

7. Considering the Investigating Officer's report.

7.1 The Monitoring Officer shall, on receipt, review the report and seek any clarifications necessary.

7.2 The Monitoring Officer will then send a copy of the final report to the Independent Person, to the complainant and to the member.

7.3 If the report concludes that the member has not breached the Code of Conduct, and the Monitoring Officer and the Independent Person accept the finding, the Monitoring Officer shall send all members of the Standards Committee a copy of the report for information.

7.4 If the report finds that the member has breached the Code of Conduct, the Monitoring Officer may consider that the matter does not require a formal hearing and informal resolution may resolve it. In this case, the Monitoring Officer shall consult the Independent Person and may propose a fair resolution that helps to ensure higher standards of conduct in the future. This may require the Member to acknowledge that their conduct was unacceptable. It may include a requirement for any of an apology, a process of conciliation, training or some other remedial action.

7.5 If informal resolution is not appropriate or proves not to be possible, the Monitoring Officer shall refer the matter for a formal hearing.

7.6 If the complaint is resolved informally, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action.

7.7 In all other circumstances, the Monitoring Officer shall refer the Investigating Officer's report to a panel of the Standards Committee for a formal hearing.

8. The procedure for hearings before a Hearing Panel of the Standards Committee.

8.1 Formal hearings will be conducted by a panel of three councillors drawn from membership of the Standards Committee on the basis of availability plus one of the Independent Persons.

8.2 A member of the Standards Committee, against whom a Code of Conduct complaint has been made, shall not be selected as a member of a Hearings Panel until consideration of the complaint has been concluded.

8.3 Agendas for hearings panels shall be published and hearings panels shall be held in public unless:

- This would involve disclosure of exempt information as defined by Schedule 12A, Local Government Act, 1972; and
- In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

8.4 Before a hearing panel meets, the Monitoring Officer shall write to the member and to the complainant, asking each:

- Whether they accept the finding in the report
- Whether they dispute any factual part of the report, identifying any areas of dispute.

- Whether they wish to call any witnesses at the hearing. (Only witnesses identified to the Investigating Officer by the complainant or by the member may be called as witnesses. In law, witnesses do not have to attend a hearing panel.
- Whether the complainant wishes to be present at the hearing. (The complainant shall be invited, but is not obliged, to attend the hearing. If the complainant is not present, the procedure below shall be adapted accordingly.)
- Whether they wish to be accompanied at the hearing.

8.5 In advance of a meeting of a Hearing Panel its members shall seek to agree who will chair the hearing. The Chair may issue directions about the conduct of the hearing. A member of a Hearing Panel shall not act as Chair unless they have received relevant training.

8.6 Subject to the discretion of the Chair, the hearing shall be conducted as follows:

- a. The Investigating Officer will be invited to present their report and to call witnesses. The complainant, the member and the Panel (including the Independent Person), in that order, may ask questions or seek clarification both of the Investigating Officer and any witnesses.
- b. The complainant will be invited to comment on the report and its findings and to call witnesses. The Investigating Officer, the member and the Panel, in that order, may ask questions or seek clarification both of the complainant and any witnesses.
- c. The member will be invited to comment on the report and its findings and to call any witnesses. The Investigating Officer, the complainant and the Panel, in that order, may ask questions or seek clarification both of the member and any witnesses.
- d. The Investigating Officer, the complainant and the member will be invited, in that order, to make brief concluding remarks.

8.7 The Chair and Panel, including the Independent Person, may ask for advice at any stage from the Monitoring Officer.

8.8 Once the hearing has been concluded, the Hearing Panel, with the Independent Person, will retire to consider its decision. It may call on the Monitoring Officer to provide advice and guidance. The Hearings Panel is required to do the following: (i) to decide on the facts, (ii) to decide on whether these facts constitute a breach of the Code of Conduct, and (iii) to decide on the appropriate sanction.

8.9 In deciding whether or not to uphold the complaint the Hearing Panel must apply, as the standard of proof, the balance of probability, with the burden of proof

resting on the Investigating Officer. The Hearing panel may only make an adverse finding if satisfied, on this basis, that the member has breached the Code of Conduct.

- 8.10 The Hearing Panel will then return and announce its findings on whether there has been a breach of the Code, with reasons.
- 8.11 Following announcement of the Hearing Panel's findings, the complainant and the member will be invited to make submissions, if necessary, regarding remedies or sanctions.
- 8.12 The Hearing Panel will then consider what, if any, sanction it wishes to impose. It shall retire whilst it considers this. It will then announce its decision and give reasons.
- 8.13 Following the hearing, the Monitoring Officer shall draft a record of the decision for approval by the Hearing Panel. Once the record of decision has been settled, a copy shall be sent to each of the parties.

9. Appealing a Decision about a Complaint

- 9.1 There is no right of appeal against a decision on a Code of Conduct complaint. If the complainant or the member considers that the complaint has not been considered properly by UDC, they may be able to complain to the Local Government Ombudsman or seek permission for judicial review.

10. Sanctions available to a Hearings Panel

- 10.1 The Hearings Panel has powers to take action in respect of individual councillors as necessary to promote and maintain high standards of conduct.
- 10.2 The Hearings Panel may do one, or a combination, of the following:
- a. Issue a formal Censure or Reprimand to the Member
 - b. Report its findings to Council (or to the Parish or Town Council) for information
 - c. Recommend the Member's Group Leader (or in the case of ungrouped members, recommend the Council or Committees) to remove the Member from appointments to Committees or Sub-Committees of the Council
 - d. Recommend the Leader of the Council to remove the Member from any appointment to the Cabinet, or from particular Portfolio responsibilities
 - e. Instruct the Monitoring Officer to (or recommend that the Parish or Town Council) arrange training for the Member

- f. Recommend to the Council (UDC) or its Cabinet, or to the Parish or Town Council that all outside appointments to which he has been appointed or nominated by that Authority are removed
- g. Exclude (or recommend that the Parish or Town Council exclude), the Member from the Council's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings
- h. If relevant, recommend that the Council removes the Member from the post of Leader of the Council.
- i. Publish its findings in respect of the Member's conduct.

In cases where a Hearings Panel makes an adverse finding against a Member, its decision will be published on the Standards Committee pages of the Council's website. This includes decisions relating to members of Town or Parish councils.

Annex F: Solihull Council Code of Conduct

-
- **Solihull Metropolitan Borough Council**
- **Code of Conduct for Councillors**
- I

.....

▪ **being a duly elected Councillor/Co-opted Member for Solihull Metropolitan Borough Council hereby declare that I will undertake my duties as follows:**

1. I will represent the interests of the whole community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

2. **As a holder of public office** and as required by law I will behave in a manner that is consistent with the following principles to achieve best value for all our residents and maintain public confidence in the Council and any other body to which I am appointed by the Council and the office of councillor.

- **a. SELFLESSNESS:** I will act solely in terms of the public interest. I will not act in such a way as to gain financial or other material benefits for myself, my family, or my friends.
- **b. INTEGRITY:** I will not place myself under any financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.
- **c. OBJECTIVITY:** I will make choices on merit, in carrying out public business, including when making public appointments, awarding contracts, or recommending individuals for rewards and benefits.
- **d. ACCOUNTABILITY:** I will be accountable for my decisions and actions to the public and will submit myself to whatever scrutiny is appropriate to my office.
- **e. OPENNESS:** I will be as open as possible about all the decisions and actions I take. I will give reasons for my decisions and restrict information only when the wider public interest or the law clearly demands.
- **f. HONESTY:** I will declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interests.
- **g. LEADERSHIP:** I will promote and support these principles by leadership and example.

3. As a Member of the Council I will act in accordance with the principles in paragraph 2 and, in particular, I will

- a. Champion the needs of the whole community and all my constituents, including those who did not vote for me, and put the public interest first.
- b. Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- c. Not allow other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Council or the good governance of the Council in a proper manner.
- d. Exercise independent judgement and not compromise my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a Member/Co-opted Member of the Council.
- e. Take account of all relevant information, including advice from statutory and other professional officers. I will remain objective and make decisions on merit.
- f. Be accountable for my decisions and cooperate when scrutinised internally and externally, including by local residents.
- g. Contribute to ensuring that decision-making processes are as open and transparent as possible to ensure the community understands the reasoning behind decisions and are informed when holding me and other Members to account.
- h. Behave in accordance with all my legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including on the use of the Council's resources.
- i. Under no circumstances will I disclose confidential information (be that confidential by virtue of legislation or otherwise) unless I have express authority to do so and/or the law so requires.
- j. Value my colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- k. Always treat people with respect, including the organisations and public I engage with, fellow members and those I work alongside.
- l. Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council.

4. I will register and disclose those interests that I am required by law to declare. I will do this by completing and submitting a signed declaration of my interests to the

Monitoring Officer of the Council. I will keep the register updated and acknowledge that its contents are open to the public to inspect.

5. I will comply with any code of conduct for councillors that is properly established by the Council.

- Signed:.....
- Full name:.....
- Date:.....
-

Committee: Scrutiny

Agenda Item

Date: 16 May 2017

16

Title: Scrutiny Committee Annual Report

Author: Cllr Alan Dean, Chairman of Scrutiny Committee

Item for information

Summary

1. This report provides a summary of the work undertaken by the Scrutiny Committee in 2016/17 and asks the committee to consider the 2017/18 work programme.

Recommendations

2. None

Financial Implications

3. None

Background Papers

4. None

Impact

- 5.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

6. The Scrutiny Committee membership has now been in place for 2 years. At the start of each year the Committee consider its work programme, which is added to throughout the committee cycle.
7. The main areas of the committee's work in 2016/17 were as follows:
 - Reviewed planning obligations, focusing on two key elements; the ways of funding infrastructure and the Council's systems for monitoring and enforcing obligations.
 - Pre-scrutinised the Local Council Tax Scheme 2017/18 and provided advice to Cabinet.
 - Began an assessment of Uttlesford's working relationship with Essex County Council, concentrating on the Highways service, and more specifically on two main areas of concern; the reporting of maintenance issues and progressing projects submitted by parish councils.
 - Reviewed the proposed Building Control Partnership between authorities in Essex for a shared building control service and made a recommendation to Cabinet not to proceed.
 - Considered alterations to the call-in procedures and made suggestions to the Constitution Working Group that were adopted.
 - Assessed the first part of a review into Grants, surrounding governance arrangements.
 - Reviewed a proposal on whether to sign up to the four year extension to the joint agreement with the North Essex Parking Partnership (NEPP) and made recommendations to agree in principal that UDC commit to NEPP and provided some areas for potential improvements.
 - Commissioned the Planning Advisory Service (PAS) to review progress on the emerging Local Plan to date. Considered the main issues highlighted within the report and an action plan to address weaknesses in the process, which set out the Officers' response to the report's findings. This matter will be kept under review.
 - Scrutinised the draft 2017/18 Budget and provided feedback to Cabinet.
 - Reviewed the Quiet Lanes initiative and established their current application in Uttlesford.
 - Pre-scrutinised the Equality Scheme, and made recommendations to Cabinet.
8. In addition to the main areas of work listed above the committee formed a Task and Finish Group to conduct a detailed review of Enforcement. The purpose of the review was to determine whether Enforcement services were meeting the expectations of the Council and stakeholders and whether those expectations were realistic.

9. The Enforcement final report was considered by the committee at its meeting on 6 September 2016. After a detailed discussion the committee agreed to submit the report to Cabinet. Cabinet received the report at its meeting on 26 October 2016 and Resolved that “a further report on the council’s enforcement service be considered at a future Cabinet meeting, with the report to reflect on some of the recommendations in the Scrutiny Review of Enforcement”.
10. That report was received at Cabinet on 12 January 2017 and the following recommendations were approved:
- the corporate customer charter be updated
 - an overarching corporate enforcement strategy be developed supported by enforcement policies for:
 - benefits
 - debt recovery
 - development management including building control
 - environmental health
 - licensing
 - litter, fly-tipping, flyposting, abandoned and untaxed vehicles
 - taxis and private hire operators
 - regular reports with a schedule of cases be generated and distributed together with management information for performance review purposes as soon as the database had been addressed
11. During 2016/17 the Committee also called in two Cabinet decisions, the Air Quality Action Plan and the Adoption of Street Naming and Numbering Policy.
12. Through the scrutiny of the Air Quality Action Plan, Cabinet agreed not to implement the decision taken on 15 September 2016 and Officers would continue to work on the plan taking account of the points raised at Scrutiny Committee, and the AQAP would be brought back to a future Cabinet meeting.
13. Officers are now reviewing the Street Naming and Numbering Policy further and will be referred back to Cabinet once this has been completed.
14. More recently the Committee agreed to establish a new standing item on the agenda, Status Report. This item keeps Members informed with progress of any outstanding scrutiny items/decisions.
15. Looking forward at 2017/18 the following topics were identified at the Scrutiny 2015/16 review as potentially being suitable for review in the longer term, but have not yet been timetabled:
- A review of the cabinet system

- Budget consultation process, to consider the purpose and management of the budget consultation, and steer how it should be handled in the future
- Affordable housing provision
- Evaluation of controls in place regarding information provided by developers
- Possibilities around enhancing the council's recycling and waste collection scheme
- Pavement parking, to understand what can be done legally to prevent and enforce against pavement parking.
- Health and Wellbeing Strategy and action plan implementation
- Commercialisation
- Pre scrutinise Day Centre Cabinet report

16. The Scrutiny Committee would welcome review suggestions from the Cabinet and Corporate Management Team.

Committee: Annual Council

Agenda Item

Date: 16 May 2017

17

Title: Performance & Audit Committee Annual Report

Author: Cllr Edward Oliver, Chairman of Performance & Audit Committee Item for information

Summary

1. The Performance & Audit Committee is required to report annually on its activities to Council. This report sets out the main areas of work for the committee during 2016/17.

Recommendations

2. None

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.

Impact

- 5.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	Health and safety reporting is covered in the report
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

6. The following report provides an overview of the main areas of work of the Performance and Audit Committee in 2016/17.

External Audit

7. The Council's auditors EY gave an unqualified opinion on the financial statements for 2015/16 for the eighth consecutive year. EY found that the Council has proper arrangements in place to secure value for money in its use of resources. Only two items of misstatement were referred to in the report relating to an Allpay historic cash balance and the correct classification of capital and revenue finance. Neither of these was seen as material.

Statement of Accounts

8. The Council published its draft accounts in the first week of June 2016, three weeks earlier than the statutory deadline, in preparation for the new statutory deadline for publication of the 2017/18 Statement of Accounts draft accounts of 31 May 2017.
9. The audited accounts were then published in line with the new statutory deadline of the 31 July, a year ahead of the statutory requirement. The Committee subsequently approved the audited 2015/16 Statement of Accounts, noting that no significant issues arose during the audit process and that the Council's outturn position and useable reserves were unchanged following the audit. The Auditor issued the Council with an unqualified audit opinion before the statutory deadline.
10. The committee was pleased to see that the pension deficit had stabilised and requested that information on the Central Government share of the Business Rates be referenced in the accounts. This will be shown in the Statement of Accounts for 2016/17.
11. The misstatement referred to by the auditors (see paragraph 7 above) has been corrected in the 2016/17 accounts.

Certification of Claims and Returns Annual Report 2015/16

12. The external auditors carried out the annual audit on the Benefit Subsidy claim and reported that significant improvements had been made on technical processes identified in previous years and subsequently few errors were identified. The total housing benefit subsidy claim was £16.4 million and of this, errors found equated to £3,263 of under-claimed subsidy by the Council. With other minor errors, the total amount repayable to the DWP was £5,449. This is a reduction of £59,000 compared to the amount repayable for 2014/15.

Appointment of External Auditors

13. The Committee approved a recommendation for the Council to join the joint procurement of External Auditors being carried out by the Public Sector Auditor Appointments body. Following the abolition of the Audit Commission in 2012 new auditors were allocated to the Council for a period of 5 years. This new appointment will be for external auditors to work on the Statement of Accounts 2018/19 onwards. This does not include auditing of the Housing Benefit Subsidy, which will be addressed by the Council once more details of the outcome of the procurement exercise are available later this year.

Local Plan Costs

14. The committee requested a report on the cost of the Local Plan in 2015/16, which was presented in November. The costs for 2016/17 will be reported to the Committee in November 2017, once the accounts are completed.

Internal Audit

15. During the course of the year the Committee has reviewed the work of Internal Audit and received the Audit Manager's Annual Report and Opinion. The Committee considered and approved the Annual Governance Statement for 2015/16 which is published with the Council's Statement of Accounts.

16. At its regular meetings the Committee receives progress reports on day-to-day Internal Audit work and recommendations.

17. During 2016/17 the Committee received and approved:

- the Internal Audit Work Programme 2016/17 and its revisions during the year
- the Internal Audit Strategy 2016/17
- the Internal Audit Charter 2016-18
- the proposed Internal Audit Work Programme and Strategic Programme for 2017/18

18. In addition, members undertook the annual self-assessment of the effectiveness of the Performance & Audit Committee. A number of actions for 2017/18 have been identified arising from this assessment.

Health and Safety and Procurement

19. At the beginning of 2016/17, the committee agreed to have greater oversight of these two areas of work. In the case of Health and Safety, a single performance indicator has now been replaced by a comprehensive six-monthly report on activity and statistics in the Council. The Council's procurement work is similarly now reported to the Committee on a six-monthly basis.

Performance and Risk

20. The Committee has continued to undertake detailed quarterly monitoring of the Council's key performance indicators and a further set of supporting performance indicators. Service performance has in 2016/17 remained for the most part strong. Particular areas of performance the Committee has focused on include Business Rates collection, council house re-let times and issues relating to waste collection services.
21. The Committee also reviewed the Corporate Risk Register and will in 2017/18 receive a new Risk Policy and Register.

Governance in 2017/18

22. Following the decision at Full Council in April, the Performance and Audit Committee will in 2017/18 become the Governance, Audit and Performance Committee and take on responsibility for corporate governance, subject to approval of detailed terms of reference at the Annual Council Meeting. This expanded remit will see the committee fulfilling the roles previously carried out by the Constitution Working Group and Electoral Working Group.

Committee: Council

Agenda Item

Date: 16 May 2017

18

Title: Member Officer Protocol

Author: Interim Head of Legal Services – Simon Pugh

Item for decision:
yes/

Summary

1. On 4 April, Council considered a report recommending the adoption of a revised Member Officer Protocol.
2. At the Council meeting Cllr Artus moved two amendments that were accepted by the Council. The item was then withdrawn for further consideration of the amendments by the Constitution Working Group.
3. The Constitution Working Group met on 25 April to look again at the draft protocol and the amendments moved at the Council meeting. It has made some changes to the version submitted on 4 April. These are set out in the appendix to this report.
4. The differences between the two versions of the protocol are summarised in this report. As explained, the changes do not fully reflect the amendments moved by Cllr Artus and he has expressed his concern about this.

Recommendations

5. That the Council approves the revised Member Officer Protocol set out in the Appendix to this report, subject to its view on the remaining points of difference between Cllr Artus and the Constitution Working Group.

Financial Implications

6. None

Background Papers

7. 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.

Report to Council meeting on 4 April: Proposal for changes to Audit and Performance Committee

Impact

- 8.

Communication/Consultation	One of the objectives in revising the
----------------------------	---------------------------------------

	Protocol is to improve communications and consultation between officers and members..
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	None.
Sustainability	None.
Ward-specific impacts	The revised protocol encourages officers to keep members informed about issues in the ward they represent
Workforce/Workplace	This will affect Council employees, who will need briefing about revisions to the Protocol.

Situation

9. As part of its constitution, the Council has a member/officer protocol. This is designed to ensure clarity of roles between members and officers, to set out some rules of behaviour and to provide a mechanism for dispute resolution.
10. The Monitoring Officer has been reviewing the Member/Officer Protocol and has prepared a revised version. The revision is intended:
- To address some issues raised by members and by officers;
 - To place more emphasis on partnership working between members and officers.
11. A previous draft was considered at the Council meeting on 4 April. At the meeting the Council approved amendments moved by Cllr Artus. The item was then withdrawn from consideration by the Chairman of the Constitution Working Group to allow CWG the opportunity to consider the amendments and to report back.
12. The amendments moved by Cllr Artus and agreed by Council were:
1. To include the word 'Advocate' in the definition of a member.
 2. Include the following clause either at the beginning or the end of the protocol...

“nothing in this protocol shall prevent or hinder a council member from fully engaging with officers of the council, including calling or attending meetings, or offering information and advice in the furtherance of any issue within their wards or wards for which they have responsibility”.

13. The attached version includes the word “Advocate” and some additional text, as follows:

“2.1 Members

Members are democratically elected and have a mandate to represent their ward and to contribute to decisions made by the Council. They are advocates, representatives and community leaders for their ward and the citizens people who live there and will often be seen by their constituents as the local representative of the Council as a whole. If constituents are unhappy about Council services, they will expect their councillor to do something about it.”

Cllr Artus has indicated that he is happy with the way in which his amendment has been incorporated.

14. The CWG was of the view that the scope of Cllr Artus’s second amendment was too broad and is proposing the following wording in its place:

“Nothing in this protocol shall prevent or hinder a council member from fully engaging with officers of the council, including requesting meetings with officers, or offering information and advice concerning any issue within their wards or wards for which they have responsibility”.

This replaces the phrase “calling or attending meetings” with “requesting meetings with officers”. It replaces the phrase “in the furtherance of any issue” with “concerning any issue”.

15. Cllr Artus has commented:

“... that’s not what I proposed and was accepted by the whole council.

“The omission of the words ‘calling or attending’ meetings is not acceptable as it seeks to limit the rights of councillors to attend meetings.

I suggest [the CWG] look at it again and put back the wording the council agreed.”

16. The changes between the version submitted on 4 April and the version agreed by the CWG on 25 April are shown tracked in the Appendix. The changes are mostly stylistic but there is one substantive change. This is in paragraph 7.2, regarding the rights of members to request factual information. The change adds the phrase “commercially sensitive” to the bullet point below:

7.2 All members of the Council are entitled to request factual information from officers about a Council department or service and the information will be provided unless:

- *there is a legal reason why it should not be disclosed (eg. the information is confidential, commercially sensitive or should not be disclosed under data protection principles.*

Risk Analysis

17.

Risk	Likelihood	Impact	Mitigating actions
That members and officers do not work together in a constructive manner, understanding and respecting each others' roles and expectations.	2	3	Approval by the Council of a clear protocol and the promotion of awareness of its content with officers.

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.

Appendix

Appendix B: Proposed Draft

1. Introduction

Members and officers are indispensable to one another and mutual respect is essential for good local government. Together, they bring the critical skills, experience and knowledge required to manage an effective public sector organisation. However, members and officers have different roles and different expectations.

This protocol is intended to:

- Ensure that there is a clear understanding of the respective roles of members and officers.
- Set out some principles governing the relationship between them;
- Establish some ground rules for the relationship.
- Encourage mutual respect and good communication.
- Allow for the constructive and amicable resolution of any conflict.

The Council is committed to the highest possible standards of operation, integrity, openness and accountability.

Overall, the aim of the protocol is to provide a framework to enable members and officers to work together for the benefit of people who live, work, visit, provide employment or provide services in Uttlesford.

Nothing in this protocol shall prevent or hinder a council member from fully engaging with officers of the council, including ~~calling or attending~~ requesting meetings with officers, or offering information and advice ~~in the furtherance of~~ concerning any issue within their wards or wards for which they have responsibility”.

2. Role of Members and Officers

2.1 Members

Members are democratically elected and have a mandate to represent their ward and to contribute to decisions made by the Council. They are advocates, representatives and community leaders for their ward and the people who live there and will often be seen by their constituents as the local representative of the Council as a whole. If

constituents are unhappy about Council services, they will expect their councillor to do something about it.

Members will have a strong knowledge of the area they represent and the issues that affect it. This local knowledge is important, in ensuring that good decisions are made, and should be respected.

Members are usually, but not always, members of political groups. Political groups are a legitimate aspect of local government democracy.

Members are responsible for setting the budget and policy framework within which the Council works. Beyond this, members may have different roles. Some will be members of the Cabinet and will have a wide ranging responsibility for making strategic and operational decisions on behalf of the Council. Some will be members of Committees which scrutinise and have oversight of policies and performance. Some will be members of regulatory committees; for ~~instance~~example, deciding applications for planning permission and ensuring compliance with licensing conditions.

2.2 Officers

Officers are employees of the Council. Their roles and responsibilities are set out in their contract of employment and job description. Some are mainly responsible for the delivery of services and work within the policies and standards set by the Council. Others will have a role in developing policies and strategies and in providing professional advice aimed at ensuring that the Council operates in an effective and lawful manner.

As employees, it is important that the Council complies with its legal obligations as employer and with good employment practice.

Officers are not politicians and their loyalty is to the Council as a whole. It is important that their professional integrity and impartiality is respected, especially where they are obliged to give advice that is not welcomed.

What members can expect from officers:
A commitment to the Council as a whole and not to an individual political group
A working partnership
A timely response to enquiries and complaints
Professional advice not influenced by political views or preference
Integrity, mutual support and appropriate confidentiality
Respect for the r role <u>of a member</u> as <u>an</u> elected representatives.
What officers can expect from members:
Political leadership and direction

A working partnership
Compliance with ethical standards and probity requirements
Non-involvement in day-to-day management
Fairness
Respect for their position as employees of the Council.

3. Working Relationships

3.1 Officers and members will be guided by these behaviours in their working relationship:

De-To be:	Don't Not to be:
Positive	Unhelpful
Professional	Obstructive
Authoritative	Arrogant
Respectful	Discourteous
Constructive	Imprudent
Communicative	Evasive
Discreet	Secretive
Reliable	Disorganised
Friendly	Friends

3.2 Officers will provide advice and assistance to individual Members in respect of Council business, including issues raised by constituents. They must not be requested to advise upon private matters.

3.3 Officers are employed by, and serve, the whole Council. They are politically neutral and must avoid being identified with any political party. Members must respect this.

3.4 The working relationship between senior officers and the Leader and Cabinet will be particularly close. This relationship, however, must not:

- compromise officers' duties to all Members of the Council;
- be so close as to give the appearance of partiality on the part of officers;
- undermine the confidentiality of any discussions within the Corporate Management Team or between senior officers and other Members;
- compromise officers' professional responsibility to advise Members that a particular course of action should not be pursued;
- undermine officers responsibility for action taken under delegated powers.

3.5 It is important that in any dealings between members and officers neither should seek to take unfair advantage of their position.

~~A member should not apply any pressure on an officer to do work outside of normal duties or normal working hours. A member should not, even in an~~

~~emergency, contact officers, even if they have their mobile phone number. Particularly in an emergency or if a matter cannot wait until normal working hours, the correct course will be to call the Council's out of hours number (01223 849755), which will ensure a speedy and coordinated approach. Pressure should not be put on an officer to do anything that he or she is not empowered to do.~~

3.6 Similarly, an officer must not lobby or use influence on an individual member to make a decision in his or her personal favour. They should not:

- raise personal matters to do with their job;
- make claims or allegations about other officers;
- make negative comments on the competency of another officer or member.

3.7 In their dealings with officers (especially junior employees), members need to be aware that it is easy for officers to be overawed and feel at a disadvantage. Such feelings can be intensified where members hold official and/or political office.

3.8 A member should not apply any pressure on an officer to do work outside of normal duties or normal working hours. A member should not, even in an emergency, contact officers directly, even if they have their mobile phone number. In an emergency or when a matter cannot wait until normal working hours, the correct course will be to call the Council's out of hours number (01223 849755), which will ensure a speedy and coordinated approach. Even in an emergency, pressure should not be put on an officer to do anything that he or she is not empowered to do.

~~3.7~~3.9 Members should approach officers of appropriate seniority when raising queries. Other than for routine service queries, this is likely to be at service manager level or above. If members wish to meet officers, they should generally make an appointment first. This is partly to allow officers to plan their work and partly because of the need to ensure that personal data, which may be visible in offices, is not inadvertently disclosed – for instance information relating to housing or benefit applications.

4. Familiarity

4.1 Close personal familiarity between individual members and officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.

4.2 Such familiarity could also cause embarrassment to other members and/or other officers and give rise to suspicions of favouritism.

4.3 Therefore care should be taken by individual members and officers in their relationship with each other. Members should declare to the Chief Executive any close family, business or personal relationship with an officer. Officers should make sure that their line manager is made aware of any similar relationship.

5. Communication

5.1 Officers should reply promptly and helpfully to correspondence, including emails, received from members. As a minimum, they should meet corporate standards for responses but should also recognise that it will sometimes be appropriate to give priority to correspondence from members. If an immediate reply is not possible, correspondence should be acknowledged and the member kept informed about progress.

5.2 Similarly, members should reply promptly and helpfully to communications from officers, especially where a member's view is sought before action is taken.

5.3 Written communication between members and officers should always be professional in tone, avoiding the appearance of over-familiarity. There is a particular risk with email of making inappropriate comments. Emails are a permanent record and may be held up to public scrutiny through, for instance, disclosure under freedom of information legislation or in the course of legal proceedings. Officers and members should always be alert to how correspondence would appear if held up to public gaze.

5.4 Written communication may not be the appropriate first step where, for instance, the facts are uncertain or a matter is controversial. A telephone call or personal discussion should be considered instead. In all cases, the preferred communication method of individual councillors should be taken into account, if known.

5.5 If members raise issues on behalf of constituents, officers should reply in terms that will allow members to give explanations to constituents that are helpful and constructive. Whilst members will hold officers to account, members will, in turn, be held to account by their constituents for the actions of the Council.

5.6 Unless a member or officer requests confidentiality, it will be assumed that correspondence between a member and an officer is not confidential and may be shown to others. (An obvious exception is where an issue relates to an individual constituent and would normally be treated in confidence). If, in an officer's view, correspondence between an individual member and an officer is of interest to

other members, to keep them fully informed, it should be made clear to the original member that copies have been sent to other members.

5.7 Where issues are raised by, or with, individual members relating to a matter of general interest in a ward, copies of correspondence may be sent to other members for the ward. However, a member may specifically request that correspondence is not copied to other members.

5.8 Official letters sent on behalf of the Council should normally be in the name of the appropriate officer, rather than in the name of a member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to be signed by a member, but this should be the exception rather than the norm.

6. Involvement of ward councillors

6.1 Whenever a public meeting is organised by the Council to consider a local issue, all the councillors representing the Ward or Wards affected should, as a matter of course, be invited to attend the meeting with the maximum possible notice being given. Similarly whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Councillors should be consulted at the outset of the exercise.

6.2 Ward Councillors should be notified in advance about any issues likely to affect them. This would include press releases relating to a particular Ward or significant matters likely to affect a Ward.

6.3 Ward councillors should be copied into correspondence with town or parish councils within their ward unless there is a good reason not to.

6.4 Ward councillors should be consulted and involved in significant issues affecting their ward. They will have a strong knowledge of the area they represent and the issues that affect it. This local knowledge is important in ensuring that good decisions are made and should be respected.

7. Requests for factual information

7.1 Officers will use the Members' Bulletin as the primary means of providing factual information to members. There are other sources of information available to members, in particular the "Keep Me Posted/ Gov Delivery e-newsletter, to which members are encouraged to subscribe.

7.2 All members of the Council are entitled to request factual information from officers about a Council department or service and the information will be provided unless:

- there is a legal reason why it should not be disclosed (eg. the information is confidential, commercially sensitive or should not be disclosed under data protection principles.
- the request for information is for private purposes, rather than in connection with the member's elected role.
- the relevant Director or Assistant Director considers the request to be unreasonable in terms of the resources required to provide the information. In case of dispute, the request will be referred to the Chief Executive.

7.3 Members making requests for information should allow adequate time for officers to provide it. Requests relating to committee or Council meetings should be made well in advance. If officers are not given enough notice, they may not be able to supply information in time. Late requests can also divert officers from work of equal or greater importance or urgency. Giving timely attention to agenda papers can mitigate this risk.

7.4 Members do not need to rely on Freedom of Information rights to ask for information, as they have a statutory right of access to information held by the Council, subject to a "need to know" test. This is wider than the rights given to members of the public. In some cases (for instance, where it involves third party personal information) there may be a need for confidentiality. In case of doubt or dispute, the Monitoring Officer will provide advice.

8. Officers' reports and advice

8.1 The Director/Senior Officer in whose name a report to the Council (or any part of its formal decision-making structure) is submitted will always be fully responsible for the contents of it. It is essential that any proposals from members in reports to committees are clearly identified as such.

8.2 A draft or final report will only be amended where the suggested amendment also reflects the professional judgement of the author of the report. Any dispute between a member and the officer responsible for the report which cannot be resolved shall be referred to responsible Director or to the Chief Executive for resolution.

8.3 On occasions, officers will need to express a professional view on a matter which may not support the view of members and/or senior officers. They must be allowed to do so without interference from, or victimisation by, members or other officers.

8.4 At some committee meetings, a resolution may be passed which authorises named officers to take action between meetings in consultation with a member. It

must be recognised that it is the officer, rather than a-the member, who takes the action and it is the officer who is accountable for it.

9. Officer advice to members and party groups

9.1 It must be recognised by all officers and members that in discharging their duties and responsibilities, officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual member of the Council.

9.2 There is statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business. Officers may properly be called upon to provide information to party groups but must at all times maintain political neutrality. All officers must, in their dealings with political groups and individual members, treat them in a fair and even-handed manner. This means that, on occasions, information requested by one group will in fact be provided to all.

9.3 The support provided by officers can take many forms, including a briefing meeting with the executive or an executive member or the Chairman/Vice-Chairman of a committee prior to a committee meeting. Whilst in practice such officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, support is available to all party groups.

9.4 Scrutiny committees have the power to require Cabinet Members and officers to appear before them and answer questions. As a matter of convention, the Council's scrutiny committees will only require the attendance of the Chief Executive, Directors and Assistant Directors. However, to facilitate proper conduct of business, these senior officers may arrange, as necessary, for other officers to attend meetings to assist.

9.5 The Chief Executive, Directors and Assistant Directors may, in exceptional circumstances, be invited to attend political group meetings to explain or to advise on policies and/or issues provided that this facility is available to all political groups represented on the Council. Officer attendance at group meetings will usually be at Assistant Director, Director or Chief Executive level. More junior officers should not generally be asked to attend group meetings and, if they are, they should first obtain permission of a Director or the Chief Executive.

9.6 Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business and should not be present when matters of party business are to be discussed.

9.7 Special care needs to be exercised ~~if-by~~ officers ~~are-when~~ involved in providing information and advice to a party group meeting which includes persons who are not members of the Council. Such persons are not bound by the Council's Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and confidential information should not be disclosed.

9.8 Officers must respect the confidentiality of any party group discussions at which they are present.

9.9 Party group meetings are not empowered to make decisions on behalf of the Council. Conclusions reached at group meetings are not Council decisions and should not be interpreted or acted upon as such.

9.10 Where officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the executive, executive member or relevant committee when the matter in question is considered.

10. Constructive criticism & redress

10.1 It is important that there should be mutual courtesy between Members and officers. It is important that there are reasonable standards of courtesy and no member or officer should seek to take unfair advantage of their position.

10.2 Members have the right to criticise reports or the actions taken by officers but they should:

- always avoid personal attacks on officers;
- ensure that criticism is constructive and well-founded;
- take up an individual concern with the officer privately, where possible;
- avoid criticising officers in the media or social media.

10.3 Members should not raise matters relating to the conduct or capability of an officer at Cabinet and committee meetings or in any public forum. This could be damaging both to effective working relationships and to the image of the Council. An officer has no means of responding to such criticisms in public.

10.4 If a member considers that he or she has not been treated with proper respect or courtesy, and fails to resolve it through direct discussion with the officer, he should raise the matter with the appropriate Director or Assistant Director. The Director or Assistant Director will look into the matter and report back to the member. If the member continues to feel concern, they should then report it to the Chief Executive who will look into the matter afresh. A complaint about a Director or an Assistant Director should be raised with the Chief Executive. A complaint about the Chief Executive should be raised with the Leader. Any action taken

against an officer in respect of a complaint will be in accordance with the provisions of the Council's disciplinary rules and any statutory provisions which may apply.

10.5 If an officer considers that he or she has not been treated with proper respect or courtesy, and a direct discussion is impractical or fails to resolve the matter, he or she should raise the matter with their line manager or Director without delay. In such circumstances, the Director will take such action as is appropriate either by approaching the individual and/or Party Group Leader. The Director will inform the Chief Executive if the Party Group Leader becomes involved, or in any other case where it is appropriate. Feedback should be given to the officer on the outcome.

10.6 The Council operates a confidential whistle-blowing policy. The Council is committed to the highest possible standards of operation, integrity, openness and accountability. It is expected that where an officer or member is concerned about potential unlawful conduct of an officer or member, they voice those concerns so that they can be dealt with effectively.

11. Officers' advice on declarations of interest

11.1 The Council's Monitoring Officer will on request provide advice and information to Members on declarations of interest of a personal nature and whether or not such an interest might amount to a disclosable pecuniary interest or a prejudicial interest. However, Members will know the nature and extent of any interest they may have. It is the Member's responsibility, therefore, to decide whether any interest should be declared.

12. Officer decisions taken under delegated powers

12.1 When making a decision under powers delegated to an officer, it must be recognised that it is the officer, and not any member, who takes the action and it is the officer who is accountable for it.

13. Media Liaison

13.1 Communications with the media can be an important part of a member's workload, such as responding to queries. In any media contact, members and officers should always have regard to the reputation of the Council. Generally, members provide comments and views and officers provide factual information. This factual information may well include explaining the Council's policy on a particular issue. If any member is unsure about the facts of any issue he should contact the Communications Team or appropriate officer, or ask the media representative to do so. Members should avoid being seen to anticipate decisions

and should not criticise officers in the media or via social media networks which may be accessible to the public.

13.2 If a member contacts or is contacted by the media he should indicate in what capacity he is speaking e.g. in a personal capacity, as a member of the executive, as a ward member, as Chairman of a committee, on behalf of the Council or on behalf of his political group. Members should avoid giving the impression they are speaking on behalf of the Council when expressing a personal view. If a member is contacted by the media, it may be useful to inform the Communications Team of the query or discussion; the Communications Team may offer guidance on the nature of the response where it is appropriate to do so.

13.3 It is the role of the Communications Team to publicise decisions and services, and to enhance and protect the reputation and profile of the Council. In this regard members should refer to the Council's Media Relations Protocol. The Media Relations Protocol provides guidance on the work undertaken by the Communications Team, and sets out the responsibilities of officers and members acting as media spokespeople in written and verbal communications. It also references the legal obligations of the Council in publishing material, and the Government's Code of Recommended Practice on Local Authority Publicity which covers the rules around content and style of publicity, distribution, advertising, promotion of individual councillors and restrictions during the election period.

14. Unresolved issues and amendments to this Protocol

14.1 If there are any issues of concern which are not dealt with by this Protocol, then the relevant member or officer may discuss the matter with the Chief Executive with a view to advice being provided.

14.2 Should any Member or officer wish to suggest an amendment to this protocol, he/she is asked to contact either the Chief Executive or the Monitoring Officer.

14.3 Any amendments require approval of Council on the recommendation of the ~~[Constitution Working Group]~~Governance, Audit and Performance Committee. The Standards Committee and any other relevant body may be consulted on issues raised by the Protocol and on proposed amendments when appropriate.

■

Committee: Full Council

Agenda Item

Date: 16 May 2017

20

Title: Gambling Policy

Author: Amanda Turner, Licensing Team Leader

Item for decision

Summary

1. The revised Statement of Gambling Policy completed its period of public consultation on 16 March 2017. No objections were received to this consultation. This result was reported to the Environment and Licensing Committee on 12 April 2017

Recommendations

2. Members at the meeting of the Licensing & Environmental Health Committee on 12 April 2017 recommended that the amended Gambling Policy be forwarded to full Council for formal approval on 16 May with the new Statement of Principles to the Gambling Policy to come into effect on 26 June 2017.

Financial Implications

3. None arising from this report

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.

Revised Statement of Gambling Policy 2014-2017 (showing proposed changes)

Minutes of the Licensing & Environmental Committee on 12 April 2017

Impact

- 5.

Communication/Consultation	The Licensing authority consulted on 26 January with Essex Police, one or more persons who represent the interest of persons carrying on gambling businesses in the authority's area and one or more persons who appear to the authority to represent the interest of persons who are likely to be affected by the exercise of the
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	authority's functions under the Gambling Act 2005
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

6. Our Gambling Policy Statement allows us to outline the Council's considerations in determination of applications. The revised Policy was only for minor changes and subject to a 7 week consultation exercise.
7. The public consultation exercise, as approved by the Licensing & Environmental Committee on 25 January 2017 was conducted between 26 January and 16 March 2017. Information was published on the council's website, and letters or emails sent to Essex police, statutory consultees, all premises & club licence holders, gamblers anonymous, and town and parish clerks.
8. No written responses or representations have been received from any parties to the proposed changes.
9. At a meeting on 12 April 2017 the Licensing & Environmental Health Committee resolved to approve the proposed amendments to the policy and recommend to Council that the amended Policy be adopted (Minute LIC61)
10. A copy of the revised Policy (showing confirmed changes) is attached as Appendix 1. Members are asked to approve the revised Statement of Principles. This will then be advertised in local paper(s) covering the District of Uttlesford and on our website for 4 weeks from 25 May 2017. The policy will then come into effect on 26 June 2017.

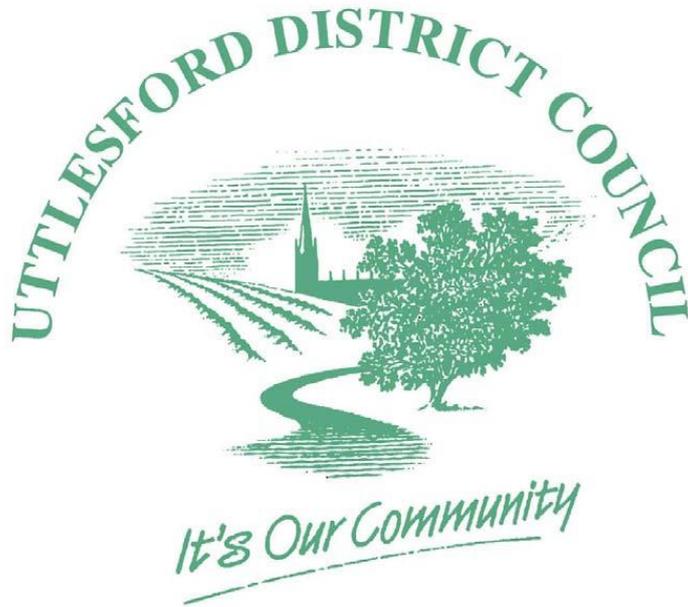
Risk Analysis

11.

Risk	Likelihood	Impact	Mitigating actions
The Council is under	1.	2.	The failure of the

<p>an obligation to review the Gambling Act Policy every 3 years and ensure that the processes are followed in accordance with the legislation and guidance. Failure to achieve the timescale or demonstrate that appropriate consideration has been given to responses received during the consultation process could result in Judicial review.</p>			<p>Council to give appropriate consultation responses could result in the imposition of sanctions upon the council.</p>
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- 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.



STATEMENT OF PRINCIPLES GAMBLING ACT 2005

2017 - 2020

If you require this information in any other format or language please contact the Licensing Department on 01799 510613 or at licensing@uttlesford.gov.uk

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PART A

1. INTRODUCTION

1.1 This Licensing Authority Statement of Principles sets out the principles the Uttlesford District Council, as the Licensing Authority under the Gambling Act 2005 (referred to in this document as 'the Act'), proposes to apply in discharging its functions to license premises for gambling under the Act as well as:-

- designating the body responsible for advising the Authority on the protection of children from harm;
- determining whether or not a person is an "Interested Party";
- exchanging information with the Gambling Commission and others; and
- inspecting premises and instituting court proceedings for offences committed under the Act.

2. THE LICENSING OBJECTIVES

2.1 In exercising most of its functions under the Act, Licensing Authorities must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

3. DESCRIPTION OF THE DISTRICT

3.1 Uttlesford District Council is situated in the County of Essex, which comprises twelve District and Borough Councils and two Unitary Authorities. Uttlesford is a rural area in North West Essex and is geographically the second largest district in the County. It has a population of approx. 83,500 (2014) and over half of these live in one of the four main centres of population, Great Dunmow, Saffron Walden, Stansted and Thaxted. The remainder live in the numerous villages and hamlets which make up the District. In the south of the District is Britain's fourth largest airport, Stansted. A survey published in December 2014 stated that Uttlesford offered the 23rd best quality of life in England and Wales. Its pleasant rural setting attracts many visitors from day trippers to those staying for longer periods many of whom will make use of licensed facilities within the district.

4. RESPONSIBILITIES UNDER THE ACT

- 4.1 The Act contains a licensing regime for commercial gambling, to be conducted by the Gambling Commission and by Licensing Authorities, depending on the matter to be licensed.
- 4.2 The Act establishes each District or Borough Council as the Licensing Authority whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003. Uttlesford District Council is the Licensing Authority for the Uttlesford District.
- 4.3 The Gambling Commission is responsible for issuing Operating and Personal licences to persons and organisations who:-
- operate a casino;
 - provide facilities for playing bingo or for pool betting;
 - general betting operating licence
 - act as intermediaries for betting;
 - make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres;
 - manufacture, supply, install, adapt, maintain or repair gaming machines;
 - manufacture, supply, install or adapt gambling machine software; or
 - promote a lottery.
- 4.4 The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are covered, other than spread betting and the National Lottery. It is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. It is also responsible for the registration of certain types of exempt Small Society Lotteries.
- 4.5 The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:-
- in accordance with any relevant codes of practice under section 24 of the Act;
 - in accordance with any relevant Guidance issued by the Gambling Commission under Section 25;
 - reasonably consistent with the Licensing Objectives (subject to the above matters), and
 - in accordance with the Licensing Authority's Statement of Principles (subject to the above matters).

Before the Licensing Authority can consider an application for a Premises Licence, an Operating and (if required) a Personal Licence must have been obtained from the Gambling Commission or applied for. Where an applicant for a Premises Licence has applied to the Gambling

Commission for a licence or licences the Premises Licence may not be granted until the Commission has granted the requisite licence(s).

5. STATEMENT OF PRINCIPLES

- 5.1 The Licensing Authority is required by the Act to publish a Statement of Principles which contains the principles it proposes to apply when exercising their functions under the Act.
- 5.2 In this document this is referred to as 'the Statement'. This Statement must be published every three years. The Statement must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The 'new' Statement must then be published.
- 5.3 This Statement takes effect in 2017

6. CONSULTATION

- 6.1 In producing this Statement, the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (listed below), the Council chose to consult with additional local groups and individuals. A list of these other groups and persons consulted is also provided below.
- 6.2 The Act requires that the following parties are consulted by the Licensing Authority:-
 - The chief officer of police for the Authority's area;
 - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
 - One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.
- 6.3 The other groups and people consulted were:-
 - Parish and town councils within the District;
 - Businesses who are, or will be, holders of Premises Licences;
 - Responsible Authorities under the Act.
 - The public
- 6.4 The Licensing Authority's consultation took place between February 2017 and April 2017
- 6.5 A full list of comments made and details of the Council's consideration of those comments is available by request to The Licensing Department, Council Offices, London Road, Saffron Walden, Essex CB11 4ER

7. APPROVAL OF THE STATEMENT

- 7.1 This Statement was approved at a meeting of the full Council on *[To be inserted]* and was published via its website in *[To be inserted]*. Copies are available on request.
- 7.2 It should be noted that this Statement does not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence, as each case will be considered on its own merit and according to the requirements of the Act.

8. DECLARATION

- 8.1 In this Statement the Licensing Authority declares that it has had regard to the Licensing Objectives, formal Guidance issued to Licensing Authorities and any responses from those consulted during the consultation process.
- 8.2 Appendices have been attached to this Statement providing further information and guidance that is intended only to assist readers and should not be interpreted as legal advice or as constituent of the Council's Statement. Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, or the guidance or regulations should under the Act.
- 8.3 The Licensing Authority recognises its responsibilities under the Equality Act 2010. The impact of this Statement on race relations and disability equality will be monitored through the Uttlesford District Council's equality scheme.

9. RESPONSIBLE AUTHORITIES

- 9.1 A full list of the Responsible Authorities designated under the Act is given in the Definitions Section and their contact details are included. It should be noted that under the Act, the Licensing Authority is designated as a Responsible Authority.
- 9.2 The Licensing Authority is required to designate, in writing, a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:-
- the competency of the body to advise the Licensing Authority;
 - the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
 - the need for the body to be answerable to democratically elected persons rather than any particular invested interest group etc.
- 9.3 In accordance with the Gambling Commission's Guidance to Local Authorities, the Licensing Authority designates Essex County Council's Children's Safeguarding Children's Board for this purpose.

10. INTERESTED PARTIES

10.1 Interested Parties can make representations about licensing applications or apply for a review of an existing licence. An Interested Party is defined in the Act as follows:-

'... a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-

a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,

b) has business interests that might be affected by the authorised activities,

or

c) represents persons who satisfy paragraphs (a) or (b).'

10.2 Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these, however the Licensing Authority will generally require some form of confirmation that a person is authorised to represent an interested party District Councillors who are not members of the Licensing Committee will not qualify to act In this way.

Other than persons mentioned in 10.2 and 10.3 the Licensing Authority will generally require some form of confirmation that a person is authorised to represent an interested party.

10.3 The Licensing Authority considers that the Trade Associations, Trade Unions and Residents' and Tenants' Associations qualify as "Interested Parties" where they can demonstrate that they represent persons in (a) or (b) above.

10.4 In determining if a person lives sufficiently close to the premises that they are likely to be affected by the authorised activities, or has business interests that might be affected by authorised activities carried on from them the Licensing Authority will consider the following factors:-

- The size of the premises;
- The nature of the premises;
- The distance of the premises from the location of the person making the representation;
- The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment);

- The circumstances of the person making the representation. This does not mean the personal characteristics of that person but his or her interest, which may be relevant to the distance from the premises;
- The catchment area of the premises (i.e. how far people travel to visit); and
- Whether the person making the representation has business interests in that catchment area that might be affected.

The Licensing Authority wishes to ensure that interested parties are aware of applications for licences and variations. Although Town and Parish Councils are not responsible authorities or interested parties in their own right when an application is made for a premises licence or a variation to such a licence in addition to the publicity given to the application by the applicant the Licensing Authority will notify the Town or Parish Council for the area within which the premises are situated. The Licensing Authority will also notify occupants of residential premises adjoining, opposite and to the rear of properties which are the subject of such applications.

11. EXCHANGE OF INFORMATION

11.1 In its exchange of information with parties listed in Schedule 6 of the Act, the Licensing Authority will have regard to:-

- the provisions of the Act, which include the provision that the Data Protection Act 1998 will not be contravened; the guidance issued by the Gambling Commission;
- Data Protection Act 1998;
- Human Rights Act 1998;
- Freedom of Information 2000;
- Environmental Information Regulations 2004;
- the Common Law Duty of Confidence;
- Electronic Communications Act 2000;
- Computer Misuse Act 1990;
- Criminal Procedure and Investigations Act 1996; and
- Crime and Disorder Act 1998.

11.2 Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail. (Note: Written confirmation may include information in electronic form). An audit trail should include:-

- Record of data disclosed;
- Project chronology; and
- Notes of meetings with other partners and recent correspondence including phone calls.

12.2 PUBLIC REGISTER

The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others. Regulations will

prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.

13. COMPLIANCE AND ENFORCEMENT

13.1 In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority follow best practice as promulgated by the Better Regulation Executive and the Hampton Review of regulatory inspections and enforcement and will endeavour to be:-

- Proportionate – Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
- Accountable – Authorities must be able to justify decisions and be subject to public scrutiny.
- Consistent – Rules and standards must be joined up and implemented fairly.
- Transparent – Enforcement should be open and regulations kept simple and user friendly.
- Targeted – Enforcement should be focused on the problems and minimise side effects.

13.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and adopt a risk based inspection programme.

13.3 The main enforcement and compliance role of the Licensing Authority in terms of the Act will be to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission will be the enforcement body for Operating and Personal Licences. Concerns about the manufacturer, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

13.4 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities, and will have regard to best practice..

13.5 Bearing in mind the principle of transparency, the Licensing Authority's enforcement/compliance protocols, or written agreements, will be available on request to the Licensing Authority. Details of the risk based approach to inspection will also be available upon request. Details of this

information can also be found on the Council's website:
www.uttlesford.gov.uk

14. DELEGATION OF POWERS

The Council has agreed a scheme of delegation for discharging its functions under the Act.

PART B PREMISES LICENSES

15. GENERAL PRINCIPLES

15.1 Premises Licences will be subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is thought appropriate.

15.2 Licensing Authorities are required by the Act, in making decisions about Premises Licences, to permit the use of premises for gambling so far as it thinks fit:-

- in accordance with any relevant codes of practice issued by the Gambling Commission under section 24 of the Act;
- in accordance with any relevant guidance issued by the Gambling Commission under section 25;
- to be reasonably consistent with the Licensing Objectives (subject to the above matters); and
- in accordance with the Authority's Statement (subject to the above matters).

15.3 Definition of Premises:

Premises is defined in the Act as "any place". It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises although this will always be considered in the light of guidance issued by the Gambling Commission. It will always be a question of fact in each circumstance. The Gambling Commission does not, however, consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

15.4 Demand:

Demand is a commercial consideration and is not an issue for the

Licensing Authority.

A. The Act is clear that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The Licensing Authority will pay particular attention to the objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

B. In order for location to be considered, the Licensing Authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 6th April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, that licensees assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

C. The LCCP also states that licensees must review (and update as necessary) their local risk assessments:

- a) to take account of significant changes in local circumstance, including those identified in this policy;
- b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c) when applying for a variation of a premises licence; and
- d) in any case, undertake a local risk assessment when applying for a new premises licence.

D The Licensing Authority expects the local risk assessment to consider as a minimum:

- whether the premises is in an area of deprivation
- whether the premises is in an area subject to high levels of crime and/or disorder
- the ethnic profile of residents in the area, and how game rules, self-exclusion leaflets etc. are communicated to those groups
- the demographics of the area in relation to vulnerable groups
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

E In every case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

F Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, selfexclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to

provide betting machines.

G Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

H This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

15.5 Location:

Location will only be material consideration in the context of the Licensing Objectives.

15.6 Duplication with other Regulatory Regimes:

Duplication with other statutory/regulatory regimes will be avoided where possible. This Authority will not consider whether a licence application is likely to be awarded Planning Permission or Building Control consent.

15.7 Licensing Objectives:

In considering whether applications are reasonably consistent with the Licensing Objectives, the Licensing Authority will take into account the following:

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime –

Whilst the Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime, it will pay attention to the proposed location of gambling premises in terms of this licensing objective.

Where an area has known high levels of organised crime, this Authority will consider carefully whether gambling premises are suitable to be located there and the need for conditions, such as the provision of door supervisors.

The Licensing Authority is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a Licensing Objective under the Act.

Ensuring that gambling is conducted in a fair and open way –

The Gambling Commission does not generally expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way. The Licensing Authority notes that in relation to the licensing of tracks, its role will be different from other premises in that track operators will not necessarily have an Operating Licence. In those circumstances, the Premises Licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

Protecting children and other vulnerable persons from being harmed or exploited by gambling –

In practice, the Objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to, gambling.

The Council will pay attention to the proposed location of gambling premises in terms of the proximity of gambling premises to schools and vulnerable adult centres, or residential areas where there may be a high concentration of families with children.

There is no definition of the term 'vulnerable person' in the Act, but this could include people who are gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

15.8 Conditions:

The Authority is aware that the mandatory and default conditions imposed by the Act will normally be sufficient to regulate gambling premises. In exceptional cases where there are specific risks or problems associated with a particular locality, specific premise or class of premises the authority may consider attaching individual conditions related to the licensing objectives. Any conditions attached to Licences will be proportionate and will be:-

- relevant to the need to make the proposed premises suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

In addition, the Licensing Authority will examine how applicants propose to address the licensing objectives. In considering applications the Licensing Authority will particularly take into account the following, if deemed appropriate:

- Proof of age schemes
- CCTV
- Door Supervisors
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices and signage;

- Specific opening hours; and
- With particular regard to vulnerable persons, measures such as the use of self-barring schemes, provision of information, leaflets, helpline numbers for organisations such as GamCare.

15.9 Decisions upon individual conditions will be made on a case by case basis. Consideration will be given to using control measures, should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas, etc. Applicants will also be expected to offer their own suggestions as to the way in which the Licensing Objectives can be effectively met.

15.10 It is noted that there are conditions which the Licensing Authority cannot attach to Premises Licences. These are:-

- any conditions on the Premises Licence which make it impossible to comply with an Operating Licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated);
- conditions in relation to stakes, fees, and the winning of prizes.

15.11 **Door Supervisors:**

The Licensing Authority may consider whether there is a need for door supervisors in terms of the Licensing Objectives of protecting of children and vulnerable persons from being harmed or exploited by gambling and also in terms of preventing premises becoming a source of crime. As the Act has amended the Security Industry Act 2001, door supervisors at casinos or bingo premises will not normally need to be licensed by the Security Industry Authority.

The Authority will make a door supervisory requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

15.12 **Credit:**

Credit facilities are prohibited from being provided in casinos and bingo licensed premises. Cash machines (ATM's) may be installed in such premises but the licensing authority may apply conditions as to where they are sited.

15.13 Betting Machines: (See Definitions)

In relation to Casinos, Betting Premises and Tracks, the Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence or to a Casino Premises Licence (where betting is permitted in the Casino).

15.14 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, shall take into account:-

- the size of the premises;
- the number of counter positions available for person to person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

15.15 In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merit and account will be taken of codes of practice or guidance issued under the Act.

16. PROVISIONAL STATEMENTS

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, or does not have an operators licence, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, and in accordance with the Gambling Commission guidance.

17. REPRESENTATIONS AND REVIEWS

17.1 Representations and Applications for Review of Premises Licence may be made by responsible authorities and interested parties.

17.2 The Licensing Authority can make a representation or apply for a review of the Premises Licence on the basis of any reason that it thinks is

appropriate. For the purpose of exercising its discretion in these matters, the Authority has designated officers in accordance with the Scheme of Delegation as being the proper persons to act on its behalf.

17.3 The Licensing Authority will decide if a representation or application for a review is to be carried out on the basis of whether or not the request is:

- Frivolous or vexatious.
- Will certainly not cause the Authority to wish to /revoke/suspend the Licence or remove, amend or attach conditions to the Licence
- Substantially the same as previous representations or requests for a review.
- In accordance with any relevant codes of practice issued by the Gambling Commission.
- In accordance with any relevant guidance issued by the Gambling Commission.
- Reasonably consistent with the licensing objectives.

17.4 There is no appeal against the Authority's determination of the relevance of an application for review but such determination may be the subject of an application for judicial review.

18. ADULT GAMING CENTRES

18.1 An Adult Gaming Centre is defined in the Definitions. Entry to these premises is age restricted.

18.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

19. (LICENSED) FAMILY ENTERTAINMENT CENTRES

19.1 A Licensed Family Entertainment Centre is defined in Definitions. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

19.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

20. CASINOS

20.1 The Licensing Authority has made no decision on casinos but each application will be considered on its own merit. In making this decision the Licensing Authority consulted widely on this specific issue.

20.2 Casinos and Competitive Bidding:

The Licensing Authority is aware that where a Licensing Authority's area is enabled to grant a Premises Licence for a new style casino, there are likely to be a number of operators which will want to run a casino. In such situations the Council will run a competition in line with Regulations and Codes of Practice issued under the Act by the Secretary of State. It should be noted that at the time this Statement was adopted this Licensing Authority's area had not been so enabled.

20.3 Betting Machines:

The Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence or to a Casino Premises Licence (*where betting is permitted in the casino*). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, amongst other things should take into account:-

- the size of the premises;
- the number of counter positions available for person to person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

20.4 In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act.

20.5 Credit:

Credit facilities are prohibited in casinos; however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

21. BINGO PREMISES

21.1 A Bingo premises is defined in the Definitions. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

21.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

21.3 Credit:

Credit facilities are prohibited in premises licensed for Bingo, however,

this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

22. BETTING PREMISES

22.1 Betting Premises are defined in the Definitions.

22.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

23. TRACKS

A Track is defined in the Definitions. Entry to parts of these premises is generally age restricted. On race days, specific areas within the Track may be age restricted dependent on the licensable activities taking place.

24. TRAVELLING FAIRS

The Licensing Authority will determine whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at a travelling fair is met, where Category D machines and/or equal chance prize gaming without a permit are to be made available for use.

25. PUBLICITY FOR APPLICATIONS

The Licensing Authority wishes to ensure that interested parties are aware of applications for licences and variations. When an application is made for a premises licence or a variation to such a licence in addition to the publicity given to the application by the applicant the Licensing Authority will notify the Town or Parish Council for the area within which the premises are situated. The Licensing Authority will also notify occupants of residential premises adjoining, opposite and to the rear of properties which are the subject of such applications.

PART C PERMITS/TEMPORARY OR OCCASIONAL USE NOTICES/REGISTRATIONS

26. GENERAL

Forms and Method of Application and any additional information or documents required for permits covered by this section can be obtained from the Licensing Authority.

27. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

27.1 Where a premises does not hold a Premises Licence but wishes to provide Gaming machines, it may apply to the Licensing Authority for a Permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

27.2 Statement of Licensing Principles

The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however where children and young persons are permitted, they may include:-

- A basic CRB or equivalent criminal record check for the applicant and the person having day to day control at the premises
- How the applicant proposed to ensure that children will be protected from harm whilst on the premises
- Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises, or
 - children causing perceived problems on/around the premises.
 - Suspected truant children
 - Safeguarding awareness training

28. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

28.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of Categories C and/or D. The Premises Licence holder needs to notify the Licensing Authority at least two months prior to the date of expiry of the current permit.

28.2 Gaming machines can only be located on licensed premises that have a bar for serving customers.

28.3 Premises restricted to selling alcohol only with food, will not be able to apply for a Permit, unless they have a separate bar area

28.4 Where an application for more than two gaming machines is received, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm, or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only machines. Measures will cover such issues as:-

- Adult machines being in sight of the bar;
- Adult machines being in sight of staff who will monitor that the machines are not being used by those under 18;
- Appropriate notices and signage; and
- As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information, and leaflets/help line numbers for organisations such as GamCare.

The Licensing Authority can decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for but conditions other than these cannot be attached.

29. PRIZE GAMING PERMITS

29.1 Where premises do not hold a premises licence but wish to provide prize gaming, an application for a prize gaming permit may be made to the Licensing Authority. The applicant must specify the nature of the gaming for which the permit is sought. The applicant should be able to demonstrate that:

- They understand the limits to stakes and prizes that are set out in the Regulations; and
- That the gaming offered is within the law

29.2 Statement of Licensing Principles

The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A basic CRB or equivalent criminal record check for the applicant and the person having day to day control at the premises
- How the applicant proposed to ensure that children will be protected from harm whilst on the premises
- Training covering how staff would deal with:-

- unsupervised, very young children being on the premises, or
- children causing perceived problems on/around the premises.
- Suspected truant children
- Safeguarding awareness training

In making its decision on an application for a Permit, the Licensing Authority does not need to have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

30. CLUB GAMING AND CLUB MACHINE PERMITS

30.1 Members' clubs and miners' welfare institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit, but are restricted by category and number of machines and to equal chance gaming and games of chance.

30.2 Commercial clubs may apply for a club machine permit, subject to restrictions.

30.3 The gambling provided under the authority of a club gaming permit must also meet the following conditions.

(a) in respect of gaming machines

No child or young person may use a category B or C machine on the premises.

That the holder must comply with any relevant provision of a code of practice about the location and operation of gaming machines.

(b) the public, children, and young persons must be excluded from any area of the premises where the gaming is taking place.

30.4 Section 273 of the Act sets out the conditions that will apply to the club machine permit, including that in respect of gaming machines no child or young person uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines..

31. TEMPORARY USE NOTICES (TUN)

31.1 The persons designated to receive TUNs and to issue objections are specified in the Scheme of Delegation available from the Authority.

31.2 A TUN may only be granted to a person or company holding an operating licence relevant to the temporary use of the premises. Regulations will be issued by the Secretary of State prescribing the activities to be covered. Under current regulations a Temporary Use Notice can only be issued for equal chance gaming.

31.3 For the purpose of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the Notice. This prevents one large premises from having a TUN in effect for more than 21 days per year by giving a Notice in respect of different parts.

31.4 The definition of "a set of premises" will be a question of fact in the particular circumstances of each Notice that is given. In considering

whether a place falls within the definition of “a set of premises” the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.

31.5 The Licensing Authority will object to Notices where it appears that there effect would be to permit regular gambling in a place that could be described as one set of premises.

32. OCCASIONAL USE NOTICES

32.1 Occasional Use Notices, apply only to tracks, which are described as being premises on any part of which a race or other sporting events take place, or is intended to take place. Tracks need not be a permanent fixture.

32.2 OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a Betting Premises Licence for the track.

32.3 The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.

32.4 The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.

32.5 The person designated to receive the OUN's and assess validity is specified in the scheme of delegation

33. SMALL SOCIETY LOTTERIES

The definition of a Small Society Lottery is contained in the Definitions and these require registration with the Licensing Authority.

ANNEXES

ANNEX 1 - DEFINITIONS

Adult Gaming Centres – premises for gaming machines; entitles them to make category B, C and D gaming machines available

Betting – making or accepting a bet on:-

- the outcome of a race, competition or other event
- likelihood of anything occurring or
- anything is or is not true

Betting Premises – Premises licensed to accept bets

Bingo – no statutory definition; have its ordinary and natural meaning. Can include cash bingo where the stakes paid are make up the cash prizes, or prize bingo, where form of prize is not directly related to the stakes paid

Family Entertainment Centre – premises which provides gaming machines in categories C and D.

Gambling – includes gaming, betting or lottery

Gaming Machines – machine designed or adapted for use by individuals to gamble (excludes betting machines or machines that enable the playing of bingo); Secretary of State by regulations can define four classes of gaming machine with regards to stake, value of prize, nature of prize and nature of gambling (A-D).

Interested Party - For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-

- a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) Has business interests that might be affected by the authorised activities;
- c) Represents persons who satisfy a) or b) above

Prize Gaming – gaming where nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by gaming; the prize is determined by the operator before the play commences

Responsible Authority - For the purposes of this Act, the following are responsible authorities in relation to premises:

1. The Licensing Authority in whose area the premises are wholly or mainly situated (“Uttlesford District Council”)
2. The Gambling Commission;
3. Essex Police;
4. Essex Fire and Rescue Service;

5. Planning Services Manager, Uttlesford District Council;
6. Environmental Health Manager, Uttlesford District Council;
7. Local Safeguarding Children's Board for Essex;
8. HM Customs and Excise

Small Society Lotteries – lottery run by non-commercial societies (established and conducted for charitable purposes, for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity; or for any other non-commercial purpose other than private gain.)

Tracks – site where races or other sporting events take place; no special class of betting premises licences for tracks

ANNEX 2 – RESPONSIBLE AUTHORITIES

LICENSING AUTHORITY: The Licensing Department, Uttlesford District Council, Council Offices, London Road, Saffron Walden, Essex CB11 4ER

GAMBLING COMMISSION: Victoria Square House, Victoria Square, Birmingham B2 4BP

ESSEX POLICE : The Licensing Department (Alcohol), Essex Police, PO Box 12306, Police Station, Newland Street, Witham. CM8 2AS.

ESSEX FIRE AND RESCUE SERVICE : Uttlesford & Braintree Community Command, Essex Fire and Rescue Service, Fire Station, Railway Street, Braintree, Essex CM7 3JD

PLANNING SERVICES: The Planning Department, Uttlesford District Council, Council Offices, London Road, Saffron Walden, Essex CB11 4ER

ENVIRONMENTAL HEALTH: Environmental Health Department, Uttlesford District Council, Council Offices, London Road, Saffron Walden, Essex CB11 4ER

ESSEX COUNTY COUNCIL CHILDREN'S SAFEGUARDING SERVICE: Head of Children's Safeguarding Service, Licensing Applications, Essex County Council, PO Box 11, Chelmsford, Essex CM1 1LX

HM CUSTOMS AND EXCISE: The National Registration Unit, HMRC, National Registration Unit, Betting & Gaming, Cotton House, 7 Cochrane Street, Glasgow. G1 1HY

ANNEX 3 - USEFUL CONTACTS

The Gambling Commission maintains a list of useful contacts on organisations involved in gambling and their contact details can be found on the Commission's website www.gamblingcommission.gov.uk Some of these organisations provide codes of practice on their particular interest area.

**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at
COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 7.30pm
on 12 APRIL 2017**

Present: Councillor R Chambers (Chairman)
Councillors G Barker, J Davey, E Hicks, S Morris and G Sell.

Officers in attendance: A Bochel (Democratic Services Officer), M Chamberlain (Enforcement Officer), T Cobden (Principal Environmental Health Officer), J Jones (Licensing Officer) and E Smith (Solicitor).

Also Present: Barry Drinkwater and Doug Perry (representing ULODA).

LIC58

PUBLIC SPEAKING

Public statements were made to the meeting as follows:

1. Doug Perry as President of ULODA
2. Barry Drinkwater as Chairman of ULODA

The statements are appended to these minutes.

In response to statements by Doug Perry and Barry Drinkwater, the Chairman said that the Scrutiny Committee had agreed that the issues presented by ULODA did not need to go before Cabinet. The department was looking at more efficient processes for dealing with licensing, and better ways of communicating with taxi organisations. Taxi Chat had been released and looked good. Consultation should carry on between drivers and officers, but it was up to the Council to decide policy. The department and the committee have an excellent relationship with the taxi trade, but times have moved on and the department and the committee must always do what is best for the public.

The Principal Environmental Health Officer said that a review of licensing and enforcement was being undertaken. There was no intention of disengaging from consultation with the taxi trade, but it was only the beginning of the review process. A critical friend had been identified to provide feedback. Taxi Chat had been released, and he supported ULODA's idea for a website, although the Council had a similar idea planned. The possibility of looking at statistics relating to specific problems and specific taxi organisations was interesting, and there was a possibility that the department could do some work on this.

Doug Perry thanked both the Chairman and Principal Environmental Health Officer for their positive comments. He said ULODA had a vast amount of knowledge to be used, and that the trade's main fear was that it would have no remit for consultation.

The Chairman said the Council intended to have a full and productive consultation, and that he hoped it would be helpful to both sides.

LIC59 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

An apology for absence was received from Councillor Anjum.

LIC60 **MINUTES OF PREVIOUS MEETINGS**

The minutes of the meetings held on 23 and 25 January and 24 March were received and signed by the Chairman as a correct record.

LIC61 **REVIEW OF GAMBLING ACT POLICY**

The Licensing Officer said that the revised policy contained minor changes only. A consultancy period had taken place, with letters and emails inviting feedback sent to a range of people and organisations. No written responses had been received.

RESOLVED to approve the proposed amendments to the policy and recommend to Council that the amended policy be adopted.

LIC62 **ENFORCEMENT**

The Enforcement Officer presented the report.

Councillor Sell asked in what cases licenses were immediately suspended for reasons of public safety, and whether there were fewer cases going to court because of changing licensing procedures.

The Chairman said that immediate suspension occurred in serious cases, such as when a driver had committed an act of violence. He added that the committee was in no way softening its approach, and that it took public safety very seriously.

The Principal Environmental Health Officer said that the department intended to review its approach to enforcement. One option was to introduce a graduated scale depending on the seriousness of the offence. The department would like to be more pro-active, but this would depend on resources. This issue would form a part of the licensing review.

The meeting ended at 8.10pm.

PUBLIC STATEMENTS MADE AT THE LICENSING MEETING ON 12 APRIL 2017

PUBLIC STATEMENT from Doug Perry, Honorary President, ULODA

Both my Chairman and I addressed Cabinet at its last meeting and we were well received.

We were given a number of positive replies and observations in response to our questions. I propose now to mention just a few of them.

The deputy Leader made a very pertinent statement as to the reforming of the Taxi forums which will be implemented.

The Leader was concerned and questions were raised with the CEO as to why Time Factors had been allowed to pass, with no action being seemingly taken.

A lot of consideration was given to working in partnership for the good of all, an example of which is the new process to check the Right to Work. Although a resounding success from the trade's point of view, there has been no feedback from the Council about how well it is working. There is surprisingly no feedback on the latest issue of Taxi Chat, late again. However I must congratulate the officers and Licensing Department for its presentation and content.

The Council and Trade must work together in Partnership.

The Trade is united and although it brings in many Millions of pounds into the Uttlesford economy many operators are still being ignored or not consulted. Why is this?

My final points are that a number of drivers are appearing or about to, before the Committee. It should not be taken out of proportion as the number involved is less than ONE PER CENT of registered Drivers. That the intelligence services use the Trade for the gathering of intelligence as does the Police.

So why does UDC continue to procrastinate and fail to take advantage. This seems to be less than respectful.

Lastly ULODA is launching its website in the very near future and would like to have a link into UDC Licensing to refer certain matters. I know that we will have your approval.

I am going to pass over to my Chairman to expand further and put meat on the bones.

Doug PERRY
Hon President

PUBLIC STATEMENT from Barry Drinkwater

Good evening from me too, Barry Drinkwater, Chairman of ULODA on and off (mainly on) since 2004, new members may like to know. We are the trade association of choice for the taxi and private hire trade and have been addressing the committee since before Doug was its Chairman (Eric Hicks will also remember us too as the trade's voice of reason when he was LEHC Chairman).

Just a quick recap. The minutes of your last meeting on 25 January refer to our joint presentation with Robert Sinnott, Managing Director of Acme Transport (one of our largest operators who used to be on ULODA's executive committee - until that is his business became his sole focus of attention with its acquisition of NCS, Newport Contract Services) and Murray Hardy, your previous Licensing Officer now retired and employed as Consultant with the 24x7 Group, Andy Mahoney's company with its extensive schools contracts division and the official taxi service provider at Stansted Airport since the BAA days. We are, as Doug said, united, we speak with a single, rational voice on behalf of the trade as we have done together, on this same platform, since 2008.

Robert and Andy send their apologies and are sorry they can't be with us this evening. Andy has asked to be placed on record his sincere thanks to the Licensing Team for going the extra mile last month to issue licences for over 250 private hire vehicles. Thank you very much, Mr Cobden (and Jo Jones - nice to see you this evening).

Doug and I spoke (in church!) to Cabinet on 30 March about Scrutiny's Enforcement Task Group, which reported its findings in September following the trade's extensive involvement in its work over six months in 2016. Cabinet discussed Scrutiny's report on 12 January and resolved to implement several recommendations. We were disappointed that four of these (including one which supported new enforcement policies for licensing, taxis and private hire operators) were approved WITHOUT a timed schedule for implementation, after Scrutiny had stipulated "before April 2017". Scrutiny's final recommendation on taxi forums was referred to this committee and we are patiently awaiting the next stage - a question we asked at your January meeting, Chairman, when you chose not to comment..... The Deputy Leader's positive words to us in public on 30 March were heavenly music to our ears!

Cllr Dean, Chair of Scrutiny, has now asked the council's Scrutiny Officers to investigate "the actions that have been implemented and those that have not", to quote from his email to me. His offer to "follow this through as soon as possible" has prompted the inevitable question "by when, please?" That was 10 days ago and we await his response....

Finally, your agenda has its usual regular item on Enforcement Activity since your last meeting. We note that 73 cases understood to be related to the trade are currently ongoing. It will be interesting to know of any trends worthy of our attention - are the cases primarily drivers failing to notify (FTNs), which Tony Cobden says in the new issue of Taxi Chat out today is the vast majority of offences. Our analysis has quantified this at a virtually unchanging 70% over several years. Also, are there any notable operator trends where we may help with their education?

Thank you, Chairman and members. Have a good meeting, which we will be of interest to us all.