



## Public Document Pack

# Uttlesford District Council

Chief Executive: Peter Holt

To all Members of Uttlesford District Council, you are hereby summoned to attend the meeting of the District Council to be held as shown below to deal with the business set out in the agenda.

Chief Executive: Peter Holt

## Annual Council

**Date:** Tuesday, 23rd May, 2023

**Time:** 7.00 pm

**Venue:** Council Chamber - Council Offices, London Road, Saffron Walden, CB11 4ER

**Chair:** Councillor H Asker

**Members:** Councillors M Ahmed, A Armstrong, G Bagnall, S Barker, N Church, M Coletta, A Coote, C Criscione, J Davey, A Dean, B Donald, G Driscoll (Vice-Chair), J Emanuel, J Evans, C Fiddy, M Foley, R Freeman, R Gooding, N Gregory, N Hargreaves, R Haynes, P Lees, M Lemon, J Loughlin, T Loveday, S Luck, C Martin, D McBirnie, J Moran, E Oliver, R Pavitt, A Reeve, N Reeve, B Regan, G Sell, R Silcock, M Sutton and M Tayler

### **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. A time limit of 3 minutes is allowed for each speaker.

Those who would like to watch the meeting live can do so by accessing the live broadcast [here](#). The broadcast will start when the meeting begins.

**AGENDA**  
**PART 1**  
**Open to Public and Press**

**1     Remarks of the Outgoing Chair**

To receive remarks from the outgoing Chair.

**2     Election of the Chair**

To receive nominations and elect the Chair of Council.

**3     Chair's Statutory Declaration of Acceptance of Office**

The Chair to make the statutory declaration of acceptance of office.

**4     Election of the Vice Chair**

To receive nominations and appoint the Vice Chair of Council.

**5     Vice Chair's Statutory Declaration of Acceptance of Office**

The Vice Chair to make the statutory declaration of acceptance of office.

**6     Apologies for Absence and Declarations of Interest**

To receive any apologies and declarations of interest.

**7     Minutes of the previous meeting**

6 - 13

To receive the minutes of the ordinary and extraordinary meetings held on 21 March 2023.

**8     Chair's Announcements**

To receive any announcements from the Chair.

**9     Returning Officer's Report**

14 - 16

To receive the report from the Returning Officer.

**10   Election of a Leader**

To elect a Leader of the Council.

**11   Leader's Announcements**

17 - 21

	To receive any announcements from the Leader including the appointment of a Deputy Leader and members of the Executive.	
<b>12</b>	<b>Nominations of Honorary Aldermen and Alderwomen</b>	<b>22 - 24</b>
	To consider the Honorary Alderman and Alderwoman nominations of former Councillors.	
<b>13</b>	<b>Scheme of Delegation</b>	<b>25 - 37</b>
	To approve the Scheme of Delegation for Council functions.	
<b>14</b>	<b>Political Balance</b>	<b>38 - 44</b>
	To review the political balance of the Council.	
<b>15</b>	<b>Appointment of Committees 2023-24</b>	<b>45 - 46</b>
	To appoint the Council's committees for 2023-24 and agree the nominations from the Group Leaders for Committee Chairs, Vice Chairs, members and substitutes.	
<b>15a</b>	<b>Calendar of Meetings 2023/24</b>	<b>47</b>
	To agree the Calendar of Meetings for 2023-24.	
<b>16</b>	<b>Appointment of Council Working Groups 2023-24</b>	<b>48</b>
	To appoint the Council's working groups for 2023-24.	
<b>17</b>	<b>Appointment of a Member to the Essex Police, Fire and Crime Panel</b>	<b>49</b>
	To consider a nomination to appoint a member to the Essex Police, Fire and Crime Panel, and to appoint a substitute to the Panel.	
<b>18</b>	<b>Consideration of an individual Standards Complaint against a [former] Member</b>	<b>50 - 89</b>
	To consider the report relating to an individual Standards Complaint against a [former] Member.	
<b>19</b>	<b>Pay Policy Update</b>	<b>90 - 109</b>
	To consider the Pay Policy Update report.	
<b>20</b>	<b>Update on handling of Sudan evacuation</b>	<b>110 - 114</b>

To receive an update on the handling of the Sudan evacuation.

### **MEETINGS AND THE PUBLIC**

Members of the public are welcome to attend any Council, Cabinet or Committee meeting and listen to the debate. All agendas, minutes and live broadcasts can be viewed on the Council's website, through the [Calendar of Meetings](#).

Members of the public and representatives of Parish and Town Councils are permitted to make a statement or ask questions at this meeting. If you wish to speak, you will need to register with Democratic Services by midday two working days before the meeting. There is a 15-minute public speaking limit and 3-minute speaking slots will be given on a first come, first served basis.

Guidance on the practicalities of participating in a meeting will be given at the point of confirming your registration slot. If you have any questions regarding participation or access to meetings, please call Democratic Services on 01799 510 369/410/460/548. Alternatively, enquiries can be sent in writing to [committee@uttlesford.gov.uk](mailto:committee@uttlesford.gov.uk).

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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### **General Enquiries**

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# Agenda Item 7

**COUNCIL held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on TUESDAY, 21 MARCH 2023 at 7.00 pm**

Present: Councillor H Asker  
Councillors G Bagnall, S Barker, M Caton, A Coote, A Dean, G Driscoll, J Emanuel, J Evans, P Fairhurst, R Freeman, N Gregory, N Hargreaves, V Isham, R Jones, A Khan, P Lavelle, G LeCount, P Lees, M Lemon, B Light, J Lodge, S Luck, T Loveday, S Merifield, E Oliver, R Pavitt, L Pepper, N Reeve, G Sell, G Smith, M Sutton, M Tayler and J de Vries.

Officers in attendance: P Holt (Chief Executive), N Coombe (Interim Assistant Director Governance and Legal and Deputy Monitoring Officer), B Ferguson (Democratic Services Manager), and A Webb (Director - Finance and Corporate Services)

## **C86 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Armstrong, Criscione, Eke, Loughlin and Foley.

There were no declarations of interest.

## **C87 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 21 February 2023 were approved as a correct record.

## **C88 CHAIR'S ANNOUNCEMENTS**

The Chair said it had been a difficult year as her mother had passed away. The most important words in her mother's vocabulary had been "courtesy and kindness" and such attributes had been lacking during debate in the past year. She said this had been demonstrated by the lack of responses to the Chair's Civic Dinner invitation, which had now been cancelled.

## **C89 REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE**

The Leader provided an update on Ukrainian refugees and said funding had been secured which would be utilised to assist Ukrainians in the district. Furthermore, she said the Department for Work and Pensions (DWP) were now seeing clients in Stansted every week, negating the need to travel. She thanked Stansted Mountfitchet Parish Council, Touchpoint, the DWP and the Chief Executive for implementing this change.

In response to a question regarding Local Plan site assessments as detailed in Councillor Evans report, Councillor Evans said that officers had recently reviewed almost 400 of the 427 sites to be assessed. This work was known as the Strategic Land Availability Assessment (SLAA). So far approximately 3% had been found not developable in the plan period. This compared to 17% which were found not developable last time around. Once all 427 were completed senior officers would further review the conclusions reached.

**C90      QUESTIONS TO THE LEADER, MEMBERS OF THE EXECUTIVE AND COMMITTEE CHAIRS (UP TO 30 MINUTES)**

In response to a question of clarification from Councillor Khan regarding the profit share between Norse and UDC, Councillor Coote said he would provide the figures in writing.

In response to a question of clarification from Councillor Gregory regarding whether associated management time and costs had been identified at Reynolds Court, Councillor Coote said the Council would look at all issues and would seek to recover costs.

In response to a question of clarification from Councillor Barker, Councillor Coote said stock survey and control costs would be identified.

In response to a question from Councillor Smith, Councillor Hargreaves said any cost saving measures had been included in the budget in February.

In response to a question of clarification from Councillor Khan, Councillor Lees said the administration were committed to social housing and the reasons for not hitting the ambitious target was due to reasons outside of their control.

In response to a question from Councillor Caton regarding the Carver Barracks Running Track, Councillor Evans said a key performance indicator could not be simply imposed on the track, as the Council wanted it to be used and athletic clubs were utilising the facility.

In response to a question of clarification from Councillor Light regarding the duties of Topic Leads, Councillor Lees said the administration had been keen to utilise the many talents within the majority group. These Topic Leads had provided expertise to their colleagues in aid of council work, such as Councillor Tayler, a General Practitioner, who was topic lead for health.

**C91      MATTERS REFERRED FROM THE EXECUTIVE AND THE COUNCIL'S COMMITTEES**

No matters had been referred from the Executive or the Council's Committees.

**C92      MATTERS RECEIVED ABOUT JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

No matters were received regarding joint arrangements or external organisations.

**C93 RETURNING OFFICER FEES AND CHARGES**

Councillor Hargreaves presented the report, which asked Members to review and approve the Returning Officer's scale of fees and expenses for use at all relevant local elections and referendums held in the Uttlesford district from 1 April 2023. He proposed approval of the recommendation.

Councillor Jones seconded the recommendation.

The proposal was approved unanimously.

RESOLVED to:

- I. Approve the scale of fees and expenses set out in Appendix 1 to the report.
- II. Review the fees and expenses every four years in the year immediately preceding the ordinary election of district and parish councillors.
- III. Delegate authority to the Director of Finance and Corporate Services to increase the scales annually to reflect the local government pay award.

**C94 POLITICAL BALANCE - WITHDRAWN**

The item had been withdrawn from the agenda.

**C95 MOTION: COUNCIL TAX EXEMPTION FOR ADOPTERS AND FOSTER CARERS - WITHDRAWN**

The motion had been withdrawn by Councillor Criscione.

**C96 MOTION: RIGHT TO BUY**

*Councillor Barker left the meeting at 7.35pm.*

Councillor Coote presented his motion regarding Right to Buy (RTB). He said that social housing was pivotal in giving those less fortunate a stable home. The decades of right to buy had depleted the council's housing stock and he contested the merits of the way in which RTB receipts could be used by local authorities to ensure a supply of social housing. He said conditions of the old housing stock were poor and local authorities did not have the funding available to adequately repair or build new homes. He proposed his motion, which asked the Council to call on Government to reimburse councils losing out from RTB, or

to follow the leads of the Welsh and Scottish Governments and abolish it entirely.

Councillor Merifield seconded the proposal.

Members discussed the motion and the following points were raised in the debate:

- In regards to house prices, Uttlesford was the third most expensive district in Essex and the average house price in the district required an income of at least £90,000 per year. A significant portion of social homes sold under RTB were now in the ownership of private landlords.
- Council homes provided security for residents and a stable environment for families with children. This was vital during a cost of living crisis.
- Uttlesford only lost 1% of its total stock to RTB in the past twelve months.
- Since the introduction of RTB, Uttlesford's total housing stock had been reduced from 6000 to 2800.

In summary, Councillor Coote said there was a great need for social housing and something needed to change. He urged members to support his motion.

The motions was carried with 29 for, 0 against and 4 abstentions.

RESOLVED: The Council believes that this and other councils are tackling the health issue of mould in houses, accruing substantial investigation and remediation costs in the process, which are required by statute to be paid for out of rents from council tenants. The viability of the Housing Revenue Account is degraded by the loss of houses, and their rental income, through Right to Buy (RTB), from which this council loses on average 12 properties a year. A significant burden of rules and restrictions surrounds RTB which means that the Council cannot replace houses sold without adding in additional funds. The resulting loss is not only rental income, but a shortage of homes and a lengthened wait for housing applicants who need to move. This leads to over-crowding which in itself heightens the likelihood of homes suffering from damp and mould.

Therefore, in order to support the financial viability of providing quality homes for tenants in the district, this Council instructs the Chief Executive to write to Government to request that they either:

- I. fully reimburse councils' Housing Revenue Accounts for losses arising from Right to Buy, or
- II. follow the leads of the Scottish Government and Welsh Assembly and abolish Right to Buy entirely.

C97

## **MOTION: SAFFRON WALDEN AMENITY CENTRE BOOKING SYSTEM**

Councillor Tayler presented the motion regarding the introduction of a booking system at Saffron Walden's Amenity Centre, operated by Essex County Council (ECC). He said residents did not want a booking system imposed on the site, as

demonstrated by the Group's survey, which showed that the vast majority were happy with the previous setup. He said issues such as fly-tipping, access problems for those without the internet and inefficiency could arise from the change, and that decisions such as these should be taken at a local level and not be imposed. He proposed approval of his motion, which requested that the booking system be abandoned.

Councillor Lodge seconded the proposal.

Members discussed the motion and the following points were raised:

- Residents in the south of the district could also no longer use the recycling centre in Bishop's Stortford, resulting in a long drive to Saffron Walden. This was not conducive to an environmentally friendly strategy.
- The staff at the Saffron Walden site were commended for being very helpful and informative.
- The booking system was trying to fix a problem that did not exist. The 'no appointment required' setup had worked very well.
- The new system was a trial for nine months only and was a 'one size fits all' policy for Essex. The county were attempting to deal with instances of trade waste.
- Fly-tipping could increase and the costs would be picked up by the district council, rather than ECC.

Councillor Khan asked whether the motion could be amended in order to express disappointment that residents in his area of the district could no longer use the recycling facilities in Bishop's Stortford, as operated by Hertfordshire County Council.

The proposer of the motion and the meeting expressed consent for the motion to be altered.

The Chair moved to a vote on the motion, as altered. The motion was carried unanimously.

RESOLVED: The Council believes that the Civic Amenity Site in Saffron Walden does not have queues. Council therefore calls on the Chief Executive to:

- I. write to Essex County Council and request that plans for a booking system are abandoned and that the drop-in, no-appointment-necessary operating system is continued at the Saffron Walden site.
- II. write to Hertfordshire County Council to express disappointment on behalf of Uttlesford residents in the south of the district who are no longer able to use the Amenity Centre located in East Hertfordshire despite living nearby.

Councillor Hargreaves presented his motion, which requested the Chief Executive to call on Government to implement a programme to fully fund councils before considering any further devolution deals. He said there was no need for any additional layers of government, such as a mayoralty, but what was needed was the ability for councils to plan in the long term. This would only be brought about when councils had long term funding secured, which would bring stability and the ability to deliver better services.

Councillor Evans seconded the proposal.

Members discussed the motion and the following points were raised:

- What works for Greater Manchester would not necessarily work for Essex; Essex was not a natural entity for devolution.
- An elected mayor concentrates too much power into one person's hands.
- Government should be brought closer to the people, not further away, and the tiered system was already too complex.
- There was a democratic deficit in respect of the Essex Devolution deal and UDC did not have a formal vote on the matter.
- Local accountability was necessary.
- Fair funding for local councils was a major issue as there was no long term security in the budget, which made it very difficult to plan service delivery in future years.
- There was a lack of trust in the county, and the example of the South East Local Enterprise Partnership (SELEP) was cited, whereby the relevant district councils in Essex were not consulted on matters that directly related to them. This was in contrast to the districts in East Sussex, which were involved. Further local democratic input was needed.

The Chair moved to a vote. The motion was carried with 30 votes for, 0 against and 3 abstentions.

RESOLVED: The Council considers that 'Greater Essex' is too diverse for a mayor to effectively represent and support all parts equitably, and that the extra cost of the precept, to pay for a fifth layer of governance, would be unwelcome for the residents of Uttlesford. The council believes that the possible 'Devolution' option for 'Greater Essex' is not a substitute for setting local government finances on a sound basis, and may result in wasteful projects.

The council therefore instructs the Chief Executive to write to government urging them to implement a programme to fully fund councils on a long term stable basis, that will enable them to deliver all of the high quality services needed, before further considering Devolution deals.

The Chair closed the meeting at 8.35pm.

**EXTRAORDINARY COUNCIL MEETING held at COUNCIL CHAMBER -  
COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on  
TUESDAY, 21 MARCH 2023 ON THE RISE OF THE ORDINARY MEETING**

Present: Councillor H Asker (Chair)  
Councillors G Bagnall, M Caton, A Coote, A Dean, G Driscoll,  
J Emanuel, J Evans, P Fairhurst, R Freeman, N Gregory,  
N Hargreaves, V Isham, R Jones, A Khan, P Lavelle,  
G LeCount, P Lees, M Lemon, B Light, J Lodge, T Loveday,  
S Luck, S Merifield, E Oliver, R Pavitt, L Pepper, N Reeve,  
G Sell, G Smith, M Sutton, M Tayler and J De Vries

Officers in attendance: N Coombe (Interim Legal Services Manager and Deputy  
Monitoring Officer), B Ferguson (Democratic Services Manager),  
P Holt (Chief Executive) and A Webb (Director - Finance and  
Corporate Services)

**C99 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Armstrong, Criscione,  
Loughlin, Foley and Barker.

There were no declarations of interest.

**C100 REQUISITION FOR AN EXTRAORDINARY MEETING OF COUNCIL:  
BLUEPRINT UTTLESFORD**

Councillor Lees presented the report regarding Blueprint Uttlesford, following a requisition for an extraordinary meeting and report to discuss reorganisation plans under the banner of Blueprint Uttlesford. She said Blueprint Uttlesford had been discussed at a number of meetings and member briefings as part of the ongoing change programme. She said she was disappointed that debate had been requested but press releases had already been sent to the press; she felt minds had already been made up. She proposed for the report to be noted.

*Councillor Light left the Chamber at 8.49pm. She returned at 8.51pm.*

Councillor Lavelle seconded the report.

Councillor Fairhurst said press releases had been sent prior to the meeting due to imminent deadlines and that the issue had been pushed to the final days of the council term. If information was wrong, it would be retracted.

*Councillor Lemon left the meeting at 9.15pm.*

Members discussed Blueprint Uttlesford and the following points were raised:

- Blueprint Uttlesford was the overarching title of the ongoing change programme and it had been referenced in numerous reports in recent years, including the Budget and Corporate Plan. It underpinned many of the changes taking place at the Council.
- The requisition for a meeting on Blueprint Uttlesford was a request for transparency and openness. The programme was not clear because decisions would be taken after the election, and costs would be incurred in the summer that would have to be paid from reserves. Change demanded leadership, and there was a lack of governance, accountability and political oversight in this process.
- The Chief Executive was commended for the changes implemented and commitment to transparency since his arrival.
- The change programme did not provide the requisite vision nor certainty to staff and the public. Blueprint Uttlesford needed to be encapsulated in one strategic document, with clear aims, outcomes and milestones made available. Staff and the public deserved to understand the project.
- The Council had inherited many problems, such as those identified in Housing and the Medium Term Financial Strategy, and it had taken four years to improve the situation. Change was needed in future years and efficiencies would be required, as was the case with local authorities across the country, due to the lack of certainty surrounding future funding from Government. Blueprint Uttlesford was the Council's response to this uncertainty, in order to manage finances and resources as effectively as possible.

*Councillors Fairhurst, Light and Isham left the meeting at 9.55pm.*

Councillors Lees was invited to summarise the debate. She said there would not be an emergency budget in the summer and the prospect of redundancies had not been raised as staff would be managed by natural wastage. She asked Council to note the report.

RESOLVED that Council notes the report.

The Chair thanked members as it was the final meeting of the council term. She wished those councillors who were not standing at the election all the best for the future.

The meeting was closed at 10.02pm.

# Agenda Item 9

**Committee:** Annual Council

**Date:**

**Title:** Report of the Returning Officer following the Elections held on 4 May 2023

Tuesday, 23 May 2023

**Report Author:** Peter Holt, Chief Executive  
[pholt@uttlesford.gov.uk](mailto:pholt@uttlesford.gov.uk)

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## Summary

1. The report of the Returning Officer provides the results of the District Council elections which were held on 4 May 2023.

## Recommendations

2. That the Council notes the members elected to each ward as set out at Appendix A.

## Financial Implications

3. None – the report is for information only.

## Background Papers

4. None.

## Impact

- 5.

Communication/Consultation	No impact.
Community Safety	No impact
Equalities	No impact
Health and Safety	No impact
Human Rights/Legal Implications	The elections are held in accordance with the Representation of the People Act 1983
Sustainability	No impact
Ward-specific impacts	All
Workforce/Workplace	The Council must pay all the Returning Officer's expenses as reasonably incurred.

## Situation

1. The Council is obliged by law to appoint a Returning Officer, who at Uttlesford is the Chief Executive. The Returning Officer's duties are separate from his duties as a local government officer.
2. At the first Annual meeting following a local election, the Returning Officer presents a list of elected members to Council for information.

## Risk Analysis

3.

Risk	Likelihood	Impact	Mitigating actions
There are no risks associated with this report. Members are asked to note the results of the election held on 4 May 2023	1	1	To note the Returning Officer's Report as set out in Appendix A.

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.

## **REPORT OF THE RETURNING OFFICER TO THE ANNUAL COUNCIL MEETING ON 23 MAY 2023**

The following Members were elected on 4 May 2023:

Ashdon – John Moran

Broad Oak and the Hallingburys – Geof Driscoll and Neil Reeve

Clavering – Edward Oliver

Debden and Wimbish – Stewart Luck

Elsenham and Henham – Bianca Donald and Petrina Lees

Felsted and Stebbing – John Evans and Richard Silcock

Flitch Green and Little Dunmow – Christian Criscione

Great Dunmow North – Alexander Armstrong and John Davey

Great Dunmow South and Barnston – Tom Loveday, Christopher Martin and Brian Regan

Hatfield Heath – Mark Lemon

High Easter and The Rodings – Susan Barker

Littlebury, Chesterford and Wenden Lofts – Neil Gregory and Richard Pavitt

Newport – Judy Emanuel and Neil Hargreaves

Saffron Walden Audley – Arthur Coote and Alex Reeve

Saffron Walden Castle – Heather Asker and Richard Freeman

Saffron Walden Shire – Melon Ahmed, Chloë Fiddy and Daniel McBirnie

Stansted North – Alan Dean and Geoffrey Sell

Stansted South & Birchanger – Nick Church and Ray Gooding

Stort Valley – Janice Loughlin

Takeley – Geoff Bagnall, Mark Coletta and Maggie Sutton

Thaxted and the Eastons – Martin Foley and Richard Haynes

The Sampfords – Mike Tayler

# **UTTLESFORD DISTRICT COUNCIL**

## **PROVISIONAL CABINET PORTFOLIOS**

**2023/24**

**AS PROPOSED BY THE  
MAJORITY GROUP LEADER**

## **Portfolio: Leader of the Council**

### **Portfolio Holder: Councillor Petrina Lees**

#### **Areas of Responsibility and Key Strategic Policies**

- To provide leadership to the council and its political administration
- Lead and chair the Executive and ensure its overall effectiveness.
- Allocate executive portfolios and to ensure the effective integration and coordination of roles, responsibilities and functions within the Executive.
- Have overall responsibility for the political and financial management of the authority, and the delivery of agreed council priorities, strategies and policies.
- Liaise with the Chief Executive on all issues relating to the operation of the council and to meet regularly with the Chief Executive, Directors and other relevant Senior Officers to consider and recommend action within approved policies and strategies.
- Meet regularly with the Portfolio Holders to consider and recommend action within approved policies and strategies.
- Have regular contact with other councillors, community representatives and other local stakeholders and to take account of their views in shaping recommendations on policies, strategies and budgets.
- Represent the council in the community and in discussions and negotiations with county, regional and national organisations and others so as to pursue matters of interest to the council and the community.
- Positively promote the council and the community in the press and via the media.
- Promote effective and due corporate governance and risk management.

## **Portfolio: Deputy Leader of the Council and Portfolio Holder for Finance and the Economy**

### **Portfolio Holder: Councillor Neil Hargreaves**

#### **Areas of Responsibility and Key Strategic Policies**

##### **Finance**

- The Budget - deliver cost-effective and efficient services within the Council's means.
- Medium Term Financial Strategy (MTFS) - to fund council services by a prudent mix of investment, services and tax income, while maintaining adequate reserves.
- Treasury Management.
- Applications for relevant central government grants.

##### **Economy**

- Economic Development Strategy.
- Parking.

## **Portfolio: Environment and Climate Change**

### **Portfolio Holder: Councillor Neil Reeve**

#### **Areas of Responsibility and Key Strategic Policies**

##### **The Environment and Climate Change**

- Climate Crisis Strategy.
- Climate Change Action Plan.
- Implement and enforce policies that protect the district's natural resources and ecology, reduce energy consumption and increase biodiversity.
- Air quality and pollution.

##### **Waste services**

- Encourage re-use and recycling.
- Reduction of fly-tipping and littering.
- Advocate reduction in land-fill.

## Portfolio: Planning

### Portfolio Holder: Councillor John Evans

#### Areas of Responsibility and Key Strategic Policies

##### **Planning and Development Management**

- Implement recommendations of Planning Department Service Review.
- Increase the voice and influence of residents in planning matters.
- Ensure proper representation to and with Government Departments regarding planning policy matters.
- Implementation of the Community Infrastructure Levy (or successor) along with s106 agreements to deliver strategic community projects and greater local benefits available from development.
- Planning Enforcement Oversight.

##### **Local Plan and Planning Policy**

- Develop a new Local Plan for the district.
- Facilitate Neighbourhood Planning across the district through strong engagement with and support of all town and parish councils.
- Work with ECC and national/regional bodies on infrastructure provision, including Highways projects.

##### **Stansted Airport & Aviation**

- Work with the airport and associated businesses on issues of permitted development including employment.
- Represent residents as to matters of concern to communities, including flight paths/routeing, night flights, noise and fly-parking.

## Portfolio: Communities and Local Partnerships

### Portfolio Holder: Councillor Maggie Sutton

#### Areas of Responsibility and Key Strategic Policies

##### **Communities**

- Town and parish council engagement.
- Voluntary sector engagement.
- Youth Engagement.

### **Local Partnerships**

- Representative on the Police, Fire and Crime Panel.
- Community Safety Partnership.
- Emergency Planning and Business Continuity Policy.
- Uttlesford Health and Wellbeing Strategy.
- Lead on Health and Wellbeing Partnership.
- Promote services to protect vulnerable women and men who live in the district.
- Work with NHS on in-district local healthcare provision.
- Refugees.

## **Portfolio: Housing and Equalities**

### **Portfolio Holder: Councillor Arthur Coote**

#### **Areas of Responsibility and Key Strategic Policies**

##### **Housing**

- Housing Strategy 2021-2026.
- Affordable homes delivery.
- Maintenance, improvement and refurbishment of existing council homes.
- Standards in private sector housing.
- Homelessness and Rough Sleeping Strategy.

##### **Equalities**

- Delivery of Equality Policy and Equality Duty.

# Agenda Item 12

**Committee:** Annual Council

**Date:**

**Title:** Nomination of Honorary Aldermen and Alderwomen

Tuesday, 23 May 2023

**Report Author** Ben Ferguson, Democratic Services Manager  
[bferguson@uttlesford.gov.uk](mailto:bferguson@uttlesford.gov.uk)

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## Summary

1. This report considers the nominations of former Councillors David Morson, Jackie Cheetham, Elizabeth Godwin and Christina Cant as Honorary Aldermen and Alderwomen of Uttlesford District Council.
2. The nomination for former Councillor Jackie Cheetham has been made in writing by Councillor Susan Barker, Leader of the Conservative Group.
3. The nomination for former Councillor David Morson has been made in writing by Councillor Geoffrey Sell, Leader of the Liberal Democrat Group.
4. The nominations of former Councillors Elizabeth Godwin and Christina Cant have been made in writing by Councillor Geof Driscoll.
5. This report was revised to include the nominations of former Councillors Godwin and Cant on 19 May 2023.

## Recommendations

6. To consider the nominations of former Councillors Jackie Cheetham, David Morson, Elizabeth Godwin and Christina Cant as Honorary Alderwomen and Aldermen of Uttlesford District Council.

## Financial Implications

7. None.

## Background Papers

8. 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.

[The Constitution – Part 2](#)

## Impact

- 9.

Communication/Consultation	None
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Community Safety	None
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	To ensure compliance with the Constitution's nomination procedure.
Sustainability	None.
Ward-specific impacts	All.
Workforce/Workplace	None.

### Situation

10. The protocol for the nomination of Honorary Alderman is set out in Part 2 of the Council's Constitution. It reads as follows:

*17.1. The Council may confer the title of Honorary Alderman or Honorary Alderwoman upon persons who have, in the opinion of the Council, rendered eminent services to the Council as past members of that Council, but who are not then members of the Council.*

*17.2 Any person nominated for such title shall normally have served for 20 years as a member of the Council.*

*17.3 Nominations for the title may be made in writing by any existing Member of the Council and shall be made before the annual meeting of the Council following an ordinary election of councillors or in exceptional circumstances before any annual meeting of the Council.*

*17.4 Any nominations received shall be referred to the Chairman of the Council who shall consult with the group leaders and the Chief Executive before deciding whether to put the nomination to Full Council.*

*17.5 In the event that the nominations do go forward to Full Council a majority of 2/3rds of the members voting thereon is required before the title of Honorary Alderman or Honorary Alderwoman can be conferred.*

*17.6 A certificate shall be presented to each Honorary Alderman or Honorary Alderwoman acknowledging their appointment with an appropriate citation.*

*17.7 Honorary Aldermen or Honorary Alderwomen may attend and take part in such civic ceremonies as the Council may from time to time decide.*

*17.8 Honorary Aldermen or Honorary Alderwomen shall not be entitled to be addressed as Alderman or Alderwoman and may not take part in any civic ceremonies in that capacity at any time while they are serving as a member of the Council.*

11. Members are asked to consider the nominations of former Councillors Cheetham, Morson, Godwin and Cant as per the process stated above. Members are asked **to note that a majority of 2/3rds of members voting on the appointment** is required in order to confer the titles of Honorary Alderwoman or Alderman.

## Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
That the nomination process for Honorary Alderman and Alderwoman does not comply with the Council's protocol set-out in Part 2 of the Constitution.	2	2	The protocol has been included for members' reference and Group Leaders have been consulted prior to the nominations being formally published with the Council agenda.

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:** Annual Council

**Date:**

**Title:** Scheme of Delegation

Tuesday, 23 May  
2023

**Report Author:** Peter Holt, Chief Executive  
[pholt@uttlesford.gov.uk](mailto:pholt@uttlesford.gov.uk)

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## Summary

1. Following the Local Elections on 4 May 2023, the Council are asked to agree “such part of the scheme of delegation as the Constitution determines it is for the Council to agree” as outlined in Part 3 of the Council’s Constitution.
2. Discussions have taken place in regards to the committee structure in operation at the Council between senior officers and Group Leaders. This has led to an officer proposal to merge Governance, Audit and Performance (GAP) Committee and Standards Committee.
3. The functions delegated to these committees will be delegated to a single ‘Audit and Standards Committee’. The only functions not taken wholesale to the new committee is the ‘performance’ and ‘corporate risk’ monitoring function of the GAP Committee, which would reside with Cabinet, if approved.

## Recommendations

4. That the Council approves the Scheme of Delegation in respect of Council functions as set out at Appendix A, including the formal merger of the Standards and GAP Committees, to be known as the ‘Audit and Standards Committee’.
5. That the Council approves the transfer of the functions of performance and corporate risk monitoring from the former GAP Committee to Cabinet, within the knowledge that Scrutiny Committee will be able to scrutinise said matters.
6. To authorise the Monitoring Officer under delegated powers to update the Constitution as necessary in respect of the two recommendations above.

## Financial Implications

7. None.

## Background Papers

8. None.

## Impact

- 9.

Communication/Consultation	The proposal has been discussed with Group Leaders.
Community Safety	No impact.
Equalities	No impact.
Health and Safety	No impact.
Human Rights/Legal Implications	That the discharge of council functions be in accordance with the Local Government Act 1972.
Sustainability	No impact.
Ward-specific impacts	All
Workforce/Workplace	No impact.

## Situation

1. It is a requirement under Council Procedure Rule 1.1.7 of the Council's Constitution that the Annual Council Meeting agrees such part of the scheme of delegation that relates to functions of council (only at the first meeting of a newly elected council).
2. The Scheme of Delegation (Appendix A) outlines the specific delegation of functions to committees of council and officers.
3. The framework outlines the specific delegation of Council Functions to officers, in order for them to do their paid work as officers of the Council, and sets out the specific delegation to committees of council as to define their remit and formal terms of reference.
4. Group Leaders have been consulted on the current Scheme of Delegation and it has been proposed to merge the Standards and Governance, Audit and Performance Committees. The functions delegated to these Committees would be transferred almost in full to a new committee – the Audit and Standards Committee. These changes have been included as 'tracked changes' on Appendix A.
5. The function of monitoring the Council's 'performance' will be transferred to the Executive. In practice, quarterly reports will be taken to Cabinet for information on the council's key performance indicators (KPIs) and performance indicators (PIs). The same applies to the Corporate Risk Register. During the Council term 2019-23, these reports were previously considered by GAP Committee.
6. It is within Scrutiny Committee's current remit to "review and scrutinise the decisions made by and performance of the executive, committees and council officers both in relation to individual decisions and in more general terms."

Therefore, it is within any member of the Scrutiny Committee's gift to request an item on performance at the next available meeting of the Scrutiny Committee.

## Risk Analysis

7.

Risk	Likelihood	Impact	Mitigating actions
If the Scheme of Delegation is not agreed by Council, the functions delegated to officers and committees will no longer be constituted.	1	4	To agree the Scheme of Delegation in accordance with the legislation.

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.

## **SCHEME OF DELEGATION OF COUNCIL FUNCTIONS**

### **GENERAL DELEGATION TO COMMITTEES CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS**

(In this scheme of delegation chief officers and deputy chief officers have the meanings assigned to them by s.2 Local Government & Housing Act 1989)

The functions of the Council referred to below are delegated to the designated committees and officers.

### **THE PLANNING COMMITTEE**

1. Functions relating to town and country planning and development control as specified in paragraph A Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations) save for power to acquire a listed building in need of repair and to serve a repairs notice under s.47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990
2. Power to create footpaths, bridleways or restricted byways by agreement
3. Power to make public path creation orders
4. Power to make public path extinguishment orders and rail path extinguishment orders subject in each case to confirmation by the Secretary of State
5. Power to divert footpaths bridleways and restricted byways
6. Power to authorise the stopping up or diversion of a footpath, bridleway or restricted byway under s.257 Town and Country Planning Act 1990
7. Power to extinguish public rights of way for planning purposes under s.258 Town and Country Planning Act 1990
8. Powers in relation to hedgerows under the Hedgerows Regulations 1997
9. Powers relating to the preservation of trees under the Town and Country Planning Act 1990
10. Powers relating to high hedges
11. Powers in respect of common land and town and village greens under the Commons Act 2006

### **THE LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE**

1. Functions relating to licensing and registration in respect of the following matters:-
  - 1.1. animal boarding establishments, dangerous wild animals, dog breeding, performing animals, pet shops, riding establishments and zoos
  - 1.2. game and game dealers
  - 1.3. house to house and street collections
  - 1.4. hackney carriages, private hire vehicles, drivers and operators under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976
  - 1.5. pleasure boats under Public Health Acts Amendment Act 1907
  - 1.6. movable dwellings and camp sites under Public Health Act 1936
  - 1.7. caravan sites under Caravan Sites and Control of Development Act 1960
  - 1.8. scrap yards under the Scrap Metal Dealers Act 1964
  - 1.9. tables, chairs and other items on pedestrian areas of highways under the Highways Act 1980
  - 1.10. sex establishments under the Local Government (Miscellaneous Provisions) Act 1982
  - 1.11. street trading under the Local Government (Miscellaneous Provisions) Act 1982
  - 1.12. acupuncture, tattooing, ear-piercing and electrolysis under the Local Government (Miscellaneous Provisions) Act 1982
  - 1.13. food premises under the Food Safety Act 1990
  - 1.14. operation of loudspeakers under the Noise and Statutory Nuisance Act 1993
  - 1.15. licensable activities under the Licensing Act 2003
  - 1.16. houses in multiple occupation under the Housing Act 2004
2. the Gambling Act 2005 to include the power to set fees in accordance with regulations made there under functions in relation to health, safety and welfare in connection with

work and control of dangerous substances to the extent that the functions are discharged by the authority otherwise than in its capacity as an employer under Part 1 Health and Safety at Work Act 1974

3. Functions relating to smoke free premises
4. Power to designate a public place for the purposes of police powers relating to alcohol consumption
5. Power to make or revoke an alcohol disorder zone
6. Power to pass a resolution that Schedule 2 Noise and Statutory Nuisance Act 1993 should apply within the Authority's area

## THE AUDIT AND STANDARDS COMMITTEE

1. The function of advising the Council on the adoption or variation of a code of conduct
2. Promoting high standards of conduct by members and co-opted members
3. Assisting members and co-opted members to observe the code of conduct
4. Monitoring the operation of the code of conduct
5. Providing training to members and co-opted members on the code of conduct
6. Receiving reports from the Monitoring Officer or investigators appointed by the Monitoring Officer into complaints of a breach of the Code of Conduct: determine such complaints and deciding what action to take with regard to any breaches found to have been proved.
7. With regard to parish and town councils within the district:-  
receiving reports from the Monitoring Officer or investigators appointed by the Monitoring Officer into complaints of a breach of the code of conduct by town or parish councillors: advising the parish or town council concerned whether there has been a breach of the Code of Conduct and recommending what action the parish or town council should take with regard to any breaches found to have been proved

## GOVERNANCE, AUDIT AND PERFORMANCE COMMITTEE

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

- ~~1-8.~~ To monitor the performance of the Council and progress against ~~improvement-audit~~ 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.
- ~~2-9.~~ 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.
- ~~3-10.~~ To consider summaries of specific internal audit reports as requested.
- ~~4-11.~~ To consider reports dealing with the management and performance of the providers of internal audit services.
- ~~5-12.~~ To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
- ~~6-13.~~ To consider the external auditor's Annual Letter, relevant reports, and reports to those charged with governance.
- ~~7-14.~~ To consider specific reports as agreed with the external auditor.
- ~~8-15.~~ To comment on the scope and depth of external audit work and to ensure it gives value for money.
- ~~9-16.~~ To make arrangements for the appointment of the Council's external auditor and to be responsible for appointing the external auditor under any successor arrangements.
- ~~10-17.~~ To commission work from internal and external audit.
- ~~11-18.~~ To maintain an overview of the Council's contract procedure rules and financial regulations and to monitor compliance therewith.

- ~~12.19.~~ To review any issue referred to it by the Chief Executive or a Director, or any Council body.
- ~~13.20.~~ To monitor the effective development and operation of risk management and corporate governance in the Council.
- ~~14.21.~~ To monitor council policies on whistleblowing and the anti-fraud and corruption strategy and the Council's complaints process;
- ~~15.22.~~ To oversee the production of the authority's Annual Governance Statement and to agree its adoption;
- ~~16.23.~~ To oversee the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- ~~17.24.~~ To monitor the Council's compliance with its own and other published standards and controls.
- ~~18.25.~~ 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.
- ~~19.26.~~ To consider the external auditor's report to those charged with governance issues arising from the audit of the accounts.
- ~~20.27.~~ Carry out and give effect to the outcome of Community Governance Reviews of parish boundary and electoral arrangements, including the power to make orders for creating, abolishing or altering parishes, grouping or degrouping parishes, or dissolving parish councils.
- ~~21.28.~~ Carry out and give effect to the outcome of statutory and interim reviews of polling districts and polling places.
- ~~22.29.~~ 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 Parliamentary and all other nationally funded elections and referendums
  - 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 Officer
  - 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) Power to make payments or provide benefits in cases of maladministration
- x) Duty to adopt a code of conduct for members under the Localism Act 2011
- y) Powers in respect of holding elections
- z) Power to fill vacancies on parish councils in the event of insufficient nominations
- aa) Declaration of vacancy in office in certain cases
- bb) Giving notice of casual vacancies in office
- cc) Duties relating to publicity under the Local Government and Public Involvement In Health Act 2007
- dd) Duties relating to notice to the Electoral Commission

## **ALL CHIEF OFFICERS & DEPUTY CHIEF OFFICERS**

### **Scheme of delegations from Council to officers**

#### **Introduction**

This scheme has been adopted by Uttlesford District Council and is the list of delegations to officers under Section 101 of the Local Government Act 1972 (as amended) and all other powers enabling delegations to officers. It is adopted with the intention of giving a clear, transparent and accountable decision-making process.

References to powers of “the Council” include those exercisable by the Executive.

1. Officers may only exercise the delegated powers in this scheme in accordance with:
  - a. statutory or other legal requirements, including the principles of public law, the Human Rights Act 1998 (as amended), statutory guidance and statutory codes of practice;
  - b. the Constitution of the Council, including standing orders, contract standing orders and financial regulations;
  - c. the revenue and capital budgets of the Council, subject to any variation thereof which is permitted by the Council's Financial Regulations;
  - d. consideration of the Council's policies.
2. Officers may not exercise delegated powers where:
  - a. the matter is reserved to the Council or the executive by law or by the Council's Constitution;

- b. the matter is a function which cannot by law be discharged by an officer;
  - c. the Council, a committee or sub-committee has determined that the matter should be discharged otherwise than by an officer.
3. Where an officer has delegated powers, the Council or a committee (as appropriate) can still exercise that power if it considers it is appropriate to do so.
4. Officers may not exercise delegated powers in a way which is contrary to the policies and plans approved by or on behalf of the Council.
5. If for any reason it is not practical to consult a person required to be consulted in the exercise of a delegation, the person with the delegated powers, if time allows, must consult someone else they reasonably consider to be an appropriate substitute consultee.
6. Any function which has been delegated to a post holder identified in this scheme does not require that person to give the matter their personal attention and they may arrange for such function to be exercised by an officer whom they judge to be of suitable experience and seniority. However, the postholder remains responsible for any decision taken pursuant to such arrangements.
7. The delegated powers held by an officer may be exercised by the Head of Paid Service, the relevant Assistant Director or by the line manager of that officer (or by the line manager's line manager) if:
  - That post is vacant; or
  - The post holder is not at work for any reason.
8. Any post holder identified in this scheme may appoint, nominate or otherwise authorise inspectors and other officers or persons to act under any legislation relevant to their part of the scheme of delegation.
9. Any reference in this scheme of delegation to any enactment shall include a reference to any amendment to or re-enactment of the same.
10. Where an officer has delegated authority to discharge functions
  - by virtue of any other provision of this Constitution, or
  - through a specific decision of the Council, a committee, a sub-committee, either before or after the adoption of this scheme

the absence of the delegation from this scheme shall not prevent the exercise of the delegation.

11. Decisions shall be recorded and published in accordance with the Council's policies in this regard.
12. Authorisations to carry out surveillance under the Regulation of Investigatory Powers Act (RIPA) 2000 may be granted by the authorised officers designated for that purpose under the Council's RIPA Policy.
13. A non-exhaustive list of specific statutory responsibilities and the postholder to whom they are delegated forms an Appendix to this Part.

In consultation with the chairman of the appropriate committee or, where he or she is not available, the vice chairman, chief officers and deputy chief officers have delegated authority to take any action which would normally require committee approval but which requires an urgent decision subject to that action being in accordance with Council policy and within budget. Such a decision is to be reported to the next meeting of the appropriate committee with a full explanation of the reasons for the decision and the urgency.

#### **THE CHIEF EXECUTIVE**

1. The development of the Council's corporate policies.
2. The development of corporate strategies.
3. Public relations and consultation relating to matters which are Council functions.
4. Power to make payments or provide benefits in cases of maladministration.
5. All functions delegated to chief officers and deputy chief officers under this Scheme of Delegation

#### **THE CHIEF FINANCE OFFICER**

1. To certify the annual calculation of the Council Tax base
2. To certify the Council's Business Rate estimates
3. To certify the draft Statement of Accounts in accordance with the Accounts and Audit Regulations 2015
4. To determine financial administrative procedures and systems pursuant to discharging statutory responsibilities for making arrangements for the proper administration of the Council's financial affairs under the Local Government Act 1972
5. To review and authorise employees' subsistence and expense rates at 1 April each year inline with national agreements or locally approved variations
6. To respond to consultations of a technical nature relating to local government finance and audit matters
7. To provide other certifications and authorisations required of the Section 151 Officer
8. To comment on and approve documents prepared by the External Auditor prior to consideration by the Governance, Audit and Performance Committee

**ASSISTANT DIRECTOR: GOVERNANCE AND LEGAL**

1. Authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings, civil or criminal including any appeals
2. Take any necessary legal action to protect the interests of the Council.
3. Authorise officers of the Council to appear on behalf of the Council before courts and tribunals

**MONITORING OFFICER**

1. Power to grant dispensations under s.33 Local Government Act 2011 to district, parish and town councillors who have disclosable pecuniary interests to speak and/or vote on issues relating to such interests and to grant dispensations under the Code of Conduct to district, parish and town councillors with other pecuniary interests to speak and/or vote on issues relating to such interests.
2. To act as the Council's Responsible Officer under the Public Interest Disclosure Act 1998 as amended.

**DIRECTOR OF FINANCE AND CORPORATE SERVICES**

1. Implementation of national provincial and local agreements and amendments to conditions of service
2. The approval of pensionable ill health retirement in consultation with the Leader of the Council or cabinet member authorised by him or her

**ASSISTANT DIRECTOR HOUSING AND HEALTH**

1. Grant applications for licences and for registration of premises, persons and vehicles and the amendment or transfer of such licences or registrations where such applications meet policy guidelines adopted by the Council or the Licensing and Environmental Health Committee
2. Determine whether representations made in respect of licensing matters or applications for reviews of licences are valid or may be rejected as being vexatious, frivolous or repetitious
3. Refusal of licenses and registrations where such applications do not meet policy guidelines adopted by the Council or the Licensing and Environmental Health Committee
4. Issue of statutory notices and certificates
5. Issue of statutory notices, registrations and certificates in respect of charitable collections and gaming
6. To suspend licenses issued under Part II Local Government (Miscellaneous Provisions) Act 1976 for a period not exceeding 2 weeks where there has been a breach of condition or an alleged offence where in the view of the Assistant Director - Governance and Legal a prosecution would not be appropriate
7. To suspend licences under s.61 Local Government (Miscellaneous Provisions) Act 1976 (as amended) immediately if in his or her

opinion it is in the interests of public safety that the suspension should have immediate effect, such suspension to last until the day after the next meeting of the Licensing and Environmental Health Committee

8. Subject to the provision of a satisfactory statutory declaration, to grant an application for a licence where the Council requires a criminal record check where the applicant is in possession of a check to the level required by the Council which is not more than 18 months old and to revoke any licence if a false declaration is made
9. Subject to the provision of a satisfactory statutory declaration to grant an application for renewal of a licence granted by the Council where the Council requires a criminal record check but a check to the level required by the Council is not immediately available and to revoke any licence if a false declaration is made
10. The submission of objections to the Traffic Commissioners or other licensing authority for applications for Goods Vehicle Operators Licences.
11. To grant applications for consent to place tables and chairs and other items on pedestrian areas of the highway subject to conditions where such applications fall within the policy previously adopted by the Licensing and Environmental Health Committee or any amendment or amendments thereto made by the Committee and to refuse applications which do not fall within that policy
12. To grant licences in cases where a driver has a pending prosecution for a motoring offence which is in the opinion of the Assistant Director - Governance and Legal is unlikely to attract 6 points or more on the driver's licence

#### **DIRECTOR: PLANNING & BUILDING CONTROL**

1. Carry out any functions laid out in the Schedule below, except for the determination of:
  - 1.1. Any application to implement permission otherwise than in accordance with conditions imposed by Committee, within 10 years of the grant of permission where the application was accompanied by an Environmental Statement;
  - 1.2 Any application a member has called in for a planning reason within the agreed time period;
  - 1.3 Any application the granting of which would represent a departure from the Development Plan where the departure application is to be notified to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009
  - 1.4 Approval of major applications which fall into the category of a major application (as defined by the Town and Country Planning (General Permitted Development) Order 1995.
  - 1.5 Any proposal involving the District Council either as applicant or landowner, either on its own, or jointly with another individual or body;
  - 1.6 Any application where the applicant is an officer of the Council, an

- elected Member or a spouse, child or partner.
- 1.7 Applications which would otherwise be delegated but which the Assistant Director Planning and Building Control considers should come before the Committee.
  - 1.8 Any application for a Deed of Variation to a s106 Agreement which is an alteration to a Head of Term agreement by Planning Committee.
  2. Carry out all functions related to the enforcement of planning legislation contained in the Schedule.
  3. Carry out all functions related to appeals against planning and enforcement decisions made by Uttlesford District Council.
  4. All powers conferred under this section shall be subject to all duties and obligations contained in the Human Rights Act 1998 and all primary and secondary legislation concerning equal opportunities.

### **The Schedule**

All functions concerning the Council's role as Local Planning Authority contained in the following primary legislation and all subordinate legislation made thereunder

AGRICULTURAL LAND (REMOVAL OF  
SURFACE SOIL) ACT 1953 ANCIENT  
MONUMENTS AND ARCHAEOLOGICAL  
AREAS ACT 1979 ANTI-SOCIAL BEHAVIOUR  
ACT 2003  
BUILDINGS ACT 1984  
BUILDING (LOCAL AUTHORITY CHARGES)  
REGULATIONS 1998 CARAVAN SITES AND  
CONTROL OF DEVELOPMENT ACT 1960  
CLEAN AIR ACT 1956  
COMPULSORY PURCHASE (VESTING  
DECLARATIONS) ACT 1981 PUBLIC HEALTH  
ACT 1925  
ECCLESIASTICAL EXEMPTION (LISTED  
BUILDINGS AND CONSERVATION AREAS)  
ORDER 1994  
ESSEX ACT 1987  
EUROPEAN COMMUNITIES ACT 1972  
GREEN BELT (LONDON AND HOME  
COUNTIES) ACT 1938 HEDGEROW  
REGULATIONS 1997  
HIGHWAYS ACT 1980  
LAND COMPENSATION ACT 1961  
LOCAL GOVERNMENT (MISCELLANEOUS  
PROVISIONS) ACT 1976 LOCAL  
GOVERNMENT PLANNING AND LAND ACT  
1980 LOCALISM ACT 2011

PASTORAL MEASURES  
 ACT 1983 PLANNING  
 AND COMPENSATION  
 ACT 1991  
 PLANNING AND COMPULSORY  
 PURCHASE ACT 2004 PLANNING  
 (HAZARDOUS SUBSTANCES) ACT 1990  
 PLANNING (LISTED BUILDINGS AND  
 CONSERVATION AREAS) ACT 1990  
 PUBLIC HEALTH ACTS  
 REGULATORY AND INVESTIGATION  
 PROCEDURES ACT 2000 THE  
 ENVIRONMENT ACT 1995  
 THE HEALTH ACT 2006  
 TOWN AND COUNTRY PLANNING ACT 1959  
 TOWN AND COUNTRY PLANNING ACT  
 1990 (as amended) TOWN AND COUNTRY  
 PLANNING (ENVIRONMENTAL IMPACT  
 ASSESSMENT) REGULATIONS 2011

and the power contained in s.111 Local Government Act 1972 and s.2 Local  
 Government Act 2000, so far as the use of such powers is incidental to the  
 exercise of the functions of a Local Planning Authority under the legislation listed  
 above, subject to prevailing common law and statutory duties and obligations  
 concerning the use of those powers (advice on this point can be obtained from  
 the Assistant Director Governance and Legal).

# Agenda Item 14

<b>Committee:</b>	Annual Council	<b>Date:</b>
<b>Title:</b>	Political Balance	Tuesday 23 May 2023
<b>Report Author</b>	Ben Ferguson, Democratic Services Manager bferguson@uttlesford.gov.uk	

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**Summary**

- 1. This report considers the political composition of the Council and recommends that seats on the main committees be allocated to the four political groups as detailed in the report.
- 2. Following the election held on 4 May 2023, political groups have been formed and the composition of Council is 22 Residents for Uttlesford, 11 Conservatives, 4 Liberal Democrats and 2 Uttlesford Independents.

**Recommendations**

- 1. That the Council reviews its political composition and achieves political balance by allocating seats on its committees by either:
  - i. Subject to the revised Scheme of Delegating being approved, agreeing political balance and the allocation of seats as set out in paragraph 10, or;
  - ii. Subject to the existing Scheme of Delegation being approved, agreeing political balance and the allocation of seats as set out in paragraph 15.

**Financial Implications**

- 2. None.

**Background Papers**

- 3. 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.  
  
None.

**Impact**

- 4.

Communication/Consultation	Group Leaders
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Community Safety	N/A.
Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	Political Balance is to be achieved in accordance with the Local Government Housing Act 1989.
Sustainability	N/A.
Ward-specific impacts	All
Workforce/Workplace	N/A.

## Situation

5. The Local Government Housing Act 1989 requires local authorities 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.
  
6. Ahead of any decision by the newly elected Council, including the revised Scheme of Delegation and the formal merger of the functions of the Governance, Audit and Performance and Standards Committees, it has been assumed the number of seats on ordinary committees of the Council will be as follows:

<b>Committee</b>	<b>Number of Seats</b>
Audit and Standards	11
Licensing and Environmental Health	10
Planning	9
Scrutiny	11
Appointments Committee	7
Investigatory and Disciplinary Committee	5
Appeals Committee	5
<b>Total</b>	<b>58</b>

7. Based on the 58 seats, the number of seats available to each group is as follows:

<b>Group</b>	<b>Percentage</b>	<b>Calculated Seats</b>	<b>Number of Seats</b>
Residents for Uttlesford	56.41	32.7179	33
Liberal Democrats	10.2564	5.9487	6
Conservative	28.2051	16.3590	16
Uttlesford Independents	5.1282	2.9744	3
<b>Total</b>	<b>100%</b>	<b>58</b>	<b>58</b>

### **Licensing and Environmental Health Committee**

8. The Licensing Committee cannot be taken into account for the purposes of the calculation because it was not established under the Local Government Act 1972. However, it seems sensible 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.

### **Audit and Standards Committee**

9. Following consultation with Group Leaders regarding the Scheme of Delegation in regards to council functions, it has been proposed to merge the GAP and Standards Committees. Paragraphs 8 and 12 anticipate approval of the revised Scheme. In the event the revised Scheme is not approved, Members will be asked to consider the allocation of seats as set out at paragraph 13.

### Proposal for Allocation of Seats

10. The allocation of the 58 seats is therefore proposed as follows:

Committee	No. Seats	R4U	LD	CONs	IND
Planning	9	5	1	2	1
Licensing and Environmental Health	10	6	1	3	0
Scrutiny	11	6	1	3	1
Appointments	7	4	1	2	0
IDC	5	3	0	2	0
AC	5	3	1	1	0
Audit and Standards	11	6	1	3	1
<b>Total seats</b>	<b>58</b>	<b>33</b>	<b>6</b>	<b>16</b>	<b>3</b>

11. In the event that the revised Scheme of Delegation is not approved, the GAP and Standards Committees will continue to operate as separate committees. If this is the case, it is assumed that Standards Committee will be appointed on a non-political basis, as outlined under Article 9 of the Council's Constitution. For the purpose of the political balance calculation, the number of seats will be as follows:

Committee	Number of Seats
Governance, Audit and Performance	11
Licensing and Environmental Health	10
Planning	9
Scrutiny	11
Appointments Committee	7
Investigatory and Disciplinary Committee	5

Appeals Committee	5
<b>Total</b>	<b>58</b>

12. Based on the 58 seats, the number of seats available to each group will be as per paragraph 7 above.

### **Standards Committee**

13. The Council's Constitution recognises that the rules of political balance contained in the Local Government and Housing Act 1989 apply but 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.

14. Article 9 of the Constitution provides for three nominations for each political group, until the point when the Committee reaches a maximum of 9 members. As there are 4 political groups it is proposed that membership of the Standards Committee should be allocated as follows:

<b>Political Party</b>	<b>Number of Seats</b>
Residents for Uttlesford	3
Liberal Democrat	2
Conservatives	3
Uttlesford Independents	1
<b>Total</b>	<b>9</b>

15. Therefore, in the event that the revised Scheme of Delegation is not approved, the allocation of seats for the 67 seat scheme is as follows:

<b>Committee</b>	<b>No. Seats</b>	<b>R4U</b>	<b>LD</b>	<b>CONs</b>	<b>IND</b>
Planning	9	5	1	2	1
Licensing and Environmental Health	10	6	1	3	0
Scrutiny	11	6	1	3	1
Appointments	7	4	1	2	0
GAP	11	6	1	3	1
IDC	5	3	0	2	0
AC	5	3	1	1	0

Standards	9	3	2	3	1
<b>Total seats</b>	<b>67</b>	<b>36</b>	<b>8</b>	<b>19</b>	<b>4</b>

## Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
The Local Government Housing Act 1989 stipulates that Council must review political balance at its Annual meeting, or as soon as practicable after the meeting.	2	3	To review political balance in accordance with the principles of proportionality as set out in the Local Government Housing Act 1989.

**Annual Council, 23 May 2023: Political Balance – Item 14**

**Amendment Submitted by Councillor Barker**

**Amended Allocation of Seats**

**Background:**

This proposal is being put forward in order to increase the number of Planning Committee seats from nine to eleven, which will grant an additional seat to both the Conservative and Residents for Uttlesford Groups. The proposal does not affect other parties' entitlements on Planning Committee, or the make-up of any other Committee but, once rounded, does result in a Planning Committee of 6:3:1:1.

This is the same proportions as the other main committees.

The total number of ordinary committee seats available will increase from 58 to 60.

**Amendment:**

To increase the number of seats on Planning Committee to eleven and to agree the allocation of 60 politically proportionate seats as follows:

<b>Committees</b>	<b>Seats</b>	<b>R4U</b>	<b>LD</b>	<b>CONS</b>	<b>IND</b>
Planning	11	6	1	3	1
Licensing and EH	10	6	1	3	0
Scrutiny	11	6	1	3	1
Appointment Ctt	7	4	1	2	0
Audit and Standards <u>or</u> Governance, Audit and Performance	11	6	1	3	1
Investigatory Disciplinary Committee (IDC)	5	3	0	2	0
Appeals Committee (AC)	5	3	1	1	0
No of calculated seats available					
	<b>60</b>	<b>34</b>	<b>6</b>	<b>17</b>	<b>3</b>

## **PROPOSED MEMBERSHIP 2023/24: COMMITTEES OF THE COUNCIL**

### **PLANNING COMMITTEE (9 SEATS)**

Chair:

Cllr Freeman
--------------

Vice-Chair:

Cllr Emanuel
--------------

Cllr Bagnall	Cllr Haynes
Cllr Sutton	Cllr Church
Cllr Lemon	Cllr Loughlin
Cllr Pavitt	

Substitutes: Cllr Ahmed, Cllr Coote, Cllr Gregory, Cllr Gooding, Cllr Sell, Cllr Silcock

### **LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE (10 SEATS)**

Chair:

Cllr Armstrong
----------------

Vice-Chair:

Cllr Driscoll
---------------

Cllr Tayler	Cllr Ahmed
Cllr Coletta	Cllr A Reeve
Cllr Moran	Cllr Davey
Cllr Regan	Cllr Dean

Substitutes: Cllr Freeman Cllr Foley, Cllr Barker, Cllr Church, Cllr Loughlin

### **SCRUTINY COMMITTEE (11 SEATS)**

Chair:

Cllr Gregory
--------------

Vice-Chair:

Cllr Bagnall
--------------

Cllr Donald	Cllr A Reeve
Cllr Ahmed	Cllr Luck
Cllr Haynes	Cllr Criscione
Cllr Martin	Cllr Gooding
Cllr Sell	

Substitutes: Cllr Coletta, Cllr Pavitt, Cllr Silock, Cllr Driscoll, Cllr Church

### **AUDIT AND STANDARDS COMMITTEE (11 SEATS)**

Chair:

Cllr Oliver
-------------

Vice-Chair:

Cllr Foley
------------

Cllr Asker	Cllr Fiddy
Cllr McBirnie	Cllr Driscoll
Cllr Luck	Cllr Barker
Cllr Loveday	Cllr Silcock
Cllr Gregory	

### **Independent Members (non-voting):**

Georgina Butcher-Doulton

David Pearl

Catherine Wellingbrook-Doswell

Substitutes: Cllr Donald, Cllr Pavitt, Cllr Martin, Cllr Dean

## **APPOINTMENTS COMMITTEE (7 SEATS)**

Chair:

Cllr Lees
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Vice- Chair:

Cllr Hargreaves
-----------------

Cllr Emanuel	Cllr Evans
Cllr Barker	Cllr Criscione
Cllr Sell	

Substitutes: TBC

Cllr N Reeve

Up to 2 x substitutes per Group as nominated by Group Leaders

## **APPEALS COMMITTEE (5 SEATS)**

Chair:

Cllr Evans
------------

Vice- Chair:

Cllr Driscoll
---------------

Cllr Fiddy	Cllr Barker
Cllr Loughlin	

Substitutes: Cllr Bagnall

Up to 2 x substitutes per Group as nominated by Group Leaders

## **INVESTIGATORY DISCIPLINARY COMMITTEE (5 SEATS)**

Chair:

Cllr N Reeve
--------------

Vice- Chair:

Cllr McBirnie
---------------

Cllr Donald	Cllr Criscione
Cllr Loveday	

Substitutes: Cllr A Reeve

Up to 2 x substitutes per Group as nominated by Group Leaders

## COMMITTEE TIMETABLE 2023/24

Committee	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
<b>Council</b>	23 Annual		18			10		5		26 Budget	5 Reserve	23	21 Annual
<b>Cabinet</b>		29			21		2	14		13	19	18	
<b>Scrutiny (for call in)</b>			13			5	16					4	2
<b>Scrutiny</b>		22			7		30		11	6		16	
<b>Audit &amp; Standards</b>		27			28		28			1	26		
<b>Planning</b>		7, 21	5	2, 30	27	25	22	13	10	7	6	3	1
<b>Licensing &amp; Environmental Health</b>			11		26				23				

***Please note the following:***

- 1) Scrutiny (for call-in) refers to Scrutiny Committee meetings which might happen, depending on whether the Committee decides to examine a decision made by Cabinet.
- 2) Meetings are nominally held in the Council Offices, London Road, Saffron Walden, CB11 4ER. Dates are subject to change; please contact Democratic Services.

# Agenda Item 16

## **PROPOSED APPOINTMENTS TO WORKING GROUPS OF THE COUNCIL**

### **LOCAL JOINT PANEL:**

Cllrs A Coote, C Criscione and J Loughlin

### **PLANNING COMMITTEE WORKING GROUP:**

Cllrs R Freeman, M Lemon, J Loughlin, R Pavitt, J Emanuel, M Sutton

## **PROPOSED APPOINTMENTS TO JOINT COMMITTEES**

### **ESSEX POLICE, FIRE AND CRIME PANEL**

Substantive Member: Cllr M Sutton

Substitute Member: Cllr M Colletta

# Agenda Item 18

**Committee:** Annual Council

**Date:**

**Title:** Report of a Standards Complaint Conclusion

Tuesday, 23 May  
2023

**Report Author:** Peter Holt, Chief Executive

[pholt@uttlesford.gov.uk](mailto:pholt@uttlesford.gov.uk)

01799 510400

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## Summary

1. This report is for information only, and does not require a vote. It presents to full Council the Decision Notice [Appendix A] summarising the conclusions reached in April 2023 by a Standards Panel of three [then] Councillors having heard a complaint lodged by a [then] Councillor against another [then] Councillor. As can be seen in that Standards Panel's Decision Notice, they resolved that the Investigator's Report that they considered in reaching their conclusion should also be reported to full Council, and that too is therefore attached [Appendix B].
2. In terms of lessons learned, this report provides an interim update on a range of actions being put immediately in place to support Councillors in future in avoiding similar difficulties. It further updates on a more thorough process to look more carefully at other lessons that can be learned and applied, and how both Councillors and other interested parties can feed in their thoughts and suggestions to inform that lessons learned process.
3. This report goes on to address the outstanding process towards the approval of the 2019/20 Annual Accounts.

## Recommendations

4. Nil – this report is for information only. Councillors are asked to carefully note the advice section below and to understand the extent and limitations of full Council's role in considering this matter, in line with the Council's Constitution, and also in line with the law.

## Financial Implications

5. There are no direct financial implications to this Report.

## Background Papers

6. 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.
  - Appendix A – Decision Notice
  - Appendix B – Redacted Report of the Independent Investigator into this Standards Complaint

- Appendix C – Terms of Reference for Internal Audit Review into Standards Complaints process
- [The Council's Constitution](#)

## Impact

7.

Communication/Consultation	-
Community Safety	Councillors routinely face harassment and are at times physically at risk. Members are reminded that the tone of public discourse can contribute positively or negatively to those risks.
Equalities	-
Health and Safety	-
Human Rights/Legal Implications	Councillors' attention is drawn carefully to the advice section of this report and to understand the extent and limitations of full Council's role in considering this matter, in line with the Council's Constitution, and also in line with the law, and to their own potential personal liability for their actions and speeches.
Sustainability	-
Ward-specific impacts	-
Workforce/Workplace	Councillors are respectfully reminded that Officers do not have an equal right of reply to any criticisms they may lodge in the debate of this report, and that there are proper processes for complaints against Officers that should be followed.

## Advice to Councillors on handling this debate

8. It is not Constitutionally the role of full Council to re-hear the consideration of the complaint properly undertaken by the Standards Panel. That means that Councillors cannot question either the one remaining Councillor who sat on that Panel – the other two having lost their seats in the May elections – nor Officers about either the process, contents, or conclusions of the process, which are covered in the Decision Notice and in the Redacted Investigator's Report at Appendices A and B. Councillors may understandably reach their own conclusions, but should understand that the Standards Panel had the

advantage of hearing directly from participants and in asking and hearing the answers to questions. Members should therefore understand that even if they conclude that they might have reached a different conclusion had they been present and involved to that degree, they should trust and respect the judgment of the three [then] Councillors who were in the room and had access to the fuller picture which the rest of Council does not.

9. It is not Constitutionally the proper role of full Council to reverse or otherwise change the conclusion of the process in terms of either findings of fact or in sanctions applied. The Panel's conclusions are now a matter of historical fact, and there can be no motion accepted for vote that seeks to reach any different conclusion, as that is beyond full Council's Constitutional or legal powers.
10. It is not Constitutionally the proper role of full Council to introduce into the debate any other allegations, justifications or evidence either directly related to the [then] Councillor against whom the Standards Complaint was heard, or to any other participant or interested party, whether that is a current or former Member, or any Witness or Staff Member. Councillors are cautioned very carefully and explicitly: they are responsible for their actions and their words, and they should not expect to rely on Privilege in their speeches, and thus that they are potentially open to be sued for slander or libel (e.g. in any related social media posts), for which they cannot expect to rely on legal support from the Council in their subsequent defence.
11. The Standards Panel undertook to redact the Investigator's Report very slightly before publication to remove references identifying third parties. Councillors are cautioned explicitly not to do or say anything that seeks to undermine these minor redactions by directly or indirectly identifying any of those third parties – including by speculation.
12. Councillors may legitimately express opinions about the process of this Standards Complaint, but they should be aware both that there is an Internal Audit process in place into which they can feed their detailed considerations, and that the ensuing Internal Audit Report will routinely be presented to the cross-party Audit Committee for detailed consideration in due course. Members are reminded to carefully observe the Member/Officer protocol in any criticisms of Officers, for which there are proper processes of which debates in full Council are not a part.

## **Situation**

### **Specifics of this case**

13. The specifics in this case of the allegations, the investigation, the findings of fact and the conclusions, including the sanctions, are all presented in the Decision Notice and Redacted Investigator's Report provided as Appendices A and B, and stand in their own words, which do not require further interpretation or explanation.

### **Timing of the reporting and publication of the conclusion of this case**

14. There has been understandable public interest and speculation since the Standards Panel met as to what its conclusion was, and when its Decision Notice etc. was to be published – particularly in relation to the subsequent all-out elections. Journalists have cried foul, and members of the public have complained directly to the Local Government Ombudsman and allegedly even a criminal complaint about Officers to the Police.
15. Now that the Decision Notice has been published, those interested parties can all see for themselves that it was the Standards Panel that decided to publish the Decision Notice, and also the Redacted Investigator's Report, only after the election was over. The subject member of the complaint, former Cllr Lodge, was not running in those elections, and so the publication or not before or after the election could not have affected the public's decision to vote for him, as he simply wasn't on any ballot papers. The complaint of course related to an individual not to a wider party or any other candidates running for office for that party.
16. This delay in publication was an entirely proper decision for the Panel to have reached, and therefore for Officers to have delivered. There is no specific timing requirement in any procedures stipulating how quickly a Decision Notice should be published, and so this discretion was entirely in line with relevant policies and procedures, and requires no further justification.

### **Immediate lessons learned and applied**

17. The Council's Statutory Officers – the Head of Paid Service [Chief Executive], Section 151 Officer [Director of Finance and Corporate Services], Monitoring Officer [Assistant Director, Corporate Services] and Deputy Monitoring Officer [Interim Legal Services Manager] met soon after the Standards Panel had concluded to consider lessons learned. Until that point the Head of Paid Service and Section 151 Officer had not been privy to the specifics of the matter or to the detailed Investigator's Report, as they have no proper direct role in the detailed handling of specific Standards Complaints, which are handled in line with the Council's proper procedures and in line with the law by the Monitoring Officer (and Deputies) in coordination with the assigned Independent Persons, who are appointed by full Council.
18. These Statutory Officers have made immediate changes to support arrangements in place for incoming Councillors in regards to declarations of interests – both in filling in the forms on joining the Council, and in regularly reminding and supporting them in keeping them up to date – and in properly making declarations at relevant meetings. The specifics of those immediate changes will be presented to Councillors in their induction meetings during May. Officers concluded that, whilst the duty to properly declare interests remains with each Councillor, the complexity of the system requirements is such that Officers' experience and perception is that many Councillors from across different parties have fallen short in the last four years of various of the requirements that former Cllr Lodge was found to have breached.

19. For example, Officers have introduced new and more intuitive Declaration of Interest Forms for the 2023 intake of Councillors to complete that should avoid a future situation where they commit a breach by declaring the information required, but in the wrong form of words or simply on the wrong page of the form, as former Cllr Lodge was found to have done. This should in future support Councillors who have attempted to do the right thing in demonstrably trying to properly declare something which the public have a right to know do so in the fully compliant format technically required.
20. As a second example, Officers will now ask follow up questions to Councillors once they have filled in their form to check that when they make one specific declaration that there aren't also consequential matters they need to declare separately so as not to fall foul of the rules in another of the ways that former Cllr Lodge was found to have done (e.g. if they declare that they are a Director of a Company, to check with them that they need also to declare that they also hold a significant shareholding in that company, or if their spouse is also a Director and/or major shareholder – all of which information is in any event publicly available by a simple search of the Company's House website).
21. As a third example, Officers will now routinely provide a laminated sheet on the table for Councillors attending meetings alongside their name plate, with prompts on this sheet of illustrations of the types of the proper forms of words they should use so that when they declare an interest and leave the room when they have an interest in the next agenda item that means they should not take part, that before they leave the room, they properly declare the nature of that interest, e.g. a Disclosable Pecuniary Interests or Other Registerable Interests or other Non-registerable Interests. This should help Councillors in future avoid just imagining that saying 'I declare an interest' on their way out the door is sufficient when it is not, as was another finding against former Councillor Lodge.

### **Further consideration of lessons to be learned and applied**

22. Shortly before Cllr Lodge's case had been heard, and when he was still not sighted on the specifics of that case, the Chief Executive received an external complaint relating to a different and entirely unrelated Standards Complaint process. The Chief Executive considered his general duty in regards to the efficient running of the Council generally; value for money considerations; and the general duty of care to both those District or Parish Councillors complained about, to complainants, to witnesses and to staff, and concluded that he had sufficient concern about the operation of the Standards Process generally to warrant an objective review.
23. The Chief Executive duly commissioned an Internal Audit Review, the terms of reference of which are set out in full in Appendix C and its scope reproduced below:

This audit will:

- review how well complaints are triaged before being progressed as appropriate and proportionate e.g. considering prima facie evidence

presented by the complainant at an early stage to indicate that a breach has potentially occurred.

- review the established criteria for requesting a full independent investigation.
- review how well the principles of natural justice are applied at all stages.
- review how long complaints take and how much they cost, proportionate to their seriousness, and in light of any disproportionate unintended consequences arising from the process itself
- review the current Considering a Complainant under the Code of Conduct Procedure. (dated 2017)
- Use at least three current/recent complaints as recommended by the Chief Executive (alongside any others that the Internal Audit team selects for itself) as test cases to review the process from receipt to conclusion.

24. Members can be advised that one of those three specific complaints selected by the Chief Executive to be reviewed by the Internal Audit is this case against former Cllr Lodge.

25. Members or others who have perspectives on the operation of the Standards Complaints process that they wish to feed into and inform that Internal Audit review as previously advised.

### **External Audit Sign Off to the 2019/2020 Annual Accounts**

26. In mid-2020, the Council's External Auditors did not sign off the 2019/20 Annual Governance Statement as they became aware of allegations that were then subject to external investigation. This began a protracted delay to the sign off of the 2019/20 Annual Accounts, which cannot be completed without a signed off Annual Governance Statement. That 2019/20 Annual Accounts Audit has been on hold ever since, and with them every subsequent set of Annual Accounts, which relies on the previous year's signed-off accounts as its starting point.

27. Officers were not fully aware of various of the allegations as they were made to and considered by external agencies which properly do not share their work with the Council. Officers were aware of the issues in general terms, and so as to help identify whether there were any control processes that needed tightening, discreetly commissioned an expert independent law firm to carry out a systems review in those areas parallel to these external considerations, in a way that did not risk interfering with them. That external review found no material system weaknesses for Officers to consider fixing.

28. Now that all formal processes are, to the best of the Council's knowledge, complete, Officers have advised our External Auditors and are in discussion with them as to their requirements to return to work on the 2019/20 Annual Governance Statement and Annual Accounts, and thereafter in turn to subsequent years' Accounts. The Council's External Auditors face considerable work pressures and capacity issues, and there is not currently a

date for that work, though Officers will continue to liaise closely to support this process at the earliest opportunity.

29. Members should be advised that whenever External Auditors return to delayed earlier years' accounts in this way, the process is not generally a quick and cursory final sign off, even if there were no other material outstanding issues from the time, as the Auditors will properly take their time to consider issues dating back to that time, but with the benefit of subsequent hindsight.

### **Behaviours**

30. These Officer-led immediate actions and review set out in paragraphs 17-21 and 22-25 above should lead to both immediate and lasting process improvements.
31. The equally important flip side requiring just as urgent attention is around behaviours. It has been observed by both Officers and Members that the Standards Complaints process within Uttlesford District Council has been weaponised, giving rise to concerns that it is used as a tool to oppress and intimidate those against whom complaints are lodged, whether District Councillors or Parish Councillors.
32. Members are invited to consider this perception of behaviours, and to determine whether they are minded to lead the public by example through their own behaviours in either challenging and changing this impression for the better over the coming four years, or else risking reinforcing the perception.

### **Risk Analysis**

33.

Risk	Likelihood	Impact	Mitigating actions
That lessons are not learned and applied from this case, leaving Councillors in future at risk from having demonstrably tried to do the right thing still falling short of full technical requirements.	3 – significant risk	4 – substantial /serious impact on workload, reputation /public confidence, and duty of care considerations to individuals	Immediate actions as set out in paras 17-21 above and the fuller Internal Audit Review commission set out in paras 22-25 above.

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.

## **Decision Notice - Uttlesford District Council Standards Committee, Hearings Panel Meeting held on 13<sup>th</sup> April 2023.**

### **Panel Members:**

Councillor Asker (Chairman)

Councillor B Light

Councillor A Khan

Mrs Georgina Butcher-Doulton (Independent Person – Hearing)

**Subject Councillor:** Cllr John Lodge

**Complainant:** Cllr George Smith

**Independent Investigating Officer:** Gill Sinclair

**Independent Monitoring Officer:** Quentin Baker

Independent Person for Initial Assessment: David Pearl

### **Background**

On the 13<sup>th</sup> April 2023 a Hearings Panel was convened to hear and determine an allegation that Cllr John Lodge, (Subject Councillor), had breached the Uttlesford District Council (UDC), Councillor Code of Conduct (CoC). The Complaint dated 04-08-2022 was made by fellow UDC Councillor Cllr George Smith, (Complainant), and following an Initial Assessment (IA) by the Independent Monitoring Officer (IMO) and Independent Person (IP) on 29-11-2022, was referred for investigation. An independent Investigation Officer (IO) was appointed and their final report was received by the IMO on 24-02-2023.

### **Summary of Complaint**

The Complainant alleged that the Subject Member breached the UDC Members Code of Conduct by failing to register Disclosable Pecuniary Interests and by omitting to properly declare and disclose relevant Personal/Prejudicial Interests during meetings of the UDC Planning Committee held on the 20-02-2019 and 13-03-2019.

### **Decision**

The Panel carefully considered the IO's report and heard from the Subject Councillor, Complainant and IO concerning their understanding of the CoC, the legislative requirements underpinning it and how it was implemented in UDC.

The Panel noted and acknowledged that the Subject Councillor had raised a number of valid points about the governance and operation within UDC of the CoC and these mitigated the breaches identified by the IO. The Panel reflected this in their conclusions regarding the appropriate sanction. The Panel were of the view that these matters gave rise to important lessons to be learned for UDC in its implementation of the CoC including the need for comprehensive training on the CoC for Councillors and for Officers to provide continued monitoring and support for

councillors in relation to ethical standards. Regarding these observations the Panel will provide comments/recommendations separately.

As regards the question of whether the CoC had been breached the Panel's conclusions were as follows:-

1. The Panel accepted in full, the independent Investigating Officer's findings that the Subject Councillor had breached the UDC CoC.
2. In relation to Disclosable Pecuniary Interests, (DPIs), as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (DPIs), the Panel found:-
  - i. That Councillor Lodge breached the UDC CoC due to his failure to properly disclose details of his employment/office in his 2015 Register of Interests and those of a Relevant Person. However, the Panel noted that Councillor Lodge did disclose of his employment/office details in Section 2 of his Register under the heading "Other Pecuniary Interests" and as such this was a 'technical' breach.
  - ii. That Councillor Lodge didn't breach the requirement to register details of the Loan Agreement /Legal Charge provided by Manchester and Edinburgh Investment Property Company Ltd, (MEIP), to Company Y because the Loan Agreement/Legal Charge does not amount to a 'beneficial interest in land' as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as such it was not a DPI albeit it would fall within the ambit of an 'other interest'.
  - iii. That Councillor Lodge breached the requirements to register details of his shareholdings in M&EIP which exceeded one hundredth of the total issued share capital and those of a 'Relevant Person'. The Panel concluded that MEIP had a 'Place of Business' within the UDC boundaries because its registered office was within the UDC district and it was involved in funding residential development situated within the district.
3. In relation to the declaration of interests made by Councillor Lodge at the Planning Committee meetings of 20th February and 13th March, the Panel found:-
  - i. That Councillor Lodge breached the requirements of the Code of Conduct by failing to disclose the existence and nature of a Personal and Prejudicial Interest in Planning Application UTT/18/3278/FUL. However, it was noted that Cllr Lodge removed himself from each meeting and did not participate in the debate or vote taken in respect of the relevant application.

### **Sanction**

4. The Panel acknowledged that the Subject Councillor had highlighted a number of valid point regarding the governance of the Code of Conduct within UDC which amounted to mitigation and the Panel reflected that in its decision regarding sanction which it set towards the lower end of the potential options as follows:

- i. To report its findings and the IO report, (subject to agreed redactions), to Full Council to enable lessons to be learned and to inform future training and guidance for members. It is recommended that this be undertaken at a point when newly elected Councillors have taken up their seats and to be accompanied by a report explaining any proposed improvement measures.,.
- ii. To issue a reprimand to Councillor Lodge.

The Panel noted the proximity of the council elections due to take place on 4<sup>th</sup> May and concluded that the decision notice should be withheld from publication until the 5<sup>th</sup> May.

Signed: Cllr Heather Asker

Chairman of the Hearings Panel

**Investigation Report  
into the Alleged Conduct of Councillor John Lodge  
Uttlesford District Council**

- 1 **Executive Summary**
- 2 **Appointment Details**
- 3 **Investigator's background**
- 4 **Arrangements for the investigation**
- 5 **The relevant legislation and protocols**
- 6 **Details of the complaints made**
- 7 **The evidence gathered**
- 8 **Summary of the evidence gathered**
- 9 **Disclosable Pecuniary Interest - Assessment of the evidence and reasoning as to whether there have been failures to comply with the Code of Conduct**
- 10 **Declaration of Interests at Meetings of the Planning Committee - Assessment of the evidence and reasoning as to whether there have been failures to comply with the Code of Conduct**
- 11 **Comments on draft report**
- 12 **Findings**

## **Draft Investigation Report into the conduct of Councillor John Lodge Uttlesford District Council**

### **Introduction**

#### **1. Executive Summary**

1.1 Cllr John Lodge is a member of Uttlesford District Council (UDC). He was initially elected as an independent Councillor to Essex County Council in May 2013. He was then elected to UDC in May 2015. He was the Leader of the Residents for Uttlesford (R4U) Group and as such was the Leader of the Opposition UDC from May 2015 until May 2019. Following the May 2019 local elections R4U had overall control of the Council and Councillor Lodge served as Leader of the Council from May 2019 to December 2021. Councillor Lodge now sits on the following bodies at UDC:

- Council
- Investment Board
- Licensing and Environmental Health Committee
- Local Plan Leadership Group

1.2 At the time the matters complained arose, Councillor Lodge was the Opposition Group Leader and at that time, i.e., between May 2015 and May 2019, he was a member of the Planning Committee of UDC.

1.3 I have carried out an investigation into the complaint about Councillor Lodge's conduct in his capacity as an elected member of UDC made by Councillor George Smith, who is also an elected member of UDC. Councillor Smith was not a member of UDC at the time the complaints arose, he was elected to the Council in May 2021 following a by-election. He informed me that he had been provided with details of the complaints by a member of the public who he understood had undertaken a private investigation. The complaint was submitted to the Monitoring Officer in August 2022.

1.4 The complaint made by Councillor Smith is summarised as follows:

- i) That Councillor Lodge failed to declare his directorship of Manchester & Edinburgh Property Investment Co Ltd in his 2015 Register of Interest as required. Councillor Smith alleges that Councillor Lodge's register of interests referred to "Various Property Companies Directorships"
- ii) That Councillor Lodge failed to declare a financial and personal interest in several planning applications relating to 22 Thaxted Road Saffron Waldron,

namely planning applications UTT/18/3278/FUL, UTT/18/2476/HHF, UTT/19/0842/FUL and UTT/19/1389/FUL. The complaint alleges that the interests arise by virtue of the fact that:

- The planning applications were made in the name of Company Y.
- That at the time of the applications one of the directors of Company Y was a Mrs A, [REDACTED]

- iii) That Councillor Lodge made no declaration in his Register of Interest relating to the fact that the development which was the subject of the planning applications was to be financed by a Loan made by a Manchester and Edinburgh Property Investments Company Ltd (M&EPI) (of which Councillor Lodge was a director) to Company Y.
- iv) That Councillor Lodge's declaration of interest at the Planning Committee meetings 20<sup>th</sup> February 2019 and 13<sup>th</sup> March 2019 was incorrect, in that at one meeting of the Planning Committee he declared that the applicant, Mrs B, (also a director of Company Y) was known to him. He did not declare that [REDACTED] Mrs A was also a director of Company Y nor did he declare any other interest.

#### 1.5 Provisions of the Code considered

The complaints relate to meetings that engage the version of the UDC Code of Conduct, which was in force in 2019, in respect of which the following provisions are relevant:

- Disclosable Pecuniary Interests, (DPI)

These are as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. There are three aspects to consider in relation to DPIs.

- i) Employment /office  
Did Councillor Lodge disclose his directorship of M&EIP (and other directorships) in his 2015 Register,
- ii) Interests in land  
Did the Loan Agreement/Legal Charge made by M&EIP amount to a DPI which required registration,
- iii) Securities  
Did the nominal value of Councillor Lodge's shareholding on M&EIP exceed £25,000 or one hundredth of the total issued share capital.

- Personal Interest, (PI)

Appendix B of the UDC Code defines personal interests as:

*“interests you have in business considered by the council that do not fall within the definition of disclosable pecuniary interests, but which should be declared in the interests of transparency.”*

- Personal and Prejudicial Interest, (PPI)

The UDC Code defines personal and prejudicial interests as follows:

“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 but it is likely to prejudice my judgement of the public interest?”*

## 1.6 Conclusions as to whether there has been a breach/breaches

### 1.6.1 In relation to Disclosable Pecuniary Interests, as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, I have made the following findings:

- i) That Councillor Lodge **DID BREACH** the requirement of the Code of Conduct to disclose details of his Employment /office in his 2015 Register of Interest and those [REDACTED] as a relevant person. However, Councillor Lodge did disclose his employment/office details in Section 2 of his Register under the heading “Other Pecuniary Interests”.
- ii) That Councillor Lodge **DID NOT BREACH** the requirement to register details of the Loan Agreement /Legal Charge provided by Manchester and Edinburgh Investment Property Company Ltd to Company Y as the Loan Agreement /Legal Charge does not amount to a beneficial interest in land as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as such it was not a disclosable pecuniary interest that required to be registered.
- iii) That Councillor Lodge **DID BREACH** the requirements to register details of his shareholdings in M&EIP which exceeded one hundredth of the total issued share capital and those [REDACTED] as a relevant person.

### 1.6.2 In relation to the declaration of interests made by Councillor Lodge at the Planning Committee meetings of 20<sup>th</sup> February and 13<sup>th</sup> March, I have made the following findings:

- i) That Councillor Lodge **DID BREACH** the Code of Conduct by failing to declare a Personal and Prejudicial Interest in Planning Application UTT/18/3278/FUL.

However, Councillor Lodge removed himself from each meeting and did not participate in the debate or vote taken in respect of the application.

## **2 Appointment details**

- 2.1 This report concerns a complaint made by Councillor George Smith a member of UDC in relation to the alleged conduct of Cllr John Lodge, also a member of UDC
- 2.2 The complaint was assessed on 29<sup>th</sup> November 2022 by Quentin Baker (QB), Monitoring Officer for Hertfordshire County Council on behalf of the Monitoring Officer of UDC, in QB's capacity as acting Deputy Monitoring Officer of UDC. The Initial Assessment was undertaken by QB in consultation with the Independent Person for UDC.
- 2.3 The outcome of the Initial Assessment states as follows:

*The circumstances which form the basis for this complaint occurred in 2019 and concern the arrangements between two private companies with the shared objective of developing land within the UDC administrative area. The issues aren't straight forward and there are some gaps in the evidence available, but it is clear from the available information that the complaint has some basis in fact and if established would constitute a significant breach of the UDC Code of Conduct. In the circumstances an investigation is considered to be warranted and in the public interest. In reaching this conclusion consideration was given to the Nolan Principles and in particular the requirements of Integrity, Openness and Leadership.*

- 2.4 QB appointed Bethan Evans Governance Training and Consultancy Ltd to undertake the formal investigation into the complaints on 20<sup>th</sup> December 2022.
- 2.5 QB notified the parties of the outcome of the Initial Assessment and on 29<sup>th</sup> November 2022. On 21<sup>st</sup> December 2022 he advised them of the appointment of an investigator.
- 2.6 Prior to undertaking this investigation neither Bethan Evans nor Gill Sinclair had any knowledge of or contact with the officers or members of UDC.

## **3 Investigator's background**

- 3.1 The investigation has been undertaken by Gill Sinclair, an associate working with Bethan Evans Governance Training and Consultancy Ltd. I have over 20 years of experience of working for local authorities providing advice to Councils on decision-making, probity, standards, and the Member Code of Conduct. I have undertaken all aspects of work relating allegations of breaches of the Code of Conduct, including assessments and investigations of complaints, reporting to, and advising the Standards Committee and providing training to Councillors on the Code Conduct. I regularly provided advice to Councillors on conduct, interests and conflicts of interests and probity.

## **4 Arrangements for investigation**

4.1 Following appointment, I have been provided copies of:

- i) Initial Assessment of Complaint and complaint- dated 29 November 2022
- ii) Undated, unauthored & unsigned Introduction and Summary document
- iii) Councillor Lodges' Register of Interest dated 27<sup>th</sup> May 2015
- iv) Councillor Lodges' Register of Interest dated 21<sup>st</sup> May 2019.
- iv) Electronic links to meetings of the Planning Committee 20<sup>th</sup> February 2019, and 13<sup>th</sup> March 2019
- v) UDC Complaints & Assessment Procedure,
- vi) UDC Members' Handbook including its Code of Conduct
- vii) Various documents from Companies House relating to M&EIP and Company Y

4.2 The complainant refers to allegations of breaches of the Code of Conduct by Cllr Lodge at the following meetings:

- Planning Committee 20<sup>th</sup> February 2019,
- Planning Committee meeting 13<sup>th</sup> March 2019

## **5 The relevant legislation and protocols**

5.1 The Relevant Code of Conduct is the UDC Code that was in force prior to May 2019. The Council adopted the LGA Model Code on 11<sup>th</sup> October 2022. As the complaint was received prior to this date, the complaint falls to be considered in accordance with the provisions of the Code in force at the date of its submission.

5.2 The requirements to register and declare DPLs are contained in the Localism Act 2012 s30(1) and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The UDC Code replicates these requirements at Appendix A and provides guidance at para's 8 and 18 of the document titled "The Councillors' Code of Conduct Part 1".

5.3 Guidance and the requirements to declare personal and personal and prejudicial interest are set out in the Code at para's 9, 10, 19 and Appendix B of "The Councillors' Code of Conduct Part 1" which is contained in the Members Handbook.

5.4 Officers confirmed that the Members Handbook was refreshed in 2022, but that the provisions relating to Disclosable Pecuniary Interests and Personal and Prejudicial Interests were not revised at that time. In this regard the provisions in the Handbook were applicable in 2019. For information, when Councillor Lodge refers to the Red Book, this is a reference to the Members Handbook.

5.5 The complaints relate to meetings that engage the UDC Code, in respect of which the following provisions are relevant:

- Disclosable Pecuniary Interests, (DPI)

These are as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. There are three aspects to consider in relation to DPIs.

- i) Employment /office  
Did Councillor Lodge disclose his directorship of M&EIP (and other directorships) in his 2015 Register,
- ii) Interests in land  
Did the Loan/legal charge made by M&EIP amount to a DPI which required registration,
- iii) Securities  
Did the nominal value of Councillor Lodge's shareholding on M&EIP exceed £25,000 or one hundredth of the total issued share capital.

- Personal Interest, (PI)

Appendix B of the UDC Code defines personal interests as:

*"interests you have in business considered by the council that do not fall within the definition of disclosable pecuniary interests, but which should be declared in the interests of transparency."*

- Personal and Prejudicial Interest, (PPI)

The UDC Code defines personal and prejudicial interests as follows:

*"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 but it is likely to prejudice my judgement of the public interest?"*

## 6 Complaint

6.1 The complaint made by Councillor Smith is summarised as follows:

- i) That Councillor Lodge failed to declare his directorship of Manchester & Edinburgh Property Investment Co Ltd in his 2015 Register of Interest as required. Councillor Smith alleges that Councillor Lodge's register of interests referred to "Various Property Companies Directorships"

- ii) That Councillor Lodge failed to declare a financial and personal interest in several planning applications relating to 22 Thaxted Road Saffron Waldron, namely planning applications UTT/18/3278/FUL, UTT/18/2476/HHF, UTT/19/0842/FUL and UTT/19/1389/FUL. The complaint alleges that the interests arise by virtue of the fact that:
- The planning applications were made in the name of Company Y
  - That at the time of the applications one of the directors of Company Y Ltd was a Mrs A, [REDACTED]
- iii) That Councillor Lodge made no declaration in his Register of Interest relating to the fact that the development which was the subject of the planning applications was to be financed by a Loan made by a M&EIP of which Councillor Lodge was a director, to Company Y.
- iv) That Councillor Lodge's declaration of interest at the Planning Committee meetings on 20<sup>th</sup> February 2019 and 13<sup>th</sup> March 2019 was incorrect, in that at one meeting of the Planning Committee he declared that the applicant, Mrs B (also a director of Company Y) was known to him. He did not declare that [REDACTED] Mrs B was also a director of Company Y.

6.2 A copy of the redacted Initial Assessment and the details of the complaint are attached at Appendix 1

## 7 Evidence Gathered

7.1 In addition to the documents referred to at 4.1 above, I have also reviewed documentation relating to the two companies referred to and filed at Companies House. I have summarised the information I have reviewed in respect of each company below. All this information is accessible in the public domain.

7.2 In relation to M&EIP I have noted the following:

<b>Manchester &amp; Edinburgh Property Investment Co Ltd</b>	
Company Number	08302407
Date of Incorporation	21 <sup>st</sup> November 2012
Registered office address	Market House, 10 Market Walk, Saffron Walden, Essex, England, CB10 1JZ
Directors on incorporation	[REDACTED] John Stuart Lodge
Persons with Significant Control	John Stuart Lodge
Shareholders on incorporation	John Stuart Lodge, [REDACTED] Mrs A plus 1 other
Change in shareholders	Statement of Confirmation 2021 – [REDACTED] [REDACTED] ceased to be a shareholder

7.3 In relation to Company Y I have noted the following:

<b>Company Y</b>	
Date of Incorporation	30 <sup>th</sup> January 2018,
Registered office address	In UDC area
Directors on incorporation	Mrs A and Mrs B
Person with Significant Control	Mrs A & Mrs B
Resignation of Director	27 <sup>th</sup> May 2020 Mrs B resigned
Registration of Charge	Created 19 <sup>th</sup> September 2019 Property 22 Thaxted Road & Land at 22 Thaxted Road Securing the payment of sums detailed in the Loan agreement made between the Borrower (Company Y) and the Lender (MEIP) dated 13 <sup>th</sup> April 2018
Shareholders on incorporation	Mrs A & Mrs B
Changes in Shareholding	27 <sup>th</sup> April 2020, Mrs B ceased to be a shareholder, all shares were transferred to Mrs A

7.4 I also took statements from Councillor Smith and Councillor Lodge. The summary of the evidence they gave is set out in Section 8 below. Councillor Smith's signed statement is Appendix 2 and Councillor Lodge's signed statement with attachment is Appendix 3.

7.5 There is a disagreement between them as to what was disclosed on Councillor Lodge's 2015 Register of Interests, the application of the Code of Conduct in relation to registration and disclosure of DPIs, and the nature of the interest required to be disclosed in relation to the planning applications referred to in the complaint.

7.6 The facts that are not in dispute are that:

- Councillor Lodge is a director of M&EIP,
- That M&EIP provided a loan to Company Y to acquire property
- That Mrs A [REDACTED] Councillor Lodge
- That Councillor Lodge did not participate in the debate or vote at either Committee meeting

## 8 Summary of Material Facts

8.1 I will deal with each aspect of the complaint separately. I will set out the summaries the material facts relevant to each aspect of the complaint.

Councillor Lodge's 2015 Register of Interest (RoI)

## 8.2 Employment/office

- 8.2.1 Councillor Smith alleged that Councillor Lodge failed to disclose details of his directorship of M&EIP in his 2015 RoI. He indicates that the relevant entry in Councillor Lodge's 2015 RoI reads:

*"Various Property Companies Directorships".*

He also alleges that the disclosure of M&EIP was only specifically provided in Councillor Lodge's RoI in May 2019. Councillor Smith did not produce the 2015 RoI or any other documentary evidence to support these allegations.

- 8.2.2 Councillor Lodge vehemently disputed this allegation. He was adamant that he disclosed his directorships when completing his 2015 RoI, and he was willing to make a sworn statement to that effect. He said that following notification of the complaint he had asked Officers of UDD for a copy of his 2015 RoI, but he had not received a copy. As noted at paragraph 4.1 above, I was provided with a copy of Councillor Lodge's 2015 RoI as part of this investigation and I required to refer to it during my interview with Councillor Lodge, I therefore provided a copy of the Register to Councillor Lodge during our interview.
- 8.2.3 Councillor Lodge drew my attention to Section 2 of his RoI headed "**Other Pecuniary Interests**" and he highlighted the fact that his directorship of M&EIP (along with other directorships) is referred to in this section. Councillor Lodge considers the disclosure of the directorship at Section 2 of his RoI demonstrates that he has complied with the requirement to disclose his interest in the Company. He accepts that the information is not in the correct part of the RoI, but it is nonetheless on the RoI, and that whilst he may have failed to comply with the letter of the law, it is in his view "an incredibly minor infringement".
- 8.2.4 By way of explanation as to why the company details were listed in Section 2, Councillor Lodge explained that at the time he completed his RoI in 2015, M&EIP was not operating in UDC. He also commented that the format of the form was poor. He accepted that putting the information in the wrong box was technically incorrect, but he considered that it was a minor infringement in the circumstances.

## 8.3 Interest in Land

- 8.3.1 Councillor Smith alleged in his complaint that M&EIP had provided funding in the form of a Loan for the purposes of the purchase and development of 22 Thaxted Road to Company Y. In his statement, he says that he understands one of the directors of Company Y, Ms A, [REDACTED] Councillor Lodge. Councillor Smith alleges that Councillor Lodge would have been aware of the planning application for 22 Thaxted Road and that by virtue of M&EIP providing a Loan to Company Y for the purchase/redevelopment of 22-26 Thaxted Road. He also alleges that Councillor Lodge had an interest that should have been declared by virtue of his financial interest in M&EIP. Councillor Smith considered his declaration of a non-pecuniary

interest at the Committee meetings was insufficient. He considers that Councillor Lodge had a DPI by virtue of the Loan.

- 8.3.2 Councillor Lodge confirmed Mrs A [REDACTED] and that she, along with Mrs B, set up Company Y as their project. He also confirmed that it is factually correct that M&EIP provided a Loan to Company Y.
- 8.3.3 In response to the suggestion that the Loan amounted to a DPI. In his statement Councillor Lodge explained that in around 2017 he considered whether he needed to disclose details of [REDACTED] company in his RoI. He said that on his reading of the Red Book, he concluded that he was not under an obligation to record details of Company Y. His reasoning for this conclusion is as follows:

*"18 In 2017 I had considered whether I needed to register details of [Company Y] in my Register of Interest and I had concluded having reviewed the Red Book, that I did not need to include it on my Register of Interest.*

*19 It is my view that the Red Book made it very clear that [Company Y] did not amount to a DPI. I am not involved with the company; I am not a director or shareholder. [REDACTED] was and is a director. Appendix A of the Red Book describes whose interests need to be disclosed as DPIs. It defines who a "relevant person" is. [REDACTED] is not a person who is listed as a "relevant person"; she is neither my spouse nor civil partner, nor a person with whom I was living as a husband or wife, nor a person with whom I was living as if they were my civil partner. As such [REDACTED] is not a relevant person and I do not have to disclose the details of her company.*

*20 Neither did I need to disclose the Loan given by Manchester and Edinburgh Investment Property Company Limited to [Company Y]. The Legal Charge is not a DPI because I do not have a beneficial interest in the land owned by [Company Y] as defined in Appendix A of the Red Book. Appendix A5 defined "land" as "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 or to receive income". There were no such rights for Manchester and Edinburgh Investment Property Company Limited"*

#### 8.4. Securities

- 8.4.1 Whilst Councillor Smith did not raise any allegation of any failure by Councillor Lodge to properly disclose the value of the securities he held in a relevant body; this issue was referred to in the Deputy Monitoring Officer's Initial Assessment. As such Councillor Lodge was asked in interview whether his holdings in M&EIP were such

that they required to be disclosed as a DPI and whether at the relevant time he held any securities in Company Y that would have required disclosure as a DPI.

- 8.4.2 In response to these questions, Councillor Lodge responded that the nominal share value of his holding in M&EIP is £26.00.

He stated that he had never held shares in Company Y.

8.5 Declaration of Interest – Planning Application

- 8.5.1 Councillor Smith alleges that:

*“Councillor Lodge failed to declare a financial and pecuniary interest in a number of planning applications”..... UTT/18/3278/FUL, UTT/18/2476/HHF, UTT/18/3278/FUL, UTT/19/0842/FUL and UTT/19/1389/FUL*

- 8.5.2 In his statement he says that at the times the applications were made, they did not indicate that the applicant, Mrs B, was related to a serving member of the Council, (Councillor C) and as such the applications were dealt with under delegated authority by officers. He goes on to say that Councillor Lodge made no declarations in relation to the delegated applications.

- 8.5.3 In relation to the application that was reported to the Planning Committee, Councillor Smith alleges that at one of the Committees, Councillor Lodge declared a non-pecuniary interest because the applicant was a personal friend. Councillor Smith considers this declaration was insufficient. He does accept that the minutes record that on the two occasions this application came before the Planning Committee, Councillor Lodge did leave the room.

- 8.5.4 Councillor Lodge confirmed that in respect of the one application that came to the Planning Committee he took no part in the decision making. In his statement, he explains how he concluded that he should not participate, he states that he had previously taken advice from the Monitoring Officer of UDC (on an unrelated application) and he applied that advice to the application in respect of 22 Thaxted Road. He explained the advice he had taken as follows:

*“....The advice I had taken related to a planning application that had been made by a member of the R4U Group. The application was for a change of use of his shop. I was advised by the Monitoring Officer that as a member of the Group I should declare a non-pecuniary interest and not participate at the committee meeting.*

*Subsequently a planning application was made by a Conservative councillor for the development of two private homes in her garden. By this time there was a new Monitoring Officer, I pointed out to the then Monitoring Officer (SP) that based on the advice I had been given by the previous Monitoring Officer, the Conservative members on the Committee should stand down and not participate. I was told by*

*the Monitoring Officer that the previous Monitoring Officer had got it wrong and that they could participate.*

*I made a further complaint to the Monitoring Officer (SP) about an application for a completely new town. [REDACTED] of the then Leader of the Council was a member of the family seeking a multimillion pound development of the land. I was told by the Monitoring Officer that that was not relevant.*

*In relation to the Thaxted Road application I reached the conclusion not to participate and to declare a non-pecuniary interest after I considered the advice from the previous Monitoring Officer in relation to the matters I had raised, and despite the advice I had been given by the then current Monitoring Officer (SP). I applied the same reasoning as I had to the application for the change of use made by a councillor of R4U and I decide based on that advice that I should not participate at Committee and that I should declare a non-pecuniary interest at the Committee because of my knowledge of the applicant."*

- 8.5.5 Councillor Lodge was asked whether he had considered the interest amounted to a Personal and Prejudicial interest. He responded by saying:

*"I did not consider it to be a personal and prejudicial interest, the Red Book refers to these interests in Appendix B. The only item which may be said to constitute an interest in B4 mentions "family", but it does not define "family". It is reasonable to assume the same definition as in A3, "a relevant person" and therefore it did not include [REDACTED].*

*I understand the test to be applied to determine whether the interest is a personal and prejudicial interest. And in the circumstances any member of the public knowing the full facts would think that I should not participate in any business relating to the planning application that came before the committee. And I did not participate at either committee. A member of the public would say that I have acted legally and technically correctly as I did not participate.*

*I can't recall what I said at the meetings, but I withdrew from the meetings along with two other councillors, one of them might have said something and we all then left the meetings. I understand the meetings were recorded. It is important to note that the I did not participate at any of the committee meetings and in fact the only meeting which granted planning permission to [Company Y] I was totally absent from.*

*I consider that I have complied with the requirements to register my directorship of Manchester and Edinburgh Investment Property Company Limited, and that in accordance with the Red Book neither [REDACTED] interest in [Company Y] nor the loan/legal charge amount to a DPI.*

*In relation to the committee, I withdrew from the meeting and did not participate in the item. A member of the public would conclude that as I had no*

*influence whatsoever in the discussion or outcome of the planning application, they would see that I had always acted properly and morally....”*



## **Disclosable Pecuniary Interests - Assessment of the Material Evidence and reasoning as to whether there has been a failure to comply with the Code of Conduct**

- 9.1 Disclosable Pecuniary Interests are defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (the 2012 Regulations). The Schedule to the 2012 Regulations set out the DPs that every Councillor is required to disclose. Failure to disclose could result in criminal proceedings. The Schedule includes the following disclosure requirement:

<b>Subject</b>	<b>Prescribed Description</b>
Employment, office, trade or profession or vocation	Employment, office, trade or profession or vocation carried on for profit or gain
Land and Property	Any beneficial interest in land which is in the Council's area
Securities	Any beneficial interest in securities of a body where: a. That body (to the Councillors knowledge) has a place of business or land in the Council's area; 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.

- 9.2 I will consider each of the elements of the RoI referred to above separately and I will give reasons as to whether I consider the conduct complained about constitutes a breach of the UDC Code of Conduct

### **Employment/Office**

- 9.3 Regulation 2 of the 2012 Regulations contains the definitions relevant to the DPs described above. There is a Schedule included in the 2012 Regulations which provides the meaning of individual DPs. They however do not include a definition or meaning of Employment, office, trade or profession or vocation.

9.4 Dealing with the allegations that Councillor Lodge failed to include details of his directorship of M&EIP on his 2015 Rol. A copy of the 2015 Rol held by UDC was provided to me and is attached as Appendix 4. The Rol is made up of four parts:

- General Notice of Registerable Interests
- Section 1 - Disclosable Pecuniary Interests
- Section 2 - Other Pecuniary Interests
- Section 3 – Registerable Non – Pecuniary Interests

9.5 In relation to Section 1 the form provides the following guidance in relation to DPIs

*“(Members are required to register not only their own interests under this heading but all those of their husband or wife or civil partner or any person with whom they are living with as if husband, wife or civil partner when such interests are known to them)”*

9.6 Councillor Lodge is a director of M&EIP, a director is an “office holder”. Councillor Lodge confirmed this at interview and a search of the M&EIP at Companies House confirms he has been a director since incorporation (see para 7.2 above). As an office holder, he should have provided details of his directorship of the specific company, along with other companies in which he was an office holder/employed in box 1 on his Rol. He did not provide those details. His entry reads:

*“Director Various Prop Cos (not operating in UDC)”*

9.7 As noted at para 7.2 above the search at Companies House also reveals that [REDACTED] was appointed a director of M&EIP at incorporation and she remained as director throughout the relevant period. No details of her directorship are disclosed in Section 1 of the 2015 Rol. Although it is noted that Councillor Lodge did include the following details relating to [REDACTED] as a “relevant person” in box 1 of his 2015 Rol.

9.8 Section 2 of the Rol – Other Pecuniary Interests, contains interests that are not DPIs as defined by the 2012 Regulations, these are best described as “local” requirements of the UDC Code of Conduct. A failure to comply with these requirements is not a criminal offence. The form provides members with the following guidance:

*“(Members are only obliged to register their own interests under this heading and not the interests of husbands/wives/civil partners or others)”*

9.9 The form requires Members to disclose the following:

*“The name of the person who employs or has appointed you, the name of any firm in which you are a partner, and the name of any company in which you are a remunerated director”*

- 9.10 Alongside this box, Councillor Lodge has provided the names of several companies, including M&EIP.
- 9.11 As noted at paragraph 9.2, the 2012 Regulations do not include a definition of "Employment, office, trade or profession or vocation". However, the Guidance on Local Government Association Model Code of Conduct issued by the LGA in 2022 is helpful on this point. Whilst it was not in force at the time of the alleged breach, it provides the most relevant guidance on this point. It states that sufficient details should be given to identify your company or employer. This aids transparency and allows people to see where potential conflicts of interest may arise. It also worth noting that the UDC Code does not provide any guidance on the requirements of disclosure of a councillor's employment or office.
- 9.12 Councillor Lodge did not provide these specific details in the correct section of the RoI in relation to M&EIP and other companies of which he was a director. Neither did he include the directorship in M&EIP [REDACTED] as a "relevant person" for the purposes of the 2012 Regulations.
- 9.13 He did however provide details of his directorship of M&EIP and other companies in Section 2 of the RoI. It is noted that the form provides no guidance to councillors when completing the requirements of their DPI's and neither does the Councillors Code of Conduct provide any guidance as to what is required to be included on the RoI in respect of Employment/Office.
- 9.14 This is in contrast with Section 2 Other Pecuniary Interests. The requirement replicates the requirements of the DPI, and in addition it clearly states that the name of the employer/firm or company is required.
- 9.15 The failure by Councillor Lodge to complete the RoI correctly is technically a breach of the requirement to disclose /declare a DPI in relation to his employment/office. However, when taken as a whole, the RoI does in my opinion disclose the relevant information in relation to Councillor Lodge himself (though not in relation to [REDACTED] – see comments below). A person viewing the RoI as a whole would not be prejudiced in relation to the information relating to Councillor Lodge himself by virtue of the fact that the details of Councillor Lodge's employment/office were referred to in Section 2 of the form as opposed to Section 1. The relevant information is in the form, albeit in the wrong place.
- 9.16 There is an allegation contained in the document titled Introduction and Summary that Councillor Lodge added details of his directorship of M&EIP at about the time the planning application relating to 22 Thaxted Road was considered at the planning committee. Having viewed the RoI, there is no evidence to suggest or support this allegation.
- 9.17 There are no relevant disclosures relating to the directorship of [REDACTED] in relation to M&EIP in his 2015 RoI.

9.18 Evidence of the appointments of Councillor Lodge and [REDACTED] as directors are contained in Appendix 6.

9.19 For the sake of completeness I have considered whether Councillor Lodge had an interest in Company Y that amounted to an Other Pecuniary interest in Company Y. As noted above the 2015 RoI included the requirement for councillors to disclose any non-pecuniary interest that fell within the following definition:

*"The name of the person who employs or has appointed you, the name of any firm in which you are a partner, and the name of any company in which you are a remunerated director"*

9.20 Companies House records do not show that Councillor Lodge has held an office in this company, the records do not show the company has any employees. Councillor Lodge stated in his interview that he is not involved in the company. I have concluded that he did not have an interest that required to be registered as an Other Pecuniary Interest on his 2015 RoI.

#### Conclusion

9.21 My conclusion in relation to this matter is that in relation to disclosure of details of the employment/office of Councillor Lodge, technically he has breached the Code of Conduct in that he has failed to comply with the strict requirements to disclosure details in the correct part of his RoI. But this failure does not create any prejudice as full compliant details are included in Section 2. However, in relation to [REDACTED] as a "relevant person", he has breached the Code of Conduct in that he has failed to disclose the directorship in M&EIP of a relevant person.

#### **Interest in Land**

9.22 The 2012 Regulations include the following meaning of Land for the purposes of the Regulations:

"Land" excludes an easement, servitude, interest or right in or over and 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"

9.23 The question that needs to be addressed is whether the Loan Agreement/Legal Charge (provided by M&EIP to Company Y in relation to 22 Thaxted Road) amounted to an interest in Land which required disclosure. To determine this, it is necessary to consider the definition of "Land" as contained in the 2012 Regulations, this is set out in full above.

9.24 It is worth noting that the definition excludes certain interests in land, which do not carry with them a right for the relevant person (alone or jointly with another) to occupy the land or to receive income. Councillor Lodge has stated that the Loan/Legal Charge made by M&EIP does not contain any such rights. I have been provided with a draft loan agreement between M&EIP as Lender and Company Y as

borrower. The draft agreement is made between two companies, not individuals, it is an agreement to provide funds to secure option agreement/purchase 22 Thaxted Road, and it requires the loan, when made, is to be registered as a first legal charge against the property purchased, to secure the repayment of the loan. The draft does not disclose any rights granted to M&EIP to occupy the property nor does it disclose any rights for M&EIP to receive an income from the property. Councillor Lodge was asked to provide evidence of the completed Loan Agreement, this would confirm the final form of the document. He was unable to provide this, he did provide an email exchange between the COMPANY Y directors, and copied to John Lodge, indicated that he had raised two points (blanks) on the draft agreement and the response from Mrs B was that these blanks had been removed as they were redundant and a clean copy would be sent. Councillor Lodge states that he does not believe that the loan agreement was ever formally completed. However, the Legal Charge registered at Companies House does record a Loan Agreement dated 13<sup>th</sup> April 2018. In the circumstances I can only draw my conclusion on this point based on the terms of the draft loan agreement.

- 9.25 I have also considered whether a Loan provided by a company, as distinct from Councillor Lodge as an individual, would fall to be disclosed. On the evidence of searches of Companies House, the Loan/ Legal Charge relating to 22 Thaxted Road was provide by M&EIP to Company Y. The 2012 Regulations require a councillor to register any beneficial interest in land within the area. This regulation relates only to the beneficial interest in land of the councillor or relevant person.
- 9.26 The definition of what interest must be declared in relation to land differs from other DPs as defined in the Regulations, for example the requirements relating to the registration of DPs relating to Corporate tenancies includes:

*“a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director of\* or has a beneficial interest in the securities\* of.*

- 9.27 The definition of Securities includes reference to

*Any beneficial interest in securities of a body where.....*

- 9.28 The definition of Land does not extend to require a councillor to register a beneficial interest in land held by “a body”. Again, the LGA Guidance is helpful on this point. In relation to Land, the guidance states that:

*“In general, there is no requirement to list the land holdings of companies or corporate bodies included in the register. The only requirement is to register any tenancy between such bodies and the authority.”*

The guidance goes on to say:

*“You do need to be mindful of your level of control in the company and the effect this may have on your benefit from the land. For example, if you and your spouse jointly owned a farming business, you would be the sole beneficiaries of any land owned by that farm and as such it is strongly advised to register land held by companies in which you have a controlling interest”*

- 9.29 In this case, the Loan/Legal Charge was not provided by either Councillor Lodge nor a relevant person, it was provided by a company of which Councillor Lodge was (and is) a director. The company has a separate legal identity and based on the above guidance there is no requirement in law (although it is advisable) to register the land ownership of a company. A Legal Charge does not equate to ownership, it creates rights over the secured property without any transfer of title. The Chargee, in this case M&EIP has a right to have the property appropriated to meet the debt in the event of default on payment.

#### Conclusions

- 9.30 My conclusions in relation to whether Councillor Lodge failed to register the Loan Agreement/Legal Charge provided by M&EIP to Company Y in respect of 22 Thaxted Road and land at 22 Thaxted Road, is that the Loan Agreement/Legal Charge for the reasons set out above, was not a DPI, as such Councillor Lodge was under no obligation to register it. And as such I find that there is no breach of the Code of Conduct.

#### **Securities**

- 9.31 The meaning of Securities reads as follows:

*“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(2) and other securities of any description, other than money deposited with a building society”*

- 9.32 The relevant provision of the 2012 Regulations is:

*Any beneficial interest in securities of a body where –*

*That body (to the Councillors knowledge) has a place of business or land in the Council’s area; 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*

- 9.33 A search of the company records at Companies House confirms that M&EIP, had at the relevant time, a registered office in UDC. It also reveals that on 21<sup>st</sup> November 2018, it had an Ordinary Share Capital of 100 issued and fully paid up shares. The nominal value of each share being £1.00. It appears that the issued share capital was of one class of shares.

- 9.34 Councillor Lodge confirmed in his statement that the nominal value of the shares he holds is £26.00. This is confirmed in the documents of incorporation and in subsequent annual accounts.
- 9.35 Based on the above, Councillor Lodge's holding exceeded one hundredth of the total issued share capital of M&EIP, i.e., he held 26% of the shares in the Company.
- 9.36 In addition, Councillor Lodge's [REDACTED] held an equivalent share holding on incorporation. Companies House records show that there was a change in the shareholders during 2021 when [REDACTED] ceased to be a shareholder of M&EIP. It appears therefore that at the relevant time, [REDACTED] as a relevant person had a shareholding that exceeded one hundredth of the total issued share capital. The relevant company documents are included as Appendix 6.

### **Conclusion**

- 9.37 The Regulations require the disclosure on a members' Rol of shareholdings where the nominal value exceeds £25,000, or one hundredth of the issued share capital. Based on records filed at Companies House, Councillor Lodge, and [REDACTED] each held a shareholding that exceeded one hundredth of the total issued share capital in M&EIP in 2015, as noted above the shareholding of [REDACTED] ceased in 2021. These shareholdings were required to be disclosed as a DPI in respect of both Councillor Lodge and [REDACTED] as a relevant person on the 2015 Rol. They were not, the entry reads "None". The failure to record the shareholding in M&EIP amounts to a breach of the Code of Conduct. Details of the shareholdings at the relevant time are evidenced in Appendix 6.
- 10 Declaration of Interest at Meetings of the Planning Committee and Reasoning as to whether there have been failures to comply with the Code of Conduct**
- 10.1 Councillor Smith alleges that Councillor Lodge failed to declare an interest in several planning applications made to UDC. He considers that Councillor Lodge had an interest in the planning applications by virtue of the fact that they were made by or on behalf of Company Y, a company with which he was connected by virtue [REDACTED] being a director. Councillor Smith also alleges that at the Committee meetings that Councillor Lodge, declared a non-pecuniary interest, and that interest was insufficient. I have concluded above that Councillor Lodge did not have a DPI in relation to either Company Y, or the land held by Company Y by virtue of the Loan/Legal Charge
- 10.2 Set out below is a summary of the planning applications that are referred to in the complaint.

Planning Ref	Date Submitted	Delegated Decision	Committee Decision	Decision Date
UTT/18/1824/FUL	29/06/18	Refused		04/06/2019
UTT/18/2476/HHF	03/09/18	Approved		01/11/2018
UTT/18/3278/FUL	27/11/18		Withdrawn after 2 Committee meetings	
UTT/18/0842/FUL	08/04/19	Refused		04/06/2019
UTT/19/1389/FUL	10/06/19		Approved	23/08/2019

10.3 Councillor Lodge was a member of the Planning Committee until May 2019. As can be seen from the table above the first planning application that was referred to Planning Committee was UTT/18/3278/FUL. The previous two planning applications had been submitted and determined in accordance with the Officer Delegation procedure. As to whether this was the correct procedure, is not a matter for this investigation.

10.3 For completeness, applications UTT/18/0842/FUL and UTT/19/1389/FUL were considered by the Planning Committee after May 2019, by which time Councillor Lodge was no longer a member of the Planning Committee.

10.4 Paragraph 11 of the UDC Code sets out the requirements in relation to the declaration of members' interests. These provisions apply to all types of disclosable interests, i.e., disclosable pecuniary interests, personal interests, and personal and prejudicial interests. The requirements of the UDC Code are as follows:

*"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."*

10.5 This requirement has three limbs:

- i) Be present at the meeting,
- ii) Disclose that you have an interest and
- iii) Declare the specific nature of the interest.

10.6 Paragraph 14 of the Code sets out the requirements in relation to participation in relation to DPIs, (unless a councillor has a dispensation), it requires councillors to:

- *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*

10.7 Paragraph 15 deals with personal and prejudicial interest, it states (unless a councillor has a dispensation):

- *You may attend a meeting for the purposes 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*

10.8 The Code goes on to say at paragraph 16 that:

*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"*

10.9 As noted above two of the applications referred to in the complaint were determined pursuant to the Officer Delegation procedures. They were not, therefore considered at a meeting of the Council defined by the Code. Councillor Lodge was therefore not required to make a declaration in respect of these specific applications.

10.10 In addition, two applications, were considered and determined by Committee after May 2019, by which time Councillor Lodge was not a member of the Planning Committee, he was therefore not required to make a declaration in respect of these applications.

10.11 I have reviewed the approved minutes of the Committee meetings of 20th February 2019 and 13th March 2019. I have also listened to the recordings of these meetings. The recordings are attached as a link as part of the Committee agenda and minutes.

10.12 In relation to the approved minutes of the meeting on 20<sup>th</sup> February, they do not record any declaration made by Councillor Lodge under the item "Apologies for Absence and Declarations of Interest". They do however record that after the vote was taken in relation to application UTT/18/28899/FUL, agenda item 5, Councillors Freeman, Lodge and Fairhurst left the room. This was immediately prior to the commencement of agenda item 6, UTT/18/3287/FUL R/O 22 Thaxted Road. They

also show that Councillors Freeman, Lodge and Fairhurst returned to the room after the vote was taken on this item.

- 10.14 It is concerning to note that the recording of this meeting actually records that Councillor Lodge did make a verbal declaration at this meeting (though this does not feature on the minutes). The declaration was acknowledged and noted by the Chair, and he appeared to bring it to the attention of officers. The declaration made by Councillor Lodge was as follows:

*'item 6 I will recuse myself as the application is by [REDACTED] a fellow councillor'.*

- 10.15 In relation to the approved minutes of the meeting of 13th March, the minutes record that Councillors Freeman, Fairhurst and Lodge declared a non-pecuniary interest in item 3 as the applicant is a personal friend. They also show that the Councillors left the room for the duration of this item.
- 10.16 Listening to the recording of the meeting, it is not possible to decipher whether Councillor Lodge, Freeman or Fairhurst made such a declaration. It is clear none of the councillors made any declaration when the Chair called for apologies and declarations at the beginning of the meeting. The Chair took all declarations and then moved to agenda item 3, UTT/18/3287/FUL R/O 22 Thaxted Road. It is however clear that as the officer commenced his introduction to the item, some councillors did speak and at that point the Chair interrupted and stopped the officer continuing. It is possible to hear a councillor, who I believe to be Cllr Lodge say something. It is my view having listened to the recording that Councillor Lodge said that he had an interest. The Chair clearly noted what was said, as he said: *"so you are recusing yourself OK..."*
- 10.17 From my analysis of the minutes and the recordings of the meetings, it is evident that Councillor Lodge withdrew from each meeting. He did not participate in the debate or vote on the planning application relating to 22 Thaxted Road on either occasion. In essence, he complied with the requirements relevant to a DPI (see paragraph 10.7 and 10.8 above).
- 10.18 He did not however, in common with the majority of other councillors at these meetings, including the Chair, comply with the specific requirement to disclose the nature and extent of the interest he was declaring.
- 10.19 As noted at paragraphs 8.5.4- 8.5.5 above, Councillor Lodge has explained his reasoning behind the declaration of a non-pecuniary interest in the planning application. In summary, he says that he applied the same logic to this application as he had to an application made by a member of the R4U group, and in accordance with the advice that he had previously been given by a Monitoring Officer of UDC he withdrew and did not participate in the item. He also explained how he concluded that the interest did not amount to a personal and prejudicial interest. In summary when considering whether he had an personal and prejudicial interest by virtue of [REDACTED] involvement in Company Y, he says in his statement that he considered

whether she was a related person, he referred to the definition of a related person at Appendix B.4 of the Code, and noted that a related person was a member of your family, but as there was no definition of “family”, he applied the definition of a “relevant person” and [REDACTED] did not fall within the definition of a relevant person.

- 10.20 In relation to personal interests, the Code set out very clearly what a councillor is required to consider. At Appendix B2 it defines a personal interest as

*“....you will have a personal interest in an item of council business in these circumstances:*

*B.2 A decision in relation to that business might reasonably be regarded as affecting your financial position or well-being or that of a related person to a greater extent than the majority of other council taxpayers, ratepayers or inhabitants of the ward affected on the decision”*

- 10.21 At B.4 of Appendix B a definition of “related persons” is given that is applicable to determining whether a councillor has a personal interest. It includes the following:

*“a member of your family or any person with whom you have a close business or personal association”.*

- 10.22 It is worth noting at this point that the UDC Code does not refer to, or include a definition of a non-pecuniary interests. It refers to personal, and personal and prejudicial interests. Personal interests are defined as:

*“Personal interests or interests you have in business considered by the council that do not fall within the definition of a disclosable pecuniary interest but which should be declared in the interests of transparency.”*

- 10.23 To all intents and purposes, Councillor Lodge declared a personal interest. As a starting point this is correct. However, it is my conclusion that the personal interest arose not only because of the applicant being [REDACTED] of a fellow councillor, but by virtue of [REDACTED] involvement in the company which was to benefit from the planning application.

- 10.24 Councillor Lodge’s explanation of why he concluded the interest was not a personal and prejudicial interest in the application is at odds with the requirements of the Code. Paragraph 10 advises members to consider whether a personal interest is a prejudicial interest and informs members that they should apply the following test:

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

10.25 The explanation as to why Councillor Lodge did not consider the interest was personal and prejudicial, is not, in my view, a rational or reasonable explanation. To suggest that [REDACTED] is not a member of your family is illogical. Applying the test to the facts in this case, it is my opinion that a member of the public knowing the facts, could indeed reach the conclusion that Councillor Lodge's judgement could be prejudiced because of his personal interest. Councillor Lodge accepted this in his interview. As such I have concluded that he had a personal and prejudicial interest in the application UTT/18/3278/FUL. The reasoning for this conclusion is that Councillor Lodge was aware that 22 Thaxted Road and land to the rear was being acquired by Company Y for development and he was fully aware of [REDACTED] involvement with the company, and a company of which he was a director had entered into an agreement to loan funds to Company Y to enable it to purchase the property. In his statement Councillor Lodge said:

*"In relation to the committee, I withdrew from the meeting and did not participate in the item A member of the public would conclude that as I had no influence whatsoever in the discussion or outcome of the planning application, they would see that I had always acted properly and morally"*

## Conclusions

- 10.26 It is my conclusion based on the facts that Councillor Lodge had a personal and prejudicial interest in the application UTT/18/3278/FUL when it was reported to the Planning Committee meetings in February and March 2019.
- 10.27 He declared a non-pecuniary interest. The term, although undefined in the UDC Code, is commonly used by councillors of UDC when making declarations.
- 10.28 Councillor Lodge did not participate in the debate or votes relating to the planning application on either occasion. As noted above his actions were compliant with the requirements for the declaration of a personal and prejudicial interests.
- 10.29 In accordance with the UDC Code, had Councillor Lodge declared a personal and prejudicial interest, the UDC Code would have permitted Councillor Lodge to attend the meeting for the purpose of making a representation, after which he would have had to withdraw from the meeting for the remainder of the item. He did not do that; he withdrew prior to the commencement of the item.
- 10.30 Having reached the conclusion that Councillor Lodge had a personal and prejudicial interest in the applications, it is necessary to consider whether, in the light of his actions, this failure amounts to a breach of the UDC Code of Conduct.
- 10.31 On a strict reading of the Code, the failure to specify the nature of the interest does amount to a breach of the Code. However, the actions he took were consistent with the requirements of the Code.

10.32 My overall conclusion in relation to the declaration of interests at meetings is that Councillor Lodge's declarations at the meetings amount to a failure to comply with the UDC Code because he did not declare the correct nature of the interest in the matter. Had he declared a personal and prejudicial interest the ultimate outcome of that declaration would have been the same as the actions he took; that is, he would have been required to leave the room and not participate in the debate or vote relating to the application at either Committee meeting. The end result was therefore the same, Councillor Lodge left the room and did not influence the debate or voting. But it is clear that he did not comply with the requirements of the code as relating to the declaration of the nature of any interests in the matter.

## 11 Comments on Draft Report

- 11.1 In accordance with the UDC Procedure, the complainant and the Subject Member (Councillor Smith and Councillor Lodge respectively, were given an opportunity to comment on the draft report.
- 11.2 Councillor Smith noted an incorrect date in para 1.1, this has been corrected.
- 11.3 Councillor Lodge replied that he was seeking legal advice. A short extension of time was given, Councillor Lodge responded by stating that he would await legal advice but gave no indication as to when he would respond.
- 11.4 Councillor Lodge was made aware of the revised deadline for the submission of comments. None had been received by the deadline. UDC was advised that the extended deadline for the submission of comments had expired without the receipt of comments from Councillor Lodge, they requested that the report be finalised and submitted to the Deputy Monitoring Officer.
- 11.4 The final report has been anonymised, named individuals/company names are limited to the complainant, member complained about, or who are, by virtue of the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 a relevant person.

## 12 Findings

- 12.1 In relation to Disclosable Pecuniary Interests, as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. (DPIs) I have made the following findings.
- i) That Councillor Lodge **DID BREACH** the requirement of the Code of Conduct to disclose details of his Employment /office in his 2015 Register of Interest and those of [REDACTED] as a relevant person. However, Councillor Lodge did disclose of his employment/office details in Section 2 of his Register under the heading "Other Pecuniary Interests"
  - ii) That Councillor Lodge **DID NOT BREACH** the requirement to register details of the Loan Agreement /Legal Charge provided by Manchester and Edinburgh

Investment Property Company Ltd to Company Y as the Loan Agreement /Legal Charge does not amount to a beneficial interest in land as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as such it was not a disclosable pecuniary interest that required to be registered.

- ii) That Councillor Lodge **DID BREACH** the requirements to register details of his shareholdings in M&EIP which exceeded one hundredth of the total issued share capital and those [REDACTED] as a relevant person.

12.2 In relation to the declaration of interests made by Councillor Lodge at the Planning Committee meetings of 20<sup>th</sup> February and 13<sup>th</sup> March, I have made the following findings:

- i) That Councillor Lodge **DID BREACH** the requirements of the Code of Conduct by failing to declare a Personal and Prejudicial Interest in Planning Application UTT/18/3278/FUL. However, Councillor Lodge removed himself from each meeting and did not participate in the debate or vote on taken in respect of the application.

Date 24<sup>th</sup> February 2023

*Gill Sinclair*

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# Internal Audit

## Terms of Reference

### Internal Audit Plan 2023-24 (Ref XC23\_8)

### Standards Complaints

April 2023

#### Introduction and Ownership

The purpose of this Terms of Reference is to set out a risk evaluation and work programme for the review of Standards and Compliant Policy which is an addition to the Audit Plan 2023/24. The plan was developed following an assessment of the main risks facing the Council as documented in our Internal Audit risk assessment.

Chief Executive Officer – Peter Holt will take ownership of this review and will be responsible for agreeing the Terms of Reference. Norman Coombe will also be consulted.

#### Background

The Council is required to appoint a Monitoring Officer under section 5 of the Local Governance and Housing Act 1989 who is responsible for reporting matters they believe to be illegal or amount to maladministration, to be responsible for matter relating to the conduct of Councillors and Officers and, to be responsible for the operation of the councils Constitution.

The Chief Executive does not have a specified role in the handling of any individual Standards complaint, though he does properly keep a loose oversight on the progress of complaints generally, so that he can understand any broader implications for relations with Parish and District Councillors, and around any knock-on impacts from the issues being considered in relation to organisational effectiveness and efficiency, particularly any lessons that need to be learned and applied more broadly outside of the specifics of any individual complaint. The Chief Executive has commissioned an independent Audit based on both his personal observations in this general oversight role, and as a result of a particular complaint made directly to him regarding the handling of a Code of Conduct investigation.

## Audit objective

- To ensure that complaints are processed effectively and within timescale and are assessed appropriately taking into consideration the seriousness of the complaint. (Refer to Code of Conduct Procedure).
- To ensure that complaints are processed objectively and follow the principles of natural justice; the duty to give someone a fair hearing; the duty to ensure that the matter is decided by someone who is impartial; and the duty to allow an appeal against a decision.
- To ensure systems are in place to strike an appropriate balance between the proper objectivity of a tightly focused specific investigation and the broader interests of the organisation in promptly learning and applying broader lessons to general practice.
- To ensure that a full Audit trail is in place for all complaints from receipt to conclusion.

## Audit scope

This audit will review:

- To review how well complaints are triaged before being progressed as appropriate and proportionate e.g. considering prima facie evidence presented by the complainant at an early stage to indicate that a breach has potentially occurred.
- To review the established criteria for requesting a full independent investigation.
- To review how well the principles of natural justice are applied at all stages.
- To review how long complaints take and how much they cost, proportionate to their seriousness, and in light of any disproportionate unintended consequences arising from the process itself
- To review the current Considering a Compliant under the Code of Conduct Procedure. (dated 2017)
- Use at least three current/recent complaints as recommended by the Chief Executive (alongside any others that the Internal Audit team selects for itself) as test cases to review the process from receipt to conclusion.

The audit will focus on key controls in place to mitigate the following potential risks:

Risk ref	Risk	Risk identified and recorded in the relevant risk register
	<b>Governance</b> If the council does not have a clear and robust governance framework, then this could lead to ineffective and potentially unlawful decision-making, resulting in financial and reputational loss, maladministration and potential legal challenge.	CR_07

## Audit Approach

The review will be carried out using a risk-based approach. Internal Audit will:

- Obtain an understanding of the existing process through discussions with key personnel, review of systems documentation and by undertaking walkthrough tests;
- Evaluate the design of the controls in place to address the key risks;
- Test the operating effectiveness of the key controls by review and sample testing of documentation.

Action	Date
Agreement of terms of reference	25/4/2023
Fieldwork start	25/4/2023
Fieldwork complete	
Draft report to client	
Response by client	
Final report	

## Contacts

### Internal Audit

**Debbie Deeks** – Audit Manager

### Council Contacts

**Peter Holt** - Chief Executive

**Norman Coombe** – Interim Assistant Director, Deputy Monitoring Officer

**Richard Auty** – Assistant Director, Monitoring Officer

# Agenda Item 19

**Committee:** Annual Council

**Date:** Tuesday, 23  
May 2023

**Title:** Amendment to Pay Policy

**Report Author:** Peter Holt, Chief Executive

[pholt@uttlesford.gov.uk](mailto:pholt@uttlesford.gov.uk)

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## Summary

1. This report proposes a minor in-year amendment to the Pay Policy, so as to provide for a supplementary payment for any Statutory Officers [Head of Paid Service, Section 151 Officer or Monitoring Officer] or Deputy Statutory Officers [ie deputies to those three posts] whose substantive grade is below grade 13 [Assistant Director]. This is to allow for greater flexibility in seeking to attract to these hard to recruit functions and associated roles.

## Recommendations

2. To introduce a Statutory Officers Allowance of £10,000 per annum, to be paid only to Statutory Officers on Grades 12 and below. This allowance will be subject to the normal deductions such as Tax, NI and Pension and will be paid on a monthly basis. Statutory Officers on grades 13 to 15 will not be entitled to this allowance as these duties are already included in the grade and salary of the post.
3. To introduce a Deputy Statutory Officers Allowance of £3,000 per annum, to be paid only to Deputy Statutory Officers on Grades 12 and below. This allowance will be subject to the normal deductions such as Tax, NI and Pension and will be paid on a monthly basis. Deputy Statutory Officers on grades 13 to 15 will not be entitled to this allowance as these duties are already included in the grade and salary of the post.

## Financial Implications

4. There are no current postholders of any of these Statutory Officer or Deputy Statutory Officer roles who are below grade 13, so there will be no additional pay earned by any existing staff, and therefore no additional costs in that regard. The Authority is likely to save money by not having to pay more costly interim staff to fill outstanding hard to recruit and retain roles by paying this supplement, and therefore hopefully attracting permanent candidates.

## Background Papers

5. 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.

Appendix A – business case for this change

Appendix B – revised Pay Policy, including these proposed changes.

## Impact

6.

Communication/Consultation	Nil
Community Safety	Nil
Equalities	Nil
Health and Safety	Nil
Human Rights/Legal Implications	These roles are required by law, and where vacant, must therefore be filled. This amendment to the Pay Policy is designed to more successfully recruit and retain to these statutory roles, and thus provide greater continuity for the authority.
Sustainability	Nil
Ward-specific impacts	All wards
Workforce/Workplace	This amendment to the Pay Policy is designed to more successfully recruit and retain to these statutory roles, and thus provide a more settled workforce.

## Situation

7. The Council has in recent times found it difficult to recruit and retain lawyers. At present, the Council has vacancies in its top two legal posts – Assistant Director, Governance and Legal [Monitoring Officer] – Grade 13, and also Legal Services Manager [Deputy Monitoring Officer] – Grade 12. The authority's experience in seeking to recruit to these posts has shown it a flat market. Without filling either of these two top legal posts, it is substantially harder to recruit to and retain other lawyers.
8. The Council has recently appointed the Assistant Director, Corporate Services, to the role of Monitoring Officer, and the interim Legal Services Manager (who is legally qualified) as Deputy Monitoring Officer. Although neither the role of Monitoring Officer nor Deputy Monitoring Officer has to be a legally qualified person, there is a general consensus amongst Councillors that it would be better to have a lawyer in the Monitoring Officer role in due course, post recruitment to the substantive vacancies.
9. As illustrated in the Business Case for this change (appendix A), the best professional assessment of the market for local government lawyers is that the authority is not well placed to recruit and retain a qualified lawyer to also be able to serve as Monitoring Officer.

10. As such, these supplementary allowances are proposed for any of the three Statutory Officers or their Deputies who are in jobs at lower than Grade 13 (Assistant Director).

11. The additional sections in the Pay Policy to facilitate this change are shown in section 14.2 on pages 8 and 9 of appendix B.

## Risk Analysis

12.

Risk	Likelihood	Impact	Mitigating actions
That the authority will fail to recruit and retain lawyers, and in particular, a Monitoring Officer.	3 - significant	3 - significant	This amendment to the Pay Policy

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.

## **Business Case to create an allowance for Statutory Officers and Deputy Statutory Officers**

### **Background Information**

It is widely acknowledged that there is a shortage of qualified Lawyers working in the public sector which is posing many challenges with the recruitment and retention of not only permanent Lawyers but also of temporary Lawyers via employment agencies. The demand for such workers is high and we are finding that we cannot compete with the salaries that the private sector and larger Local Authorities are offering.

These are key roles that provide access to high quality, cost effective legal advice to officers and members. The most senior legal adviser would also normally carry out the Statutory Officer role of Monitoring Officer.

We have tried on 3 occasions to recruit to a qualified Lawyer role to fill our vacant post of Legal Services Manager (Deputy Monitoring Officer), but have failed, despite increasing the salary from a Grade 11 to Grade 12 as follows:

1. September 2021 – Grade 11 – £49,051 to £53,215 – no applicants
2. July 2022 – Grade 12 – £54,930 to £58,226 – no suitable applicants
3. December 2022 – Grade 12 – £56,855 to £60,151 – 1 applicant – we offered the position to the candidate on the maximum salary but they declined our offer due to their current employer increasing their salary to approx £70,000 to retain them.

This post has been covered by 2 separate agency workers but is now vacant due to the agency worker stepping up into the Asst Director role following the resignation of the permanent postholder in February 2023.

We have also been unsuccessful on 3 occasions to recruit to our 2 new Planning Lawyers which we created last year on a permanent basis. These have been covered by agency workers albeit we have had to replace these agency workers due to turnover.

As well as receiving the resignation of the Assistant Director in February we also saw one of our two permanent lawyers leave who was enticed away to the private sector with the offer of a far higher salary that we couldn't compete with.

The table below summarises our current staffing situation for our qualified Lawyer roles:

Post	Salary	Status	Comments
Asst Director – Governance & Legal (Monitoring Officer) <b>Grade 13</b>	£74,432 to £77,729	Vacant – being covered by an Agency worker	Monitoring Officer duties being covered by another Asst Director
Legal Services Manager (Deputy Monitoring Officer) <b>Grade 12</b>	£56,855 to £60,151	Vacant	Deputy Monitoring Officer duties being covered by Agency worker in the above AD post
3.6 FTE Lawyers  <b>Grade 9 – 2.6 FTE</b> <b>Grade 10 – 1 FTE</b>	£42,503 to £45,495  £46,549 to £49,590	0.6 FTE is a permanent employee 3 posts are vacant and are being covered by Agency workers	Some legal work has been outsourced on a temporary arrangement

**Other consideration/issues:**

1. We have council wide budget saving targets that need to be considered.
2. In total we have three Statutory Officers (Head of Paid Service, Section 151 Officer and the Monitoring Officer) and two Deputy Statutory Officers (Deputy 151 Officer & Deputy Monitoring Officer)
3. Our previous Deputy 151 officer left us last year due to an offer of a higher salary with a larger Local Authority.
4. Covering vacant posts with agency workers is far more expensive than employing permanent employees and is not sustainable in the long term.
5. Permanent employees provide continuity and stability.

**Recommendations**

- a) To introduce a Statutory Officers Allowance of £10,000 per annum, to be paid only to Statutory Officers on Grades 12 and below. This allowance will be subject to the normal deductions such as Tax, NI and Pension and will be paid on a monthly basis. Statutory Officers on grades 13 to 15 will not be entitled to this allowance as these duties are already included in the grade and salary of the post.
- b) To introduce a Deputy Statutory Officers Allowance of £3,000 per annum, to be paid only to Deputy Statutory Officers on Grades 12 and below. This allowance will be subject to the normal deductions such as Tax, NI and Pension and will be paid on a monthly basis. Deputy Statutory Officers on grades 13 to 15 will not be entitled to this allowance as these duties are already included in the grade and salary of the post.
- c) To delete the roles of Assistant Director Governance & Legal (Monitoring Officer) - Grade 13 and the Legal Services Manager (Deputy Monitoring Officer) - Grade 12 and create the role of Head of Legal (Monitoring Officer) on Grade 12 plus the new £10,000pa Statutory Officers Allowance.
- d) The Deputy Monitoring Officer responsibilities will be allocated to a suitable alternative role.
- e) Other services that the Assistant Director Governance & Legal was responsible for will be distributed to other Assistant Directors across the organisation.

**Conclusions**

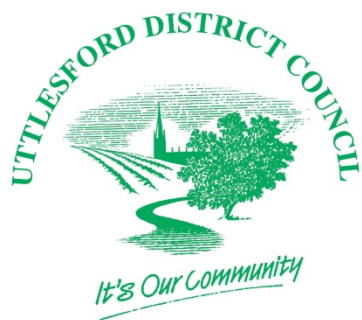
Under these recommendations, only the new post of Head of Legal would attract a new allowance. All other Statutory and Deputy Statutory Officers are currently on Grades 13 to 15 and would not be entitled to either of the allowances.

Adding the allowance of £10,000 to the Head of Legal post will put us in a better position to attract a suitably qualified Lawyer to Head up our Legal Service and undertake the Statutory Officer role of Monitoring Officer.

By distributing the remaining services to other Assistant Directors (point 'e' above) will enable the newly appointed Head of Legal to have more focussed time on building a highly professional and cost-effective legal service and to undertake the Monitoring Officer duties.

These recommendations will also achieve budget savings in the region of £90,000 at the senior level of the organisation.

Having these allowances will also allow us to compete in the job market in the future when current Statutory/Deputy Statutory Officers leave and/or the need arises to reallocate these responsibilities to other roles across the organisation.



# Pay Policy Statement 2023/24

Published  
April 2023

# Contents

<b>Section</b>	<b>Description</b>	<b>Page</b>
1	Background	3
2	Introduction	3
3	Terms & Conditions of Employment	4
4	Remuneration arrangements of Chief Officers	4
5	Remuneration of employees who are not Chief Officers	5
6	Pay Multiple	5
7	Increments in Pay	6
8	Annual Cost of Living Award	6
9	Living Wage	6
10	Average Salaries	7
11	Salary Ranges	7
12	Pay Protection	7
13	Job Evaluation	8
14	Additional Payments	8
15	Career Progression Scheme	11
16	Pensions	11
17	Severance Payments	12
18	Gender Pay Gap	12
19	More Information and Help	14

## **1. Background**

### **Localism Act 2011 – Openness and accountability in local pay**

- 1.1. Section 38(1) of the Localism Act requires local authorities to produce an annual pay policy statement.
- 1.2. The provisions in the Act do not seek to change the right of each local authority to have autonomy on pay decisions, however, it emphasises the need to deliver value for money for local taxpayers.
- 1.3. This statement has been approved by Full Council on 21 February 2023 with an update approved 23 May 2023. Any proposed changes during the year will be brought back to Full Council for decision at the earliest opportunity, except where Full Council has already granted delegated authority.
- 1.4. This statement applies to all Council employees (except Apprenticeships and other national trainee schemes which are subject to the relevant national pay schemes).

### **Local Government Transparency Code 2015**

- 1.5. The Council follows the transparency requirements on remuneration as set out in the Local Government Transparency Code 2015 (“the Code”), published by the Department for Communities and Local Government in February 2015, and the Local Transparency Guidance issued on 30 November 2015 by the Local Government Association.
- 1.6. Part of the Code includes publishing information relating to senior salaries within a local authority. A full list of all posts that are paid £50,000 or more per year that fall within the scope of the Accounts and Audit Regulations 2015 is published on the Council’s website [here](#).

## **2. Introduction**

- 2.1. The Council recognises that to attract, retain and motivate quality employees, fair and equitable pay and reward processes need to be adopted and managed. These processes should be based on the current and future requirements of the organisation. They should also recognise that changes in both employee expectations and motivational needs, along with influential external factors such as labour market conditions, need to be continually considered and managed through these policies.
- 2.2. Robust pay and reward processes provide clarification and understanding of what contributions and responsibilities are required of employees at all levels

and how their input is recognised and rewarded. It also supports the identification of the required values, behaviours and performance levels of the organisation in order for it to meet its key corporate and operational goals.

- 2.3. All of the policies referred to in this document have been formulated in accordance with local and national pay and reward standards and guidance.
- 2.4. Employees will only be paid in accordance with the conditions outlined in this document.

### **3. Terms and Conditions of Employment**

- 3.1. For all roles, the terms and conditions of employment are in accordance with the following collective agreements/policies:

- the National Joint Council for Local Government Services, set out in the Scheme of Conditions of Service (commonly known as the Green Book), as adopted by or on behalf of the Council
- the East of England Regional Council for Local Government Employees Regional Agreements, as adopted by or on behalf of the Council
- local collective agreements reached with trade unions recognised by the Council and
- the policies of the Council.

In addition, the Council may from time to time adopt procedures which affects the terms and conditions of service. Local Agreements or those adopted by the Council will prevail over those agreed nationally or regionally.

### **4. Remuneration arrangements of Chief Officers**

- 4.1. For the purpose of this policy only, the term 'Chief Officer' is defined as:
  - Any member of the Corporate Management Team (CMT)
  - Any senior role on the pay grades 12 to 15
- 4.2. Roles that are evaluated on Grades 12 to 15 have an independent salary grade scheme applied to them which is determined locally.

- 4.3. The salary grades for Chief Officers from April 2023 are outlined in the table below:

Role	Grade	Minimum Annual Salary	Maximum Annual Salary
Chief Executive	15	£120,574	£126,066
Directors	14	£96,404	£99,700
Assistant Directors	13	£74,432	£77,729
Senior Managers	12	£56,855	£60,151

*NOTE: At the time of publishing this statement the NJC annual cost of living increase for 2023/24 had not yet been agreed.*

- 4.4. Appointments of the Chief Executive and the Statutory Officers are approved by Full Council.

## **5. Remuneration arrangements of employees who are not Chief Officers**

- 5.1. The Council adopts the recognised National Joint Council (NJC) salary grades (grades 3 to 11) for all other employees as detailed in the 'Green Book' ([see here](#)). These are developed through negotiations with Local Government employers and trade unions and are updated and applied in line with national circumstances. Each salary grade has incremental rises called Spinal Column Points (SCP).

## **6. Pay Multiple**

- 6.1. The 'pay multiple' is the ratio between the highest paid taxable earnings and the median earnings figure of the whole of the Council's workforce. The Council's highest paid employee is the Chief Executive and the current pay multiple is shown in the table below.
- 6.2. Earnings for the purpose of calculating the 'pay multiple' are defined covering all elements of remuneration that can be valued (e.g. all taxable earnings for 2022/23 including base salary, variable pay, bonuses, allowances and the cash value of any benefits in kind). The calculation of earnings excludes the cash value of pension provision.
- 6.3. The Council defines its lowest paid employees as those staff members whose role is evaluated at Grade 3 on the NJC salary grades. The reason for this definition is that this is the lowest grade in the Council. This excludes trainees and apprentices. The authority offers opportunities for apprenticeships and other national schemes such as school work experience placements. Apprenticeships have their own national pay scheme and are therefore outside of this policy.

Description	2022/2023 (FTE)
Highest Paid	£124,944
Median	£33,545
Lowest	£22,369
Highest to median ratio	3.7:1
Highest to lowest ratio	5.6:1

The salary for the highest paid employee (Chief Executive) includes an allowance paid for Returning Officer duties as outlined in paragraph 14.1

## **7. Increments in Pay**

- 7.1. For all roles, increments in pay normally occur on an annual basis, subject to satisfactory performance demonstrated through the council's UPerform appraisal scheme. The increment reflects a move to the next level SCP within a grade. Once a role has reached the highest SCP within a grade there will be no further incremental pay awards.
- 7.2. It is expected that new recruits will commence their employment on the minimum point of the grade, except in exceptional circumstances.

## **8. Annual cost of living award**

- 8.1. For all roles, an annual 'cost of living' salary increase is applied in accordance with the National Joint Council (NJC). At the time of publishing this statement the NJC annual cost of living increase for 2023/24 had not yet been agreed

## **9. Living Wage**

- 9.1. The Living Wage is an hourly rate set independently, updated annually and is calculated according to the basic cost of living using the "Minimum Income Standard" for the UK.
- 9.2. In January 2015, The Living Wage Foundation accredited the Council as a Living Wage Employer.
- 9.3. The Living Wage commitment will see that everyone working at the Council, regardless of whether they are permanent employees or third-party contractors and suppliers; receive a minimum hourly wage of at least the Living Wage. The minimum hourly rate that we pay our employees is £11.59 which is significantly higher than the National Living Wage of £10.42per hour and the Real Living Wage of £10.90 per hour.

## **10. Average Salaries**

- 10.1. Based on staffing levels at the time of issuing this policy the approximate mean average salary for non-Chief Officer employees is £32,873 and the median salary is £31,099.
- 10.2. The minimum salary of our employees is £22,369 FTE, Grade 3.
- 10.3. Based on staffing levels at the time of issuing this policy the mean average salary for Chief Officers is £76,081 and the median is £77,180.
- 10.4. At the time of publishing this statement the NJC annual cost of living increase for 2023/24 had not yet been agreed.

## **11. Salary Ranges**

- 11.1. It is the council's policy that the salary range for the role of Chief Executive will normally be no greater than seven times the average salary of a Grade 3 'Green Book' employee.
- 11.2. It is the council's policy that the salary range for the role of Director will normally be no greater than five times the average salary of a Grade 3 'Green Book' employee.
- 11.3. It is the council's policy that the salary range for the role of Assistant Director will normally be no greater than four times the average salary of a Grade 3 'Green Book' employee.
- 11.4. All annual salaries are paid pro rata to part time working officers based on the number of hours they are contracted to work.

## **12. Pay Protection**

- 12.1. The Council operates a pay protection policy which provides a mechanism to assist employees to adjust to a reduction in pay arising from organisational change, job evaluation or redeployment. Pay protection will apply to permanent employees from the effective date of the change of grade for a period of two years as follows:
  - Where the alternative suitable employment within the Council is at a lower grade, pay protection will be up to a maximum of one grade only from the highest SCP of that lower graded post regardless of the

employee's grade in their previous role for the first year following redeployment

- Pay protection for the second year will reduce to 50% of the amount paid in the first year.

### **13. Job Evaluation**

- 13.1. The salary grades and therefore the remuneration levels of employees are determined by the use of a job evaluation scheme. Job evaluation is a systematic process used to determine the relative worth of jobs within the organisation. It creates a rank order from the smallest to the largest job and ensures that consistent decisions in grades and rates of pay are made.
- 13.2. A job will be evaluated when a new role is created or a current post has significantly changed.
- 13.3. The Council uses two job evaluation schemes dependent on the expected outcome of the role being evaluated as follows:

Expected Grade outcome	Job Evaluation Scheme
Grade 3 to Grade 12	The Council's agreed Scheme
Grade 13 and above	The Hay Scheme

### **14. Additional Payments**

#### **14.1. Fees for Election Duties**

- 14.1.1. The Council has a duty to appoint a Returning Officer for all elections that it runs. For District and Parish elections, the Returning Officer fee is met by the District Council. This fee, and the fees of all other people employed by the Returning Officer, is paid in accordance with the Council's agreed scale of fees and expenses for elections. For County Council elections the Returning Officer fee is met by Essex County Council. For national elections/referendums the fees are paid in accordance with the appropriate Statutory Fees and Charges order.

#### **14.2. Statutory/Deputy Statutory Officer Allowances**

- 14.2.1. The Authority pays a Statutory Officer's Allowance of £10,000 per annum to officers on Grades up to and including Grade 12 who undertake Statutory Officer duties. Statutory Officers on Grades 13 to 15 are not entitled to this

allowance. For this purpose, the Statutory Officers are the Head of Paid Service (Chief Executive), the Monitoring Officer and the Section 151 Officer.

- 14.2.2. The Authority pays a Deputy Statutory Officer's Allowance of £3,000 per annum to officers on Grades up to and including Grade 12 who undertake Deputy Statutory Officer duties. Deputy Statutory Officers on Grades 13 to 15 are not entitled to this allowance. For this purpose, the Deputy Statutory Officers are the Deputy Monitoring Officer and the Deputy Section 151 Officer.

### **14.3. Acting-up Payments**

- 14.3.1. Acting up payments are awarded where employees temporarily undertake duties at a higher grade. Payment is usually made where an employee is covering over 20% of the duties of the higher-grade post. The amount payable is calculated by assessing the percentage of the higher-level post covered and the difference between the employee's current salary and the minimum of the grade of the post covered.

### **14.4. Secondments**

- 14.4.1. The authority provides the opportunity for employees to undertake roles on a secondment basis. In most cases the secondee will be paid at the same level as their substantive post however, where the secondment post is of a higher pay band than their current role, a higher salary may be applied for the secondment period. This salary will be agreed by all relevant managers and HR representatives.

### **14.5. Essential User Car Allowance and Mileage Rates**

- 14.5.1. The authority pays an Essential User Car Allowance to roles that meet the specified criteria. Where officers require the use of a vehicle to complete their day-to-day responsibilities, business mileage can be claimed. Essential user car allowance is only available to those qualifying people on salary grades up to and including Grade 11.
- 14.5.2. Any such allowances and mileage payments are calculated and applied in accordance with the HM Revenue and Customs rates.

### **14.6. Excess Travel Allowance**

- 14.6.1. Additional travelling expenses can be claimed by employees when their work base is changed by circumstances beyond their control or they are

transferred to a new work base. The Officer is paid an allowance equal to the difference between the cost of travelling from their home to their new work place and from their home to their original workplace. The allowance is paid for a maximum period of three years from the date of transfer and is agreed within the scope of the 'Green Book' conditions.

#### **14.7. Meeting Allowances**

- 14.7.1. Officers graded at 'Green Book' Grade 7 to Grade 12 can claim an allowance for attendance at evening and out of hours meetings relating to council business.

#### **14.8. Overtime, Standby and Recall, and Emergency Response Payments**

- 14.8.1. Officers on SCP 27 and below may be entitled to overtime payments if they work beyond their normal contracted hours and have the agreement of their line manager. They will be paid at time and a half, Monday to Saturday, and double time on Sundays at their hourly rate of pay, capped at SCP 27. Overtime worked on Public and Extra Statutory holidays will in addition to their normal pay for that day, be paid at plain time at their hourly rate of pay, capped at SCP 27 plus time off in lieu. Chief Officers have the discretion to authorise overtime payments above SCP 27 should they consider it appropriate.
- 14.8.2. Standby and Recall to Work payments apply if officers, in respect of their contracted duties, are required to be on a call out rota or list, or respond to calls outside of normal working hours. Eligibility for standby and recall to work payments will be confirmed in the terms and conditions of the officer's contract of employment and details are set out [here](#).
- 14.8.3. Officers who respond to a civil emergency either in the district or through mutual aid arrangements with other local authorities, are eligible for payment in line with the Council's overtime arrangements.

#### **14.9. Market Supplements**

- 14.9.1. The authority does not normally apply market supplement payments to any role. If however, the employment market dictates the need to apply a supplement to a particular role; this will be applied in accordance with a business case approved by the Chief Executive and Section 151 Officer in conjunction with the HR Manager.

#### **14.10. Long Service Awards**

- 14.10.1. The authority acknowledges the importance of employees who are committed to their work and wishes to reward the loyalty of those who have Long Service with the Council. Long Service Awards are given upon the successful completion of 20, 30 and 40 continuous service at the Council or one of its predecessor authorities as follows:

Completed Years' Service	Reward
20	£250 of vouchers
30	£500 of vouchers
40	£750 of vouchers

#### **14.11. Childcare Vouchers**

- 14.12. The Government launched a scheme designed to assist employees with their childcare costs in 2018. The Council will continue to offer the Childcare Voucher scheme to existing users who entered the scheme on or before 4 October 2018 for as long as there is a demand and taxation advantage to offering it.

#### **14.13. Vine Extras**

- 14.14. From April 2016 the authority has subscribed to Vine Extras. This is a reward gateway to a large number of retailers where employees can make savings on purchases. The cost to the authority is £4.20 per employee. As at 31 December 2022 there were 226 registered users who had placed 4,167 orders with a total value of £324,035.

### **15. Career Progression Schemes**

- 15.1. In some areas of the authority officers are offered progression in their roles through a career progression scheme. Within such schemes, progression is usually awarded after successful completion of particular qualifications or work experience. Details of the scheme and how it will be applied to an individual will be documented in their contract of employment.

### **16. Pension**

- 16.1. The Local Government Pension Scheme (LGPS) is open to all new and existing employees of the authority. This is a qualifying pension scheme, which means it meets or exceeds the government's standards. Details of the scheme can be found [here](#).
- 16.2. Details of the Council's policy and decisions in respect of discretionary elements of the Scheme are published on the council's website [here](#).

## **17. Severance Payments**

- 17.1. On cessation of employment from the authority, officers including Chief Officers will only receive compensation:
- (a) in circumstances that are relevant e.g. redundancy
  - (b) in the application of any employer discretions provided by the LGPS and/or
  - (c) that complies with the specific term(s) of a Settlement Agreement.
- 17.2. The authority adopts an early retirement policy (see [here](#)).
- 17.3. In exceptional circumstances to avoid or settle a claim or potential dispute, the authority may agree payment of a settlement sum through the issue of a Settlement Agreement [in accordance with the statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England](#). All cases will be overseen by the Legal & HR Departments in conjunction with the relevant Director/Asst Director and Section 151 Officer to ensure all legal, financial and contractual responsibilities have been met. All settlement agreements must be signed off as follows:
- (a) Payments of £100,000 and above must be approved by Full Council
  - (b) Payments of £20,000 and above, but below £100,000, must be approved by the Chief Executive (Head of Paid Service), the Leader of the Council and the Section 151 Officer
  - (c) Payments below £20,000 must be approved by the Section 151 Officer and the Chief Executive (Head of Paid Service).
- 17.4. Where the proposed payment is to the Chief Executive (Head of Paid Service), to avoid a conflict of interest it is expected that the payment should be approved by a panel including at least two independent persons.

## **18. Gender Pay Gap**

- 18.1. The Equalities Act 2010 (Specific Duties and Public Authorities) Regulations 2017 came into force on 31 March 2017. The Regulations require employers to report on the gender pay gap within their organisation.
- 18.2. The gender pay gap is a measurement of the difference between men and women's average salaries. It is not about men and women being paid differently for the same job, which has been prohibited by equal pay legislation since 1975.
- 18.3. The UK's gender pay gap has fallen over time. In 2007 it was 25%, while the Office for National Statistics (ONS) published in October 2022 put the figure

at 14.9%, a decrease from 15.1% in 2021. See section 18.6 for UDC's figures.

- 18.4. The 2017 Regulations apply to defined public sector bodies (including councils) with at least 250 employees and require the publication of the following four measures of information based on a snapshot of pay information taken on 31 March:
- 18.5. The Council's Gender Pay Gap Information as at 31 March 2022 (snapshot date) is as follows:
- 18.6. The Council had a total of 308 employees, 142 (46%) were males and 166 (54%) were females.

*I. The difference between the average (mean and median) hourly rate of pay for male and female employees*

	Mean Hourly Rate	Median Hourly Rate
Male	£17.25	£15.42
Female	£17.01	£15.86
Difference in hourly rate of pay	1.4%	-2.9%

*II. The difference between the average (mean and median) bonuses paid to male and female employees over the period of 12 months ending with the snapshot date of 31 March*

**No bonuses were paid**

*III. The proportion of male employees, and of female employees who were paid bonuses during the period of 12 months ending with the snapshot date*

**No bonuses were paid**

*IV. The proportion of male and female employees in each quartile (from highest paid to lowest paid) of the pay distribution (77 employees in each quartile)*

	No. of male employees	No. of female employees	Percentage of male employees	Percentage of female employees
Quartile 1	45	32	58	42
Quartile 2	23	54	30	70
Quartile 3	29	48	38	62
Quartile 4	45	32	58	42

## **Commentary**

- 18.7. The figures demonstrate there are no significant gender pay gap issues at Uttlesford District Council and that women are paid 2.9% higher on average (median) and men are paid 1.4% higher on average (mean). Which is significantly lower than the national average of 14.9% in all sectors and 5% in local authorities.
- 18.8. The council continues to be an equal opportunities employer and offers a range of flexible working options and family friendly policies for women and men alike.

## **19. More information and help**

- 19.1. All associated documents listed in this policy are available on the council's website [here](#). If you have any queries about this Statement please email: [humanresources@uttlesford.gov.uk](mailto:humanresources@uttlesford.gov.uk), or call on 01799 510424.

# Agenda Item 20

**Committee:** Annual Council  
**Title:** Update on Sudan Evacuation  
**Report Author:** Peter Holt, Chief Executive  
pholt@uttlesford.gov.uk  
**Portfolio Holder:** Leader of the Council

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**Date:** Tuesday,  
23<sup>rd</sup> May 2023

## Summary

1. This 'for information' report updates Members on the operation of a Humanitarian Assistance Centre in the district to receive evacuees from Sudan in late April/early May 2023. This is a responsibility that fell to Uttlesford District Council, supported by a wide range of other agencies.

## Recommendations

2. None – no vote is required; this report is for information only.

## Financial Implications

3. The issue of costs and financial exposure is addressed in the body of the report itself. Any residual cost pressures will be reported up to Members in due course in a subsequent separate report as necessary.

## 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.

Nil.

## Impact

- 5.

Communication/Consultation	-
Community Safety	There were minor security issues, as indicated in the body of the report.
Equalities	-
Health and Safety	The emotional and physical health needs of evacuees are addressed in the body of the report.

Human Rights/Legal Implications	The issue of responsibilities – financial and housing duties – are addressed in the body of the report.
Sustainability	-
Ward-specific impacts	-
Workforce/Workplace	The strain of such a major operation on an organisation of Uttlesford District Council's size is addressed in the body of the report.

## Situation

6. His Majesty's Government responded to the worsening security situation in Sudan first by evacuating Embassy personnel, and thereafter by supporting the evacuation of British Nationals, both by air and ship. The initial staging post for evacuees being Cyprus, before arranging onward transit by chartered aircraft, predominantly to Stansted Airport.
7. Widespread news reports indicated the number of British Nationals eligible for evacuation at some 4,000.
8. By dint of geography, Uttlesford District Council assumed responsibility for receiving those evacuees arriving at Stansted, and operating a Humanitarian Assistance Centre, once arrivals had been cleared by Border Force, an Agency of the Home Office. The role of this Humanitarian Assistance Centre was to consider and respond to the evacuees' immediate needs, whether related to their health, onwards travel support, or where they were going to stay.
9. The Humanitarian Assistance Centre was quickly established at the Radisson Blu hotel adjacent to the airport terminal – though evacuees had to be bussed in, having landed and been processed by Border Force at a chartered terminal the other side of the airport.
10. The Humanitarian Assistance Centre was operated on Uttlesford District Council's behalf by Uttlesford Community Action Network [UCAN], building on their track record of success staffing the welcome function at Stansted previously for Ukraine Refugees (where the small Ukraine Welcome stand operates daily in the terminal).
11. UCAN staff and volunteers quickly levered in substantial volunteer support from their own network as well as from other agencies, including RE:ACT Disaster Response, Red Cross, St John's and others.
12. Uttlesford District Council, as the lead statutory agency, was quickly supported by the operation of the standing Local Resilience Forum arrangements bringing together all the statutory agencies. This LRF stood up its Strategic Coordination Group and Tactical Coordination Groups, chaired initially by

Essex Police, before passing on the chair to Essex County Council, and these TCGs/SCGs met daily/twice daily through the long weekend. The Essex Chief Constable is convening an organised formal debrief from this whole exercise, so it is important that this report gives just a general update rather than seeking to pre-empt any valuable learning that emerges from that exercise.

13. Working seamlessly alongside the volunteers, first other Essex local authorities offered staff in mutual aid at all hours of the day and right through the Bank Holiday weekend, soon followed by authorities in Cambridgeshire and Hertfordshire. When on the Thursday, the hotel room availability at the airport hotels became exhausted, 80 hotel rooms were booked outside Cambridge and 50 in Stevenage, and the staff of Stevenage District and Hertfordshire County Councils, and South Cambridgeshire District and Cambridgeshire County Councils were given the heads up, they instantly engaged with every bit as much passion, leveraging in NHS and voluntary sector support to aid those placed in hotels in their districts. This was a model of cross-border cooperation at its finest.
14. The first flight arrived on Wednesday 26<sup>th</sup> April, and the last on Sunday 30<sup>th</sup>, with 2-3 flights a day, including landing in the early hours of the morning, with evacuees coming off the four-hour flights exhausted, and with no onward trains operating for several hours. Although some flights were routed to Gatwick or Birmingham Airports, I believe that Stansted received the majority.
15. There was considerable uncertainty in estimating ahead of their arrival the extent of evacuees' various needs – how many would simply need to be pointed at waiting friends/relatives or directed to the train station, as opposed to how many would have immediate physical or mental health needs, be financially destitute, or have no UK address to travel on to. Some arrivals had nothing other than the clothes they were standing up in; some had been separated before departure from immediate family members who didn't have British passports; many were traumatised; some needed medical attention or support; and some in their time with us received news that those they had left behind had been killed.
16. Ahead of the first flight arriving, 27 hotel rooms were booked, based on what sparse advance intelligence was available. That proved wholly inadequate, and regrettably some evacuees slept their first hours on UK soil on the floor at the airport where extra hotel rooms could not be immediately located in the middle of the night. Capacity was duly stepped up immediately, but without confidence in future numbers (any further ahead than once a plane had taken off from Cyprus with confirmed numbers on board), it is inevitable that bookings and provision erred on the side of better to have too much than too little.
17. Whitehall civil servants confirmed in these early days through the LRF that reasonable costs incurred in this national response to the international crisis would be reimbursed. By the time the long weekend arrived, Uttlesford District Council's requests for written confirmation of this financial reimbursement generated a contradictory response from civil servants that responsibilities and costs were duties of the local authorities, and would not be reimbursed.

Uttlesford District Council's chief executive was duly asked by the chair of the Strategic Coordination Group to make direct contact with local MP Kemi Badenoch to ask for her personal intervention on this and other key priorities. Ms Badenoch engaged instantly and promptly secured a reversal of this position, with the Secretary of State for Levelling Up, Housing and Communities personally phoning Uttlesford's chief executive on a daily basis over the long weekend to offer first his personal support and intervention, and latterly to pass on his personal thanks to all involved. The total costs of this whole operation are currently being collated, but are likely to prove in the region of £750,000-£1million, which would of course have proved utterly unsustainable for Uttlesford District Council, whose whole annual net revenue expenditure is less than £18 million.

18. When ongoing space at the airport or airport hotels was no longer available in the run-up to the Coronation, the Council stood up a new Humanitarian Assistance Centre at the authority's Little Canfield Depot, and this transfer caused more work for even more Council staff over the long weekend.
19. The second Humanitarian Assistance Centre was stood down on Wednesday 3<sup>rd</sup> May.
20. Subsequent conversations with local partners, with Government, and with local authorities in Crawley and Solihull containing Gatwick and Birmingham Airports, have started a process at Uttlesford District Council's request to develop future arrangements at Ports of Entry more systematically. On this occasion instead of being a local component of a national response to an international crisis, it felt more like Uttlesford actually ran the national response.
21. In summary, 1,030 evacuees were welcomed off planes at Stansted and supported in the two successive Humanitarian Assistance Centres, of whom the vast majority needed emergency hotel accommodation provided by us – some 207 family units. The dispersal arrangements around the country were successful – after some initial boomeranging back of people – with only two family units remaining temporarily housed by Uttlesford as homeless.
22. The quality of the immediate support offered to evacuees and over subsequent days in aiding them in moving on around the UK, was high. The risk to both the authority's business as usual functions and its finances, as well as to the support offered to evacuees nearly exhausted capacity, and had demand been at the 4,000 initial estimate level rather than the 1,000 ultimately experienced, the it is eminently possible that the outcomes reported herein would have been less positive. Inter-agency relationships generally (but not universally) have been strengthened through this shared experience.

## Risk Analysis

23.

Risk	Likelihood	Impact	Mitigating actions
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Risk that lessons are not learned to be applied in the future, putting core UDC services/finances and/or response to future crises at risk	3 significant	3 substantial	A light-touch in-house review is underway, and a more formal, multi-agency LRF review is being commissioned to draw out this learning – which can be reported back to Members in due course.
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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.