



Public Document Pack

Uttlesford District Council

Chief Executive: Peter Holt

Governance, Audit and Performance Committee

Date: Thursday, 29th September, 2022

Time: 7.00 pm

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

Chair: Councillor E Oliver

Members: Councillors H Asker, G Driscoll (Vice-Chair), J Emanuel, M Foley,
A Khan, B Light, S Luck and J De Vries

Substitutes: Councillors A Dean, V Isham and G Smith

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.

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AGENDA

PART 1

Open to Public and Press

- 1 Apologies for Absence and Declarations of Interest**
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- 2 Minutes of the Previous Meeting** 6 - 9
To consider the minutes of the previous meeting.
- 3 Counter Fraud Strategy Action Plan Update and Associated Documents** 10 - 28
To note the content of this report.
- 4 Procurement Annual Report - 2021/22** 29 - 36
To note the contents of this report.
- 5 Procurement Strategy 2022-2026** 37 - 47
To consider and recommend the Procurement Strategy for approval by the Council.
- 6 Update regarding the Council's policy and processes for the conduct of investigations under the Regulation of Investigatory Powers Act 2000** 48 - 53
To note the report.
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To consider the proposed amendments to the Constitution.
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To consider the proposed changes to the Scheme of Delegation.
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To consider the Local Government Ombudsman report 2021/22.

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To note the report.

11 Exclusion of public and press

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PART 2

Exclusion of Public and Press

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To receive the report regarding the Ombudsman Complaint.

MEETINGS AND THE PUBLIC

Following the lifting of Covid-19 restrictions, and in accordance with the Council's risk assessment, Council, Cabinet and Committee meetings have returned to in-person and are held in the Council Chamber. However, due to social distancing measures and capacity considerations, those wishing to listen to or watch meetings will continue to be encouraged to access the live broadcast until further notice.

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Members of the public and representatives of Parish and Town Councils are permitted to speak or ask questions at this meeting and are encouraged to do so in person. If you wish to make a statement, 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.

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Guidance on the practicalities of participating both in-person or via Zoom 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 510 369/410/467/548. Alternatively, enquiries can be sent in writing to 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.

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Council Offices, London Road, Saffron Walden, CB11 4ER

Telephone: 01799 510510

Fax: 01799 510550

Email: uconnect@uttlesford.gov.uk

Website: www.uttlesford.gov.uk

Agenda Item 2

GOVERNANCE, AUDIT AND PERFORMANCE COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 31 AUGUST 2022 at 7.00 pm

Present: Councillor E Oliver (Chair)
Councillors A Dean, G Driscoll (Vice-Chair), J Emanuel, M Foley, A Khan and J De Vries

Officers in attendance: P Holt (Chief Executive), A Chessell (Chief Procurement and Risk Officer), C Gibson (Democratic Services Officer), A Knight (Assistant Director - Business and Change Management), J Reynolds (Assistant Director - Governance and Legal) and A Webb (Director - Finance and Corporate Services)

Also in attendance: Councillor A Coote (Housing Portfolio Holder) and Councillor P Lees (Leader of the Council).

GAP56 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies were given by Councillors Asker, Luck and Light. Councillor Dean substituted for Councillor Light.

GAP57 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 28 June 2022 were approved as correct.

GAP58 AUDIT AND SIGN-OFF OF THE 2019/20 ACCOUNTS

The Director – Finance and Corporate Services updated Members and said that in relation to Paragraph 13 the expert review would be completed by the end of September and would be brought back to a future meeting of GAP.

In response to various questions the Director – Finance and Corporate Services said:

- that the external auditor was unable to commence work on the 19/20 accounts until late autumn.
- Finance staff would have significant work to undertake in respect of post balance sheet events.
- New protocols were in place; they would be externally reviewed and brought back to GAP.

Councillor Khan requested, for transparency, further information in respect of Paragraph 14; he asked which of the five matters listed had been initiated.

Officers said that this would break confidentiality and were not prepared to share this information.

Councillor Khan said that he did not accept that this would breach confidentiality.

The Chief Executive referred back to an email he had issued in respect of the annual accounts and the information supplied by the police to the Monitoring Officer. He said that the information at the time of his email had been correct and that this report provided an update.

The report was noted.

GAP59 PROCUREMENT STRATEGY - 2022/23

Members queried the worked example detailed in Appendix B of the report.

The Chief Procurement and Risk Officer explained the 0-5 scoring system and the weighted methodology attached to price, quality and social value.

Councillor Khan asked whether the Procurement Strategy followed the National Procurement Strategy, why there had been no reference to contract management or leadership disseminating good practice. He also referred to the National Procurement toolkit.

Officers confirmed that the National Procurement Strategy had been followed but that the strategy had been deliberately kept very simple in the first instance to contain basic information. A team was being put together to disseminate procurement information across the Council but Service Managers would be responsible for managing their own contracts. Councillor Hargreaves was fully aware of and in agreement with the proposed strategy.

Views were expressed that there was a need for further information to be included in the Procurement Strategy possibly in relation to references to the National Procurement Strategy, contract management, leadership, involvement of Members, assessments against the national Procurement toolkit, an Improvement Plan and future commissioning initiatives.

The Leader of the Council said that she supported the inclusion of additional information.

The Chair proposed that additional information be included in the Procurement Strategy and that a revised report be brought back to GAP on 29 September 2022. This proposal was accepted by Members.

GAP60 UPDATE ON MANAGEMENT OF COUNCIL HOUSING REPAIRS AND MAINTENANCE

The Chair introduced the report and thanked the outgoing Internal Audit Manager and her team for their contribution to GAP. Other Members echoed this view.

The Leader of the Council gave a summary of the partnership arrangements with Uttlesford Norse Services Limited (UNSL) that had begun in October 2019. She highlighted the Action Plan moving forward.

The Chief Executive said that UDC was a good landlord and that the situation had substantially improved since his previous three reports. He updated Members on the self-referral letter to the Regulator for Social Housing, which had been acknowledged and the focus that had been placed on the six key health and safety areas.

In response to various questions, the Chief Executive said:

- The contract was for 10 years with a break clause at 5 years (in 2.5 years time).
- Future options were under consideration. He was aware of instances where services had been brought back “in-house” as well as services being “out-sourced”. He was conscious of managing expectations.
- The Performance Management system now in place was a “best in class”.
- An Internal Audit report dated August 2022 had been included in the report papers and that a further Internal Audit process report would be brought back to a future GAP meeting.
- £300k from the Housing Revenue Account had been allocated for this financial year to put improvements in place specifically at UDC. This represented 3.75% in one year or 0.75%/year over five years.
- It was not possible to withdraw the self-referral letter despite improvements on-going. It was even odds as to whether UDC would be put in special measures.
- In respect of comments made about Action Plan H4ii and M2 that all Action Plan items would be for future discussion with the Interim Director of Housing.
- As the landlord, UDC held an asset register and at any given time would hold definitive details.
- There was still no definitive information available in respect of asbestos and a request was made to approach the Chief Executive first in future rather than go directly to UNSL as such matters should be dealt with on an officer to officer basis.
- In response to suggestions that a representative from UNSL should be asked to attend a future GAP meeting to answer questions, he said that he was not looking to manage the contract in that way but would consider the matter in liaison with the Monitoring Officer.
- In respect of the joint venture he acknowledged the need to continue to improve the understanding of client side management.

Councillor Coote addressed the Committee in his role as Housing Portfolio Holder. He recognised that there had been difficulties between the two parties. He said that the self-referral had been necessary and that all efforts must be taken to make the partnership with UNSL work.

The Leader of the Council said that Operational Board minutes should be available and that the lack of asbestos data was unacceptable.

Councillor Khan suggested that a UNSL representative be invited to a future GAP meeting.

Councillor Emanuel disagreed about addressing UNSL directly as it was for GAP to oversee the governance of UDC.

Councillor Foley said that work could be delegated but not the responsibility and that it was probably best to leave matters with the Chief Executive at the current time.

In response to questions from the Chair, particularly about the need for all Members to be aware of the self-referral to the Regulator for Social Housing and any possible implications, the Chief Executive said that a further update report would come to the next GAP Committee and that Housing Board would receive an updated position report next week. He suggested that reports be made on a two- monthly cycle, with email updates in-between.

The Leader of the Council indicated that the Housing Portfolio Holder would be reporting the self-referral issue to full Council and that information would be cascaded.

Members considered that alongside any report from Housing Board, a report should also be made by GAP to full Council.

The Chair proposed that a short report from GAP be submitted to full Council in respect of the self-referral report to the Regulator for Social Housing and that there then be reports back every two months.

This was seconded by Councillor Foley.

RESOLVED that a short report from GAP be submitted to full Council in respect of the self-referral report to the Regulator for Social Housing and that there then be reports back every two months.

The meeting closed at 8.50 pm.

Agenda Item 3

Committee: Governance, Audit and Performance Committee

Title: Counter Fraud Strategy Action Plan Update and Associated Documents

Report Author: Elizabeth Brooks, Internal Audit Manager
EBrooks@uttlesford.gov.uk

Date:
Thursday, 29
September 2022

Summary

1. The 2022-24 Counter Fraud Strategy was approved by GAP in March 2022 with a corresponding action plan outlining how the strategy will be delivered. This included identifying fraud and corruption risks, ensuring there is sufficient skill and awareness across the Council to implement the strategy and developing policies and procedures in relation to the action required in response to fraud and corruption.
2. This report provides an update on the work due to be undertaken to September 2022, as set out in the last report to GAP (March 2022).

Recommendations

3. GAP Committee are requested to note the content of this report

Financial Implications

4. None

Background Papers

5. None

Impact

Communication/Consultation	CFWG/CMT September 2022
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

6. Public sector organisations have a responsibility to embed effective standards for countering fraud and corruption in their organisations. This supports good governance and demonstrates effective financial stewardship and strong public financial management.
7. The 2022 Counter Fraud Strategy was approved by GAP in March 2022 with a corresponding action plan outlining how the strategy will be delivered. This included identifying fraud and corruption risks, ensuring there is sufficient skill and awareness across the Council to implement the strategy and developing policies and procedures in relation to the action required in response to fraud and corruption.
8. A key part of the governance and delivery of the Counter Fraud Strategy is the Council's Counter Fraud Working Group who can provide operational oversight of the Council's counter-fraud activities across all areas of the Council, including those specifically recognised as high-risk areas i.e. Revenues, Benefits, Internal Audit, HR, Cyber Security/Information Governance, Democratic Services, Finance, Procurement, Housing, Insurance and Risk.
9. In the last report to GAP in March 2022, several actions were set out which were due to be undertaken to September 2022. This report provides an update on progress made against those areas.

a) Undertaking Council-wide Fraud Risk Assessment and reviewing any mitigating actions required arising from the assessment.

The Council had already identified Fraud as a risk in its Corporate Risk Register (21-CR-10), which was last reviewed and reported to CMT and GAP in January 2022.

To inform and underpin this Corporate Risk, the Counter Fraud Working Group (CFWG) are developing a more detailed Fraud Risk and Control Assessment (FRCA), breaking down the Council's overall fraud risk into 21 risk areas/categories. These have been defined predominantly by considering CIPFA's annual Counter Fraud and Corruption Tracker Survey (CFACT) and Fighting Fraud and Corruption Locally (FFCL), and then adapted to suit the Council's circumstances.

An initial inherent risk assessment (i.e. an indication of the Council's fraud risk profile before any local controls/other mitigation are considered) has been undertaken. The inherent risk rating considers the latest external sources indicating higher risk areas for all similar local authorities (CFACT/FFCL), and the scope and focus of UDC activities.

CFWG are now assessing the existing anti-fraud controls in place against each risk in order to provide a current and more accurate risk rating. This will include taking account of where officers may identify any control weaknesses that may increase the risk of fraud. Independent assurance can be provided by relevant Internal Audit assignments mapped against the controls identified. The FRCA is intended to be a live document which will continue to evolve with oversight

from CFWG. The intention is also to utilise the Council's Risk and Performance system, Pentana, for this purpose.

Where any existing control weaknesses are identified and/or where a fraud risk area is considered to be outside risk appetite (e.g. exceeding 'Medium'), further mitigations should be devised and as further relevant Internal Audit reports, or other sources of assurance, become available these will inform the control assessment, and therefore the current risk rating, in each fraud risk area.

Going forward, the assessment will consider new and emerging fraud risks and should inform the Internal Audit planning process for future years, ensuring that Internal Audit efforts in assessing anti-fraud controls and/or proactive anti-fraud reviews are directed to the highest risk areas.

In addition, CFWG are in the process of developing a separate Anti-Bribery and Corruption role-based risk assessment to identify the roles in the Council most at risk of bribery and corruption by considering amongst other things levels of seniority, budgetary responsibility, influences over procurement arrangements and the general nature of their duties (e.g. access to information and data, influence over policy decisions). By being role-based, the assessment can identify where appropriate compliance arrangements are required regardless of whether the role is filled by a Member, directly employed Officer, agency, interim, contractor or consultant. Once identified, these roles can then be monitored to ensure transparency over decisions, and any conflicts or failures to disclose are managed appropriately, and also appropriate training can be directed/targeted according to the level of risk.

Whilst this is a positive starting place to scope out current fraud and corruption risk and controls across the Council, further detailed work and evidence will be required to give a truly representative picture. It is proposed an update is provided to GAP Committee in March 2023.

b) Developing a new Whistleblowing Policy and producing a revised Fraud Response Plan aligned to new Counter Fraud and Corruption Strategy.

The Council's current Whistleblowing Policy has been updated (**see Appendix A**) in order to:

- Enable the Council to take action against any potential wrongdoing to achieve the highest possible standards of service, including honesty, openness and accountability.
- Provide a framework to encourage individuals to feel confident in raising concerns and provide avenues in which to raise them.
- Ensure that all disclosures raised are dealt with appropriately, consistently, fairly and professionally, without fear of reprisal or victimisation for reporting in good faith.
- Ensure that the Public Interest Disclosure Act 1998 is applied in all cases

A new Reporting Fraud 'button'/online form is also in the process of being developed to complement the Council's refreshed Whistleblowing Policy and making reporting fraud internally and externally easier/more accessible and to

capture information which may support an investigation more consistently. A Data Protection Impact Assessment is currently being undertaken to ensure that any information captured can be processed securely, confidentially and legally.

Refreshed training will also sit along the new policy, with the Council's Whistleblowing module being relaunched and made mandatory for all Councillors, permanent, temporary and casual employees and agency workers. The module will also continue to be used for all new starters as part of their mandatory induction training.

The Council's refreshed Fraud Response Plan (**see Appendix B**) outlines how allegations of corporate fraud/wrongdoing should be handled, however they are raised. The Fraud Response Plan sets out the framework for escalation, investigation and reporting outcomes to ensure that issues raised are handled consistently.

Both the Whistleblowing Policy and Fraud Response Plan are currently being quality assured by an independent expert.

More specific procedures relating to Council Tax/Tenancy Fraud are set out in separate policies, as these are handled by officers within the Revenues and Housing services. In addition, the Council has a separate Prevention of Money Laundering Policy as part of its Counter Fraud suite. These three policies are currently being reviewed by the Revenues Manager, Housing Options Policy Manager and AD Finance respectively (all of whom form part of CFWG) to ensure they are up to date and reflect current practice.

c) Collating NFI and Transparency Code statistics and developing an NFI operations protocol to ensure we are maximising the benefits of the exercises and participating in the most efficient manner.

The National Fraud Initiative (NFI) is an exercise that matches electronic data within and between public and private sector bodies to prevent and detect fraud. The Council is required to submit data to National Fraud Initiative on a regular basis. The last major exercise was in 2020/21, where 841 matches were generated for investigation across the authority including Housing, Finance, Revenues and Benefits. This can involve a considerable amount of officer time, however, as at September 2022, 68% of matches had been checked and cleared with no fraud identified.

The next major exercise is due to take place in Autumn 2022, with matches due to be released in early 2023.

The Council also participates in the Pan Essex Counter Fraud Data Matching System. This Counter Fraud Matching System is primarily used to identify Council Tax related fraud across Essex, which is investigated by Compliance Officers within the Revenue Service.

Transparency Code data will also be updated at year-end.

As part of the handover to the Council's new Audit Manager, an NFI operations protocol to ensure we are maximising the benefits of the exercises and participating in the most efficient manner.

d) Developing and refreshing training and awareness activities for staff and Members to underpin understanding of anti-fraud and corruption responsibilities.

To supplement the refreshed Whistleblowing Policy, the Council's Whistleblowing training module will be relaunched and made mandatory for all Councillors, permanent, temporary and casual employees and agency workers. The module will also continue to be used for all new starters as part of their mandatory induction training.

In addition, potential Anti-Bribery and Corruption Training online training has been identified, which will be mandatory for all Councillors, permanent, temporary and casual employees and agency workers and should be retaken every 2 years. Following the completion of the Bribery and Corruption Risk Assessment, more targeted training for specific roles will be identified and arranged by the CFWG.

e) Briefing staff on their role and responsibility in preventing and detecting fraud and publicising the new suite of policies.

A communications strategy will be agreed with the Chief Executive to brief all Councillors, permanent, temporary and casual employees and agency workers on their role and responsibility in preventing and detecting fraud and publicising the new suite of policies during October 2022.

10. A more detailed update on Counter Fraud Strategy Action Plan, along with work to be undertaken to March 2023 is provided at **Appendix C**.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Successful attempts of fraud and/or corruption may lead to significant financial loss, service disruption and/or reputational damage.	2	3	Delivery of actions in Action Plan to support the Council's Counter Fraud Strategy which aligns to Fighting Fraud and Corruption Locally best practice and strengthens the Council's resilience against fraud.

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.

WHISTLEBLOWING POLICY (HRP61)

What is Whistleblowing?

Whistleblowing is the term used when a person passes on information concerning wrongdoing. In order to be covered by whistleblowing law ([Public Interest Disclosure Act 1998](#)), a person who makes a disclosure must reasonably believe two things:

- 1) That they are acting in the public interest. This means in particular that personal grievances and complaints are not usually covered by whistleblowing law.
- 2) That they reasonably believe that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
 - criminal offences (this may include, for example, types of financial impropriety such as fraud)
 - failure to comply with an obligation set out in law
 - miscarriages of justice
 - endangering of someone's health and safety
 - damage to the environment
 - covering up wrongdoing in the above categories

Any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council relating to these categories can be reported under this Whistleblowing Policy. This Policy is intended to enable those who become aware of wrongdoing in the Council, to report their concerns at the earliest opportunity so that they can be properly investigated.

If the nature of your concern is outside of these categories, other Council policies may be more appropriate for raising the issue e.g.:

- [Council Complaints Policy](#)
- [Safeguarding](#)
- [Employee Grievance Policy](#)
- [Procedure for Considering a Complaint under the Code of Conduct for Councillor](#)

Principles of this Policy

- To enable the Council to take action against any potential wrongdoing to achieve the highest possible standards of service, including honesty, openness and accountability.
- To provide a framework to encourage individuals to feel confident in raising concerns and provide avenues in which to raise them.
- To ensure that all disclosures raised are dealt with appropriately, consistently, fairly and professionally, without fear of reprisal or victimisation for reporting in good faith.
- To ensure that the Public Interest Disclosure Act 1998 is applied in all cases.

This policy applies to:

- All permanent, temporary and casual employees of Uttlesford District Council (*NB Any clauses in settlement agreements do not prevent employees from making disclosures in the public interest*)
- Uttlesford District Council Councillors
- Agency workers
- Members of the public
- Contractors working for UDC on Council premises, for services under a contract or in partnership with the Council in their own premises

Informal procedure

Some employee concerns of wrongdoing can quickly be resolved informally in discussion with your line manager, Service Manager, Assistant Director and/or Director.

In the event an employee feels unable to approach their manager, a representative from the Trade Union could be an appropriate contact for an employee to approach instead.

We encourage you to raise concerns as early as practicably possible and seek resolution in this way.

Formal procedure

If it is not possible or appropriate to resolve your concerns internally, or if you consider the matter is too serious to be handled informally, you can follow the formal procedure.

Anyone internal or external to the Council can report concerns of wrongdoing using the Council's Report Fraud Form. The form will be emailed to the Council's Audit Manager (TBC). Alternatively, your concerns can be emailed directly to the Whistleblowing team as follows:

- Audit Manager (TBC) if the concern relates to suspicion of fraud or bribery
- HR Manager (Nicola Roberts, nroberts@uttlesford.gov.uk) if the concern relates to employee behaviour
- Monitoring Officer (Jane Reynolds, jreynolds@uttlesford.gov.uk) if the concern relates to Councillor behaviour.

A member of the Whistleblowing team will contact you within 5 working days where possible to acknowledge receipt of your concerns and give guidance on next steps.

Alternatively, if this route is not appropriate due to the officers involved, then please contact:

- the Section 151 Officer, Adrian Webb on 01799 510421 awebb@uttlesford.gov.uk; or
- the Chief Executive, Peter Holt on 01799 510400 pholt@uttlesford.gov.uk

The above officers can also be contacted in writing at:

Uttlesford District Council Offices
London Road
Saffron Walden
CB11 4ER

To help ensure your concerns are addressed as soon as possible please provide as much information as possible. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation and advising when and where you can be contacted.

The action taken by the Council will then depend on the nature of the concerns but where appropriate, the matters raised may:

- be investigated internally; or
- be referred to the Police/External Auditor/other relevant independent body. Where it necessary to refer to an external party, we reserve the right to make such a referral without an individual's consent.

See also the Council's Fraud Response Plan.

Protection in disclosure

Where a concern is raised in confidence, UDC will protect the identity of the whistleblower wherever possible. However there may be circumstances where this is not possible, for example where the whistleblower is an essential witness, we may be unable to investigate a situation further without revealing the whistleblower's identity. Should such a situation arise, we will discuss this directly with the whistleblower.

Any concerns raised anonymously will be considered, but may prove more difficult or impossible to investigate due to the anonymous status.

When making a protected disclosure, the whistleblower has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by the Council in line with the Public Interest Disclosure Act 1998. In the event that a person believes they are being subjected to a detriment by any other person within the Council as a result of their decision to disclose, they must inform their line manager or contact the Whistleblowing Team, and appropriate action will be taken to protect them from any reprisals.

A central record of all Whistleblowing concerns raised and the outcomes (in a form which does not endanger your confidentiality) is held by the Whistleblowing Team.

Raising the concern outside of UDC

Ideally you will feel able to make a disclosure to the Council, however, it is recognised that in exceptional circumstances you may consider the matter too serious or sensitive to raise internally.

There are therefore other ways that a whistleblower can make a disclosure without losing their rights under whistleblowing law. One option for external disclosures of this type is using a [prescribed person](#). Prescribed persons are mainly regulators and professional bodies and will have individual policies and procedures for handling concerns and complaints. Generally these will be accessible on their websites.

External Auditors – the Council's external auditors BDO and are completely independent from the Council. The BDO named contact for Whistleblowing concerns relating to this Council is:

Aphrodite Lefevre, BDO LLP: Tel: 01603 615914; email: aphrodite.lefevre@bdo.co.uk

The Local Government Ombudsman – this is an independent body set up by the Government to deal with complaints against Councils in the United Kingdom. Advice and can be contacted on 0300 061 0614. <https://www.lgo.org.uk/>

In addition, you can also blow the whistle to your [legal adviser](#) or to [your MP](#). However, it should be noted that reporting your concern to the media may lead, in most cases, to losing whistleblowing law rights.

Suspensions of fraud or corruption can also be reported directly to the Police through Action Fraud the UK's national fraud and cyber crime reporting centre on 0300 123 2040. <https://www.actionfraud.police.uk/reporting-fraud-and-cyber-crime>

Support for Whistleblowers

It is recognised that raising concerns can be difficult and stressful. Advice, Counselling and Support is available via an employee's line manager, Human Resources or Trade Union representative. It should also be recognised that employees who are subject to investigation following concerns being raised will also be entitled to support from the same sources, although not from the same individuals.

You may invite your trade union or professional association to raise a matter on your behalf. You may also invite your trade union, professional association representative or a friend to be present during any meeting or interviews in connection with the concerns you have raised.

As an employee you can also discuss your concerns with Protect (formally Public Concern at Work), which is a charity that provides free and strictly confidential legal help. They operate a helpline on 020 3117 2520 or can be e-mailed at whistle@protect-advice.org.uk More information is on their website at www.pcaw.org.uk

The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, meetings may, if necessary, be arranged off-site with you and your representation, and if you are required to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive advice and mentoring about the procedure.

Fraud Response Plan

Introduction

Uttlesford District Council (UDC) is committed to protecting public funds by the prevention, detection, deterrence and redress of all forms of fraud and corruption as set out in the Council's Counter Fraud and Corruption Strategy.

This Fraud Response Plan provides guidance to employees, managers and the public to define responsibilities for action and reporting lines in the event of suspected fraud or corrupt activity. The use of the plan should enable the Council to prevent loss of public money, recover losses and establish and secure the evidence necessary for any civil, criminal or disciplinary action.

The Fraud Response Plan should also provide direction to take appropriate action against those responsible for any fraud or corrupt act.

Associated Council documents include:

- Counter Fraud and Corruption Strategy
- Whistleblowing Policy
- Disciplinary Policy
- Code of Conduct (Members and Officers)
- Financial Regulations

Notifying Suspected Fraud

The action taken when a suspected case of fraud, bribery or corruption is first found might be vital to the success of any investigation that follows, therefore it is important that actions are in line with this plan.

The Council's Whistleblowing Policy has been written to protect those reporting their concerns and encourages people to report any suspected incidents of fraud or corrupt acts. If you are still unsure of the action to take, you should immediately contact the Audit Manager, the S151 Officer or the Monitoring Officer.

Care should be taken by anyone who suspects fraud or corruption and any officer to whom the suspicion is reported, to retain any evidence and make an immediate note of the issues and concerns.

Suspicions should not be discussed with anyone other than the officer with whom the issues have been raised. Under no circumstances should there be an attempt to investigate the matter on their own.

In cases of suspected money laundering, immediately advise the Council's designated Money Laundering Reporting Officer (see the Anti-Money Laundering Policy).

Any suspicions of fraud should ultimately be reported to the Audit Manager who will collate information on all suspected fraud, theft or corruption and its outcome, across the Council as

part of their assessment of the effectiveness of Counter Fraud and Corruption Strategy and the system of internal control, as a key part of the Council's assurance framework.

It is the responsibility of the Audit Manager to keep the S151 Officer and Monitoring Officer informed of any suspicions of fraud or corruption and where appropriate the Chief Executive and/or Leader. Where an allegation involves an employee, HR will also be consulted with the Service Manager as to what, and by whom, action should be taken.

The action then taken by the Council will depend on the nature of the concern.

Management Response to allegation of theft, fraud or corruption

Where managers are informed of concerns initially:

- Listen to the concerns of staff and treat every report seriously and sensitively
- Obtain as much information as possible, including any notes or evidence to support the allegation, though do not interfere with this evidence and ensure it is kept secure.
- An evaluation of the case should include the following details:
 - Outline of allegations
 - Officers involved, including job role and line manager
 - Amount involved/materiality/impact
 - Involvement of other parties
 - Timescales – one off/ongoing
 - Evidence – where held and access
- Contact the Audit Manager to discuss the allegation and agree any proposed action.

Internal Audit Response to allegation of theft, fraud or corruption

On receipt of an allegation, the Audit Manager will make initial enquiries to:

- Determine the factors that gave rise to the suspicion
- Examine the factors to determine whether a genuine mistake had been made or whether a fraud or irregularity has occurred.
- Where necessary, carry out discreet enquiries and/or review documents
- Risk assess the referral to determine the suitability of the case for investigation

Depending on the outcome, the case may be closed or a more detailed investigation organised with appropriately qualified Investigating Officer appointed. The Audit Manager will liaise with the relevant Service Manager, HR, S151 Officer and/or Monitoring Officer as appropriate to decide on the type and course of the investigation.

This may include referring cases to the Police where necessary, for informal advice and/or further investigation. Care will be taken to ensure that internal disciplinary procedures are followed but do not prejudice any criminal investigation.

Internal Investigation

The Investigating Officer will:

- Record and retain all evidence obtained in line with relevant legislation and consider regulatory and legal considerations.
- Interview suspects where appropriate, which may take the form of an interview under caution under Police and Criminal Evidence (PACE) conditions.
- Where applicable, interview and/or take statements from witnesses
- Liaise with other agencies where necessary e.g. the Police, the Crown Prosecution Service, Department of Works and Pensions, HMRC etc, concerning a potential prosecution where the evidential test (i.e. there is sufficient evidence) and public interest test are met.
- Involve HR where the investigations involves a member of staff.
- When appropriate notify the Council's insurance service of possible loss and the recovery action being attempted. The Council's insurance service should advise the Council's insurer promptly to keep open the possibility of making a claim.
- Report to key parties, and where appropriate, recommend the action to be taken by management in accordance with the Counter Fraud and Corruption Strategy and the Council's Disciplinary Procedures.

Sanctions and Prosecution Policy

Employees may be subject to disciplinary procedures initiated independently of any decision to seek prosecution, in liaison with HR. In the event of Member involvement in theft, fraud or corruption, the Council's Monitoring Officer will intervene in liaison with the Council's Standards Committee.

Depending on the seriousness of the allegations or if a criminal offence is discovered, then the case will be referred to the Police for investigation. Where following a police investigation the police or the Crown Prosecution Service decide not to prosecute, the Monitoring Officer will consider whether the evidence obtained is such that there is a reasonable prospect of securing civil action to recover any loss to the Council.

Where offences relate to corruption or the Bribery Act 2010, only the Crown Prosecution Services can prosecute these offences.

Recovery of Losses

Whenever fraud has been proved, the Council will make every effort to recover the losses. The method used will vary depending on the type of loss and the regulations and powers available, such as the use of Financial Investigators, who may use their designated powers under the Proceeds of Crime Act 2002 to maximise the penalty and level of recovery by the Council.

Reporting and Recording

Whoever has reported the alleged fraud or corruption should be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcome of any investigation and whether any changes/improvement will be made to systems and procedures as a consequence.

A central record of all reported allegations of fraud and corruption will be maintained.

Confidentiality and Publicity

Details of any investigation are strictly confidential and must therefore not be discussed or conveyed to anyone other than the relevant management representatives and the nominated investigation team.

If the media becomes aware of an investigation and attempts to contact members of the investigating team or any other employees, no disclosure of the alleged fraud and investigation can be given.

All matters relating to statements to the media will be dealt with through the AD for Corporate Services, including details of successful prosecutions where appropriate to publicise the Council's zero tolerance of fraud and corruption.

Do's and Don'ts

DO	DON'T
<p>Make a note of your concerns</p> <p>Write down the nature of your concerns and relevant details, such as what is said in conversations, the names and if known, the position of those involved</p> <p>Notes do not need to be overly formal, but should be timed, signed and dated, and held in a secure place</p> <p>Timeliness is most important to avoid misremembering any facts. Note the date and time when the suspicion was reported.</p>	<p>Be afraid of raising your concerns</p> <p>The Public Interest Disclosure Act provides protection to those who raise reasonably held concerns through the appropriate channels – see the guidance in the Council's Whistleblowing Policy.</p>
<p>Report your concerns promptly</p> <p>Follow the guidance in the Council's Whistleblowing Policy and if you are unsure, contact the Audit Manager.</p>	<p>Convey your concerns to anyone other than authorised persons</p> <p>There may be a perfectly reasonable explanation for the events that give rise to your suspicions and it is important that innocent persons and reputation of the Council are not harmed unnecessarily.</p>
<p>Retain any evidence you may have</p> <p>The quality of evidence is crucial and more direct and tangible the evidence, the better the chances of an effective action.</p> <p>Retain and keep all relevant records/evidence in a secure and confidential location.</p>	<p>Approach the person you suspect or try to investigate the matter</p> <p>There are special rules relating to the gathering of evidence for use in criminal cases to protect human rights. Any attempt to gather evidence by persons who are unfamiliar with these rules may prevent appropriate action being taken.</p> <p>Don't interfere with or alter any documentary or computer based evidence as a result of an suspicion.</p> <p>Don't attempt to question or interview anyone unless authorised to do so.</p>

Counter Fraud and Corruption Strategy Action Plan (as at September 2022)

Completed Actions

Action Ref	Action	Service Manager	Update September 2022
G1.1 to 1.4	<i>Produce Counter Fraud and Corruption Strategy, review by CFWG, and approval CMT and GAP</i>	E Brooks	COMPLETE
PRE3.1, 3.2, 3.3	<i>Develop new Whistleblowing Policy, review by CFWG, and approval CMT and GAP</i>	E Brooks	COMPLETE
PRE3.4	<i>Produce corresponding Management Procedure (Part of Fraud Response Plan)</i>	E Brooks	COMPLETE
PRE5.1, 5.2, 5.3	<i>Produce Fraud Response Plan aligned to new Counter Fraud and Corruption Strategy. Review by CFWG, and approval CMT and GAP</i>	E Brooks	COMPLETE

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Work In Progress

Action Ref	Action	Service Manager	Update September 2022	CFWG	CMT/GAP
G2.1 & A1.1	<i>Undertake a risk assessment of the Council's activities susceptible to fraud and/or corruption</i>	CFWG	Inherent Fraud Risk Assessment Complete; Full Risk and Control Assessment (FRCA) to be completed by Dec 22	Dec 22	Mar 23
PRE1.2	<i>The roles within the Council (whether a Member, directly employed member of staff, agency, interim, contractor or consultant) most at risk of bribery and corruption will be identified and risk assessed by considering levels of seniority, budgetary responsibility, influences over procurement arrangements and the general nature of their duties.</i>	CFWG	Initial assessment complete; full risk assessment due to be completed by Dec 22	Dec 22	Mar 23
PRE5.1, 5.2, 5.3	<i>Review Fraud Response Plan for specialist fraud areas i.e., Tenancy Fraud, Council Tax. Prevention of Money Laundering. Review by CFWG, and approval CMT and GAP</i>	Jody Etherington/ Sue Ellis/ Becca Collins	Work in Progress; to be completed by Dec 22	Dec 22	Mar 23

Action Ref	Action	Service Manager	Update September 2022	CFWG	CMT/GAP
A1.2	<i>Ascertain the extent to which fraud and corruption risks are included within service planning and service risk registers.</i>	SMT	Customer Services and Performance Manager has completed initial review. To be considered at next round of service planning, utilising the data from the completed FRCA	March 23	March 23
PRE1.4	<i>Develop training and awareness activities for new staff and Members (through induction) and existing staff and Members (through refresher training) to underpin understanding of anti-fraud and corruption responsibilities.</i>	E Brooks/ HR	Work in Progress <i>(NB initially all Councillors, permanent, temporary and casual employees and agency workers will receive mandatory Whistleblowing and ABC training; thereafter it will be provided as induction training and refresher training every 2 years. Following the completion of the Bribery and Corruption Risk Assessment, more targeted training for specific roles will be identified and arranged by the CFWG)</i>	n/a	n/a
PU5.1	<i>Skills analysis undertaken to be undertaken by the Counter Fraud Working Group with training needs identified</i>	CFWG		n/a	n/a

Q3 October to December 2022

Action Ref	Action	Service Manager	CFWG	CMT/GAP
PRE1.1	<i>Remind all staff and Members of their role and responsibility in preventing and detecting fraud through promotion of the Counter Fraud and Corruption Strategy. (October 22)</i>	P Holt/ CMT/SMT	n/a	n/a
PRE1.3	<i>Remind service managers of their responsibility in monitoring these roles to ensure transparency over decision, and any conflicts or failures to disclose are managed appropriately. (October 22)</i>	P Holt/ CMT/SMT	n/a	n/a
PRE1.5	<i>Remind service managers of their responsibility for establishing and supporting an anti-fraud culture in their services, ensuring all their team members are aware of relevant policies and procedures relating to anti-fraud and bribery, code of conduct etc and adopting a robust control environment, including ensuring any internal audit recommendations are implemented promptly through inclusion in service plans to be monitored and actions reported locally. (October 22)</i>	P Holt/ CMT/SMT	n/a	n/a
PRE2.2	<i>Remind service managers of their responsibility for undertaking due diligence to evaluate the background, experience and reputation of business partners. (October 22)</i>	P Holt/ CMT/SMT	n/a	n/a

Action Ref	Action	Service Manager	CFWG	CMT/GAP
PRE3.5 & 5.4	Promote awareness of new Strategy and Policy and Fraud Response Plan internally and externally (October 22)	P Holt/ CMT/SMT	n/a	n/a
PRE4.1	Remind service managers that new policies, procedures, strategies etc that may be connected to a fraud and/or corruption risk should be reviewed by the Counter Fraud Working Group for comments/amendments and to inform the Counter Fraud Risk Register. (October 22)	P Holt/ CMT/SMT	n/a	n/a
PU5.2	Training undertaken as required or identified skills gaps to be considered for inclusion in the fraud risk assessment. Start October 2022; target date for completion December 22	CFWG/HR	Training Stats Review Dec 22	n/a
PU5.1	Skills analysis undertaken to be undertaken by the Counter Fraud Working Group with training needs identified <i>(NB initially all Councillors, permanent, temporary and casual employees and agency workers will receive mandatory Whistleblowing and ABC training; thereafter it will be provided as induction training and refresher training every 2 years. Following the completion of the Bribery and Corruption Risk Assessment, more targeted training for specific roles will be identified and arranged by the CFWG)</i>	CFWG	Dec 22 (Post ABC Assessment)	n/a
PRE6.1	Produce an NFI operations protocol outlining roles and responsibilities for partaking in exercises, including prompt review of matches. (October 22)	E Brooks	Dec-22	n/a
PU3.3	Counter Fraud Working Group to consider engagement plan with external agencies.	CFWG	Dec-22	n/a
PU5.3, PRO1.3	Counter Fraud Working Group to consider engagement plan with external support where required.	CFWG	Dec-22	n/a
PRO1.1	Resource analysis undertaken to be undertaken by the Counter Fraud Working Group with any gaps identified.	CFWG	Dec-22	n/a
PRO1.2	Capacity gaps to be considered for inclusion in the fraud risk assessment.	CFWG	Dec-22	n/a
PRE2.1	Review of Safer Recruitment procedures to ensure they mitigate fraud and corruption risks.	HR	Dec-22	n/a
PRE2.3	Written agreements and contracts will provide references to the Bribery Act 2010 and the Council's Counter Fraud and Corruption Strategy and the expectation that they will operate at all times in accordance with such policy.	A Knight	Dec-22	n/a

Q4 (January – March 2023)

Action Ref	Action	Service Manager	CFWG	CMT/GAP
PU1.2	<i>NFI Statistics will be review by Counter Fraud Working Group to determine any trends/root causes and update Counter Fraud Risk Register accordingly.</i>	CFWG	Mar-23	n/a
G3 & G4	<i>Present an annual report to CMT and GAP to compare the Council's progress against FFCL 2020 and Counter Fraud and Corruption Strategy and to ensure that the Counter Fraud and Corruption Strategy is appropriate in terms of its fraud risk and resources.</i>	Audit Manager	Mar-23	Mar-23
G2.3 & A1.4	<i>Brief CMT and GAP Committee on fraud risks and mitigation</i>	Audit Manager	Mar-23	Mar-23
PU3.2	<i>Counter Fraud Working Group activity will be included in the Counter Fraud Annual Report to CMT and GAP.</i>	Audit Manager	Mar-23	Mar-23
PU1.1	<i>Transparency Code and NFI statistics will be collated annually and reported to CMT and GAP.</i>	Audit Manager	Mar-23	Mar-23
PU2.1	<i>Internal Audit will align their Internal Audit Annual Plan with Fraud Risk Assessment</i>	Audit Manager	Mar-23	Mar-23
PRO2.1 & PRO2.2	<i>Annual fraud plan to be reviewed by Counter Fraud Working Group and included in the Counter Fraud Annual Report to CMT and GAP.</i>	Audit Manager	Mar-23	Mar-23

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Ongoing

Action Ref	Action	Service Manager
G2.2 & A1.3	<i>Review and monitor including any additional actions required in Counter Fraud Risk Register.</i>	CFWG
PU1.2	<i>Statistics will be reviewed by Counter Fraud Working Group to determine any trends/root causes and update Counter Fraud Risk Register accordingly.</i>	CFWG
G5.1	<i>Where fraud is identified, a report will be written outlining weaknesses which led to its perpetration and recommendations made to improve the control framework.</i>	Audit Manager

Action Ref	Action	Service Manager
G5.2	<i>Follow up to be undertaken to assess the progress of implementation of recommendations to assess improvement of the control framework.</i>	Audit Manager
PRE1.6	<i>Independent assurance on the effectiveness of the governance, risk management and control environment relating to fraud and corruption to be provided by Internal Audit.</i>	Audit Manager
PRE3.7	<i>Whistleblowing Team respond in line with Policy and record concerns and outcomes.</i>	Audit Manager / N Roberts/ J Reynolds
PRE6.2	<i>Counter Fraud Working Group will review matches to consider any weakness/root causes and update Counter Fraud Risk Register accordingly.</i>	CFWG
PU2.2	<i>Individual audit scopes will consider the Fraud Risk assessment and consider the prevention and detection of fraud.</i>	Audit Manager
PU3.1	<i>Counter Fraud Working Group will meet quarterly in line with its terms of reference and programme of work.</i>	CFWG
PU4.1	<i>Internal Audit to consider use of data analytics in its annual key financial systems review and other counter fraud work where applicable.</i>	Audit Manager
PRE3.8	<i>Monitoring Officer to provide regular anonymised report to GAP.</i>	J Reynolds
PRE4.2, PU3.2	<i>Counter Fraud Working Group activity will be included in the Counter Fraud Annual Report to CMT and GAP.</i>	Audit Manager
PRE7	<i>Publicise successful cases of proven fraud/corruption to raise awareness</i>	CFWG

Committee: Governance, Audit and Performance Committee

Date:

Title: Annual Procurement update 2021/22

Tuesday, 29
September 2022

Report Author: Angela Knight, Assistant Director - Resources
aknight@uttlesford.gov.uk

Summary

1. Chelmsford City Council have been providing the Council's procurement services since April 2021. The service covers the running of request for quotation (RFQ) and tender processes, providing advice on the use of frameworks, general support and strategic advice on contract rules and public sector procurement regulations.
2. This report provides members with an update on procurement activity for the 2021/22 financial year.

Recommendation

3. The Committee is requested to note the contents of this report

Financial Implications

4. No direct impacts from this report, but the service aims to provide value for money on all its procurement spend and contracts.

Background Papers

5. None

Impact

- 6.

Communication/Consultation	Chelmsford City Council procurement Team, Corporate Management Team, Informal Cabinet Board
Community Safety	N/A
Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	N/A
Sustainability	N/A
Ward-specific impacts	N/A
Workforce/Workplace	N/A

Chelmsford City Council – Procurement Service

7. 2021/22 was the first year where Chelmsford City Council (CCC) provided our Procurement Service. The arrangement has worked extremely well, and the council has access to a wealth of knowledge and experience in all aspects of procurement. The agreement has eliminated the previous risk of a single point of failure within the service.
8. The procurement team works across the Council providing advice, guidance and support with a variety of sourcing requirements. The e-procurement system (Delta eSourcing) enables compliance with the current public procurement regulations, the Councils contract rules and any incoming regulations following the UKs exit from Europe.
9. In other areas of the Council there is more of a cross functional partnership approach. With teams sourcing their requirements direct from frameworks. CCC provides support to officers in these processes, ensuring compliance and value for money.
10. CCC has also supported in updating the Contract Procedure Rules and provided two training sessions to the Senior Management Team and other key officers.

Essex County Council – Procurement for Local Plan

11. A separate Service Level Agreement (SLA) was entered into with Essex County Council (ECC) for the provision of services solely related to the Local Plan. The original agreement with ECC was entered into during 2020 prior to the new service agreement with CCC to support our internal service which consisted of a single Procurement Manager.
12. The SLA ended on the 31 March 2022 and all procurement support for the Local Plan will be managed under the service agreement with CCC.

Procurement Strategy – 2022 - 2026

13. The Council is required to have a Procurement Strategy setting out the Council's vision and aims and the production of this has been supported by CCC. The Strategy includes a social value policy and the introduction of the National Themes Measures and Outcomes (TOMS) seen as the best standard to measure and report on social value. Full details of the proposed Strategy are included as a separate item on tonight's agenda.

Procurement Spend

14. As outlined in the new Contract Rules, the Procurement Team are required to be involved in assisting services with all Procurements over £50k or deemed as high risk, although it should be noted the team support officers with all procurement needs as required irrespective of value. Contracts and services awarded with procurement support are detailed in Appendix A.
15. On occasions there have been requests for exemption to the contract rules, this would be acceptable when there is only one contractor/supplier in the market or limited time to deliver the goods or service meaning a full procurement process will have a negative impact on service delivery are the key reasons. Full details of all exemptions are set out in Appendix B.

16. Exemptions are a suitable method of award below threshold and internal processes ensure the Procurement Team can provide input into the exemption process at an early stage for advice. This support should limit the use of exemptions by offering alternative solutions, for example, a direct award and the procurement team being able to offer very quick turnaround timescales on urgent items.

Procurement Landscape

17. The UK's exit from the EU has had an impact on supply chain performance and also the legislative landscape. The Procurement Bill announced in the Queen's Speech at the opening of Parliament in May 2021 was one of 30 new bills on the UK agenda for the coming year. The Bill aims to reform the government procurement process in the UK and create simpler processes for UK Public Procurement. The draft Bill will be available later in 2022 for review and consultation.
18. Pricing is increasing in nearly all areas of the supply chain and the economy due to cost-of-living pressures, and the current volatile situation in Ukraine and Russia. The building sectors are significantly impacted at present, and cost of living and wages increases will impact all areas of spend.

Risk Analysis

- 19.

Risk	Likelihood	Impact	Mitigating actions
That the Council does not ensure value for money through its procurement activities	1 – The Council has robust Contract Procedure Rules in place	2 – There may be some risk that if procurement rules are not followed the Council may not realise best value through its contracts	Current structures and procedures in place give sound reassurance the Council is receiving value for money through its contracts.

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.

Procurement Awards with Procurement Support

Requirement	Service / UDC Officer	Contract Type / Value	Winning Supplier	Contract Length
Walden Place (two stages)	Housing	Works - £2,167,707	Gipping Construction Ltd	Not defined, work commissioned to deliver phase one
Parking Review	Car Parking	Services - £66,000	Parking Matters Liverpool	6 months
Utility Invoice Validation	Finance	Services - £17,280	The Monarch Partnership	4 years with option for 2 year extension.
Process - Full Tender and PCR 2015 Applies (Over OJEU OR considered to be of Strategic Importance)				
Electoral Printing Services	Elections	Services – contract value estimated at £200,000 + VAT	Print Image Network Ltd	5 years from 1/01/2022 with option of 2 year extension on a 1+1 basis
Infrastructure Delivery Plan	Planning	£98,818	LUC	Not defined, work commissioned to deliver Plan/report
Masterplanning or Allocations	Planning	£193,224	We Made That	
Climate Change and Net Zero Carbon Study	Planning	£75,000	Zebracarbon	
Procurements via Purchasing Framework				
Reservation management system via CCS GCloud-12	IT	Services - contract valued at £58,000 over 2 years,	Condeco HQ is based in London	2 years with the option of a 1 x 12 month extension
Web content Management System	Website	Services - contract valued at £56,000 over 2 years	GOSS interactives are located in Devon	2 years with the option of a 2 x 12 month extensions
Legal Services	Commercial Assets	£17,000	Birketts	9 months
Refuse Freighters	Street Services	Goods purchase via ESPO £314,740.	NTM GB Ltd	Not applicable

Requirement	Service / UDC Officer	Contract Type / Value	Winning Supplier	Contract Length
Refuse Collection Vehicle	Street Services	Goods purchase via ESPO £201,632.	Geesinknorba	Not applicable
Strategic Transport	Planning	£424,000	Tetra Tech	Not defined, work commissioned to deliver Plan/report
Fuel at Lt Canfield	Street Services	Goods purchase estimated at £450,000 per annum. Management fee fixed – price fluctuations expected dependant on fuel costs	New Era Fuels	2 year contract
Contract Extensions / Renewals				
Midland HR	Human Resources	Contract renewal – 5 years. Used exemption on technical grounds/cost of change. £163,532 + VAT		
Other				
Official Veterinary Services @ Stansted	Environmental Health	Advice – used exemption due to market size / contract value. £66,000 / annum. Covered under LTR. Two year contract with HallMark Meat Hygiene Ltd.		

Exception Requests – 2021/22

Details	Value of Contract	Client Department	Contract Awarded to	Reason for Exception Request
26,000kg trade refuse collection vehicle	£55,000	Environmental Services	Hopkinsons Fairdeals	Tendering for second hand vehicles would be difficult due to differing ages, conditions and mileage.
26,000kg twin pack refuse collection vehicle (x2)	£130,000			
Consultant/external body to support the implementation of the Planning Review fulfilling the role of Interim Director of Transformation	£55,000	Corporate Management	Solace	Limited market due to the specialised area of work
Local Plan – New Communities Legal Advice	£24,500	Legal/Planning	Dentons	The advice needed is in a specialist area of planning law directly linked to the delivery of large scale new communities. Appointment of Dentons ensures continuity of advice and the only supplier in the market that is able to meet the Council's requirements

Details	Value of Contract	Client Department	Contract Awarded to	Reason for Exception Request
3 Year support maintenance and License for Checkpoint Firewall	£78,485	IT	Bytes	<p>Provides a functional Firewall that is essential in helping protect our ICT network and Infrastructure from the outside world.</p> <p>We have to buy the support and license for our checkpoint appliance so we can continue to use the product. Checkpoint will only sell through a software reseller like Bytes, like most vendors they will only give preferential pricing to one reseller (Bytes)</p>
Provision of legally required Official Veterinary surgeon (OVS) at the Stansted border control post (BCP)	£132,000 (Contract 2 years)	Environmental Health		<p>There are limited suppliers in the current market due to high national demand of veterinary offices with imported food experience</p> <p>The post will ensure continuity of existing imported food service at and to ensure a smooth transition into the new checking regime required by EU exit.</p>

Details	Value of Contract	Client Department	Contract Awarded to	Reason for Exception Request
HR, Payroll and Performance Management System (Itrent)	£163,523 (Contract 5yrs)	Human Resources	Midland HR	In order to have followed a full tender process, this would have meant doing so at the beginning of the Covid-19 pandemic. Any new IT system would have had a significant testing, implementation and training process which would not have been feasible during the pandemic.
Provider of expert advice and guidance for Treasury Management and associated financial activities.	£57,300 (subject to annual RPI) (Contract 3yrs +2yrs optional)	Finance	Arlingclose	There is only one other supplier in the market and due to this being a specialist service it would be hard to evaluate whether another firm would provide the same level of service. Expansion of the Council's investment portfolio and complex government requirements on managing capital financing changing supplier would impact on current work and consistency of approach.

Committee: Governance, Audit and Performance Committee

Date:

Title: Procurement Strategy - 2022 - 2026

Thursday 29
September 2022

Report Author: Angela Knight, Assistant Director - Resources
aknight@uttlesford.gov.uk

Summary

1. The Procurement Strategy sets out the Council's vision for its procurement activity over the next four years.
2. The Strategy includes the aims of the Council to ensure all procurement activities are delivered in an economic, environmentally, and socially responsible ways, whilst delivering value for money for the Council and promoting the long-term interests of the communities, residents and businesses in Uttlesford.
3. The Strategy delivery plan is set out over three phases to enable a realistic and achievable action plan to be developed and to ensure that good practice is embedded in each phase.

Recommendations

4. The Committee is requested to recommend The Procurement Strategy, attached as Appendix A for approval by the Council.

Financial Implications

5. No direct financial implications from the Strategy.

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.

None

Impact

- 7.

Communication/Consultation	Corporate Management Team and Informal Cabinet Briefing
Community Safety	N/A
Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	N/A
Sustainability	N/A
Ward-specific impacts	N/A
Workforce/Workplace	N/A

Situation

National Procurement Strategy

8. The Local Government Association (LGA) launched the National Procurement Strategy (NPS) in 2018, and this was refreshed in August 2022. The NPS focuses on three key themes for the next four years:
 - Showing leadership
 - Behaving commercially
 - Achieving community benefits
9. The procurement strategy has been developed based on consideration of the above themes and will identify key strategic areas and enablers from the NPS which will align with the context of the Council's local and regional priorities.
10. The LGA has developed a toolkit to support delivery of the NPS for Local Government in England 2018. Its purpose is to help councils to set objectives in relation to the maturity levels in each of the key areas of the strategy and to assess their own progress against those objectives.
11. There are five levels of maturity each providing guidance and criteria for assessment against each level.

Minimum → Developing → Mature → Leader → Innovator
12. The NPS Toolkit will be completed during the autumn to assess levels of maturity in each of the key areas of the strategy and to assess Uttlesford's own progress against those objectives. A report detailing the outputs of the assessment will be brought to the Governance, Audit and Performance Committee in November.

Uttlesford Procurement Strategy 2022-26

13. The delivery plan for the Strategy is set out over three phases.
 - I. National Themes, Measures and Outcomes (includes Social Value)
 - II. Climate change
 - III. Contract Management
14. The Procurement Strategy includes the introduction of the use of the National Themes Measures and Outcomes (TOMS).
15. The National TOMs framework is widely recognised as the best standard for measuring and reporting on social value and this is supported by the Local Government Association.
16. Measures include supporting young people into work, opportunities for disadvantaged people, improving staff health and wellbeing, ethical procurement, social value in supply chains, supporting community projects, and reducing carbon emissions.
17. For every £1 generated, the Council will be able to quantify in pounds the wider value created for society. A briefing note is attached as Appendix B providing a full explanation on 'What is Social Value', the paper includes a worked example demonstrating how this is applied and calculated in the procurement process.

18. The Strategy aims to align with the Council's Corporate Priorities, specifically focusing on Climate Change.
19. Contract Management is shown as phase three as the Council is currently implementing a new structure to provide support to this phase. It is expected to have fully implemented the structure by the end of the current calendar year.
20. Full details of the Council's Procurement Strategy and the procurement activities are set out in Appendix A.

Risk Analysis

21.

Risk	Likelihood	Impact	Mitigating actions
Key aims and priorities are not considered when procuring goods and services	2 – contracts and purchase orders are raised without knowledge of the procurement team	2 – it may be necessary for intervention to ensure the goods/service are compliant	All procurement activity is governed by the Contract Procedure Rules available to all officers and managed by an experienced team of procurement officers.

1 = Little or no risk or impact

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

3 = Significant risk or impact – action required

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



Uttlesford District Council Procurement Strategy 2022 - 2026



Prepared by:
Procurement
Uttlesford District Council
September 2022



Procurement Vision

Our strategy aims to provide officers, elected members, suppliers and the public with an understanding of the context of the Council's procurement activity, and to set the direction this will take over a four year period.

Within this strategy we will set out how we will provide our procurement activities collaboratively and in an economically, environmentally and socially responsible manner, achieving value for money on behalf of the Council and its key stakeholders whilst supporting the Uttlesford Corporate Plan and promoting the long-term interests of the communities, residents and business in Uttlesford.

Corporate Plan

The Uttlesford Corporate Plan sets out the long term ambitions for Uttlesford. It is structured around four ambitions and one overarching vision that informs all our plans and strategies:

Making Uttlesford the best place to live, work and play.

Within the plan are four key priorities:

- **Putting residents first**
- **Active place-maker for our towns and villages**
- **Progressive custodian of our rural environment**
- **Champion for our district**

Uttlesford Climate Crisis Strategy

On 30th July 2019, Uttlesford District Council declared a Climate Emergency in recognition that unless action is taken there will be a negative impact on the climate and environment. The Council has produced a Climate Crisis Strategy 2021 – 2030 which details 5 priorities:

- Resources
- Energy Consideration
- Planning
- Transport
- Assets and Operations

These priorities and actions are considered when developing the wider Procurement Strategy for the Council.

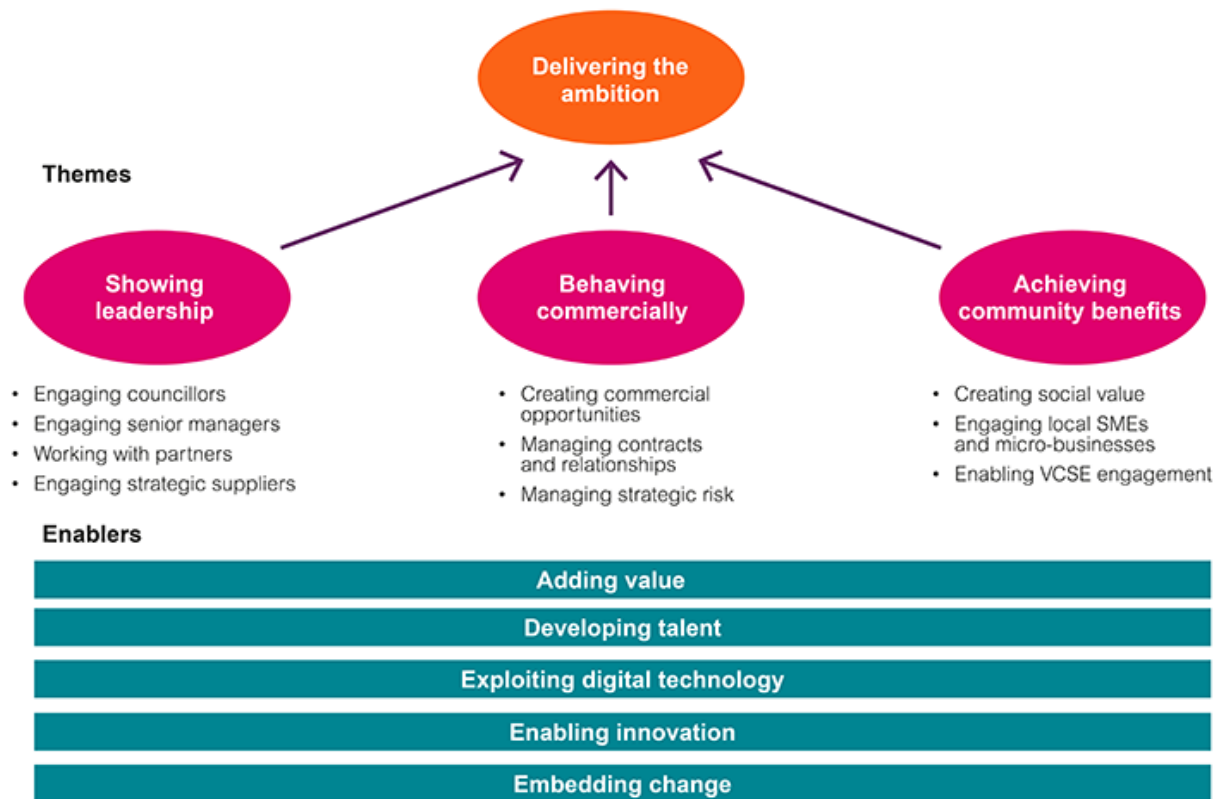
National Procurement Strategy

The Local Government Association (LGA) launched the National Procurement Strategy (NPS) in 2018, and this was refreshed in August 2022.

The NPS focuses on three key themes for the next four years:

- Showing leadership
- Behaving commercially
- Achieving community benefits

Our procurement strategy has been developed based on consideration of the above themes and will identify key strategic areas and enablers from the NPS which will align with the context of our local and regional priorities.



A toolkit has been developed to support delivery of the National Procurement Strategy for Local Government in England 2018. Its purpose is to help councils to set objectives in relation to the maturity levels in each of the key areas of the strategy and to assess their own progress against those objectives.

There are five levels of maturity each providing guidance and criteria for assessment against each level.

Minimum → Developing → Mature → Leader → Innovator

The Council will use the toolkit to assess our current performance and monitor progress over the life of the Strategy.

Post EU Exit, the new procurement rules are expected to move the winning bidder test from 'most economically advantageous tender' (MEAT) to 'most advantageous tender' (MAT), and this change will help to focus on value in its broader sense beyond economic value.

Key Procurement Priorities:

The procurement priorities have been set out in three phases.

Phase One - Introduction of the use of the National Themes, Measures and Outcomes (TOMS)

The National TOMs framework is widely recognised as the best standard for measuring and reporting on social value supported by the Local Government Association.

Social value is the view beyond price that looks at the additional value organisations can bring to our communities. We want to work with our suppliers to produce wider benefits for both Uttlesford and Essex.

The National TOMs Framework was introduced to the public sector procurement as a solution for the Social Value Act, the reporting and compliance has evolved into a social value measurement standard across the UK. It is a flexible yet robust structure which allows it to be adapted to meet different requirements.

Measures include supporting young people into work, opportunities for disadvantaged people, improving staff health and wellbeing, ethical procurement, social value in supply chains, supporting community projects, and reducing carbon emissions.

To maximise impact and provide consistency, the TOMS have financial proxy values so organisations can measure the value delivered and quantify the wider value created for society.

For every £1 generated, the Council will be able to quantify in pounds the wider value created for society.

Use of National Themes, Measures and Outcomes covers all aspects of Social Value measurement and reporting, in addition it provides a framework for benchmarking nationally.

Social Value

Within the National Procurement Strategy there are new requirements and opportunities for Social Value, in addition to local priority outcomes included in procurements. Local authorities must also consider national social value priority outcomes, where it is relevant to the subject matter of the contract, and where it is proportionate to do so. =

The national social value priorities are:

- creating new businesses, new jobs and new skills
- tackling climate change and reducing waste; and
- improving supplier diversity, innovation and resilience.

The following points set out the actions required to demonstrate that the above outcomes have been fully considered.

- Adoption of suitable national social value themes measure and outcomes in all procurement processes above Public Contracts Regulations (2015) limits.
- Include Social Value considerations in all appropriate procurement processes as advised by the Procurement Team.
- The Council's National Living Wage Policy will be reflected in procurement processes and contract documentation so that where we are legally entitled to do so, we will require providers to pay at least the national Living Wage to all their staff working on Council contracts.

- Deliver training in Social Value to key staff
- Reporting annually progress against the National Themes Measures and Outcomes, and Modern Slavery to the Governance, Audit and Performance Committee.
- Undertake a Modern Slavery Supplier Risk Assessment and complete any identified outcomes to strengthen controls within the Council.

Phase two - Climate Change

The Strategy aims to support the delivery of the Councils Climate Crisis Strategy 2021 – 2030 through the supply chain and delivery partners where appropriate:

Actions:

- Appropriate use of environmental Themes Outcomes and Measures from the National TOMS
- Consider carbon implications at specification stage, including single use plastic, recycling and electric vehicles.
- Include carbon off setting requirements within contracts where applicable
- Appropriate use of localisation of tender opportunities to minimize travel and carbon impact.
- Encourage the use of digitisation within procurement processes, including online tenders and submission process to reduce paper and printing usage.

Phase three - Contract Management

Deliver a consistent contract management framework across the council to support and enable all buyers and senior managers with contract management responsibilities.

Actions:

- Working with directorates across the Council to create a contracts register baseline of all contracts we are actively spending against.
- Develop contract management frameworks for high, medium and low risk contracts.
- Supporting contract managers directly to ensure contracts are being managed effectively and performance is achieving contractual commitments.
- Design and deliver contract management training that will focus on managing contract terms and conditions, change control, effective monitoring of KPI's and deliverables, adherence to deadlines, management and mitigation of risk, spend control and the development of supplier relationships.
- Create a process to assess major contracts mid-way through their contract term and use this evidence to determine overall performance and next steps.
- Produce a performance report on contracts and identify additional benefits extracted over and above, through our SRM relationships that feeds into the annual procurement strategy report to the Governance, Audit and Performance Committee.
- In addition to the training, a range of tools will be developed to provide additional support, advice and guidance which will ensure efficiencies, best practice, and a consistent approach to managing contracts across all services.

Procurement Strategy – Social Value

What is Social Value?

Social value is defined through the Public Services (Social Value) Act (2013) which requires all public sector organisations and their suppliers to look beyond the financial cost of a contract to consider how the services they commission and procure can improve the economic, social and environmental wellbeing of an area.

The Act requires all Public Services contracts above the OJEU threshold to be subject to appropriate social value criteria. Whilst the Act is only compulsory for this category of contracts, Uttlesford District Council has committed to applying the use of social value criteria in below threshold awards, where appropriate. The act does however require these criteria to be relevant to the subject of the contract and proportionate to the value and potential impact that could be achieved.

The act requires that contracting authorities should consider not only how to improve the economic, social and environmental well-being of the area served by them through the procurement, but also how to undertake the process of procurement with a view to securing that improvement and measuring it during the life of the contract.

Councils are encouraged to use procurement to achieve wider financial and non-financial outcomes, including improving wellbeing of individuals, communities and the environment by making social value a decision-making criterion when awarding contracts.

National Themes Outcomes and Measures Framework (TOMS)

The National TOMS Framework is a tool to measure impact for over 100 social value measures, including environmental, skills and regeneration indicators.

These measures have been developed by the National Social Value Taskforce and are reviewed to ensure compliance with HM Treasury Green Book and are used across all public sector organisations. They are regularly updated and have local economic requirements considered.

They provide a financial matrix and standardised units to contextualise social value performance to compare activities using a common matrix and can be used at any point through the procurement and contract cycle.

Worked Example.

In a tender submission for £2m building works - the suppliers were asked to provide social value benefits having a weighted score of 5% of the quality marks for tender evaluation within the theme of Creating new business, skills and jobs.

Two suppliers submit two different bid responses:

Supplier A – response

Business and skills

If we are successful, we will employ 2 staff as result of the contract who were previously long term unemployed.

Our team will also commit 100 hours of staff time spent training at local schools and colleges.

Supplier B - response

Business and Skills

We will employ 3 local staff as direct employees for at least one year or the whole duration of the contract.

As a result of this contract, we will provide 20 weeks apprenticeships on contract completed during the year.

Currently it is very difficult to quantify the impact of these commitments and therefore provide a fair score for social value impact as part of tender evaluation.

Using TOMS methodology and calculations the impacts can be qualified into a monetary value and scored in a consistent and fair way, used across all of the public sector.

Supplier A

ID	TOMS	Units	Proxy Value	Total Value
NT4	No. Of employees (FTE) taken on who are not in employment, education, or training (NEETs)	2 staff	£12,776.32	£25,552.64
NT8	Local school and college visits e.g. delivering career talks, curriculum support, literacy support. No. Hours includes preparation time.	100 hours	£14.80	£1,480
	Total Social Value Impact			£27,032.62

Supplier B

ID	TOMS	Units	Proxy Value	Total Value
NT1	No. Of local people hired or retained on contract for one year or whole duration of the contract or whichever is shorter.	3 people	£28,460	£85,380
NT9	No. Of training opportunities on contract (BTEC, City & Guilds, NVQ) that have either been completed during the year, or that will be supported by the organisation	20 weeks	£246.39	£4,927.80
	Total Social Value Impact			£90,307.80

In this example the weighted score for Supplier B would be 5 and Supplier A would be 2.

These scores would be combined with the overall quality score and evaluated as a normal part of the tender award process.

Agenda Item 6

Committee: Governance Audit and Performance Committee

Date: Thursday, 29 September

Title: Update regarding the Council's policy and processes for the conduct of investigations under the Regulation of Investigatory Powers Act 2000

Report Author: Elizabeth Smith, Solicitor.
esmith@uttlesford.gov.uk

Summary

1. This report is submitted to update Members regarding the steps taken to ensure that should the Council require to exercise powers under the Regulation of Investigatory Powers Act 2000 (RIPA 2000) then it is done so transparently and in accordance with the substantive and procedural requirements laid down by the legislation.

Recommendations

2. That Members do note the contents of this report.

Financial Implications

3. As part of its statutory responsibilities the Council undertakes investigations into criminal offences. Powers under RIPA 2000 may only be utilised in the investigation of offences carrying an immediate custodial sentence of six months or more upon conviction for a first offence and the majority of these are either a) triable upon indictment only, or b) the magistrates decline jurisdiction.
4. It is estimated by West Midlands Police that a RIPA investigation costs £6000 per day so it is not undertaken lightly. [Source: Bond Solon].
5. The majority of the offences for which the Council prosecutes are triable summarily only and are therefore not within scope; however those charged with the investigation of criminal offences, eg Environmental Health, Planning Enforcement, Revenues and Benefits, need to have good awareness of the requirements of the legislation in order to ensure all activity is both open and transparent.
6. Those who may be involved in the process have received external training appropriate to their role and newly appointed staff members will be required to book onto a course if applicable to their job role.

Background Papers

7. The following papers were referred to by the author in the preparation of this report and are available for inspection.
- a. Uttlesford Regulation of Investigatory Powers Act Policy and Procedural Guidance.
 - b. Regulation of Investigatory Powers Act 2000
 - c. Home Office Code of Practice for Covert Surveillance and Property Interference (August 2018 revision)
 - d. Uttlesford District Council CCTV Code of Practice (April 2019)
 - e. Websites of various training providers (Links available on request).
 - f. Letter of 26th May 2021 Investigatory Powers Commissioners' Office (IPCO) Inspection

Impact

8.

Communication/Consultation	None.
Community Safety	The authority has a duty to investigate offences and is obliged to do so in accordance with the law.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	<p>The European Convention of Human Rights sets out 18 Convention rights incorporated into UK law by S1(3) Human Rights Act 1998 and set out in full in Schedule 1 Part I thereof.</p> <p>Article 8 States as follows:-</p> <p>“Right to respect for private and family life</p> <ol style="list-style-type: none"> 1. Everyone has the right to respect for his private and family life, his home and his correspondence. 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

9. Historically the position has been that due to resource constraints any relevant investigations have been carried out by other agencies (e.g. the Police or the DWP) with support from the Council. No authorisations have been sought or granted for at least the past six years.
10. Inspections by IPCO on 27th July 2018 and 24th May 2021 led to the making a number of recommendations. Set out below in tabular form is a list of those requirements, the actions taken and whether or not those actions have been completed.

▪ IPCO REQUIREMENT	▪ ACTION REQUIRED	▪ WHETHER COMPLETED
<ul style="list-style-type: none"> ▪ Updating of UDC's policy regarding the use of the powers under Regulation of Investigatory Powers Act 2000 to include the use of Covert Human Intelligent Sources and liaison with the Magistrates Court. 	<ul style="list-style-type: none"> ▪ Updated policy prepared with thanks to Chelmsford City Council for the provision of a template document. 	<ul style="list-style-type: none"> ▪ Yes Background Paper a) which is published on the Councils website.
<ul style="list-style-type: none"> ▪ Training needs analysis at strategic and operational levels to be undertaken and training events organised. 	<ul style="list-style-type: none"> ▪ External training procured and undertaken as follows: Authorising officers, June 2021, RIPA Co-Ordinator 11/11/21, Investigating Officers 4/3/22: all provided by Bond Solon. ▪ SRO (ACT Now Training: 25th April 2022. ▪ Social Media usage PHF Training Company 13th and 21st September 2022 	<ul style="list-style-type: none"> ▪ Yes
<ul style="list-style-type: none"> ▪ Designation and 	<ul style="list-style-type: none"> ▪ All ADs and the 	<ul style="list-style-type: none"> ▪ Yes: new appointments

training of Authorising Officers	Directors of Planning and Finance have been trained.	at the appropriate level must undertake the Bond Solon AO training course. DH and JE enrolled for one 9 th November 2022.
<ul style="list-style-type: none"> ▪ Convening of a Practitioners Group. 	<ul style="list-style-type: none"> ▪ The membership has been identified by reference to job role (senior officers from Planning Enforcement, Environmental Health, Licensing, Revenues and Benefits). 	<ul style="list-style-type: none"> ▪ Yes: first meeting to take place 9th September. Being Chaired by the RIPA Co-ordinator (Senior Litigation Lawyer). Meetings to be convened twice yearly.
<ul style="list-style-type: none"> ▪ Secure storage of evidential material. 	<ul style="list-style-type: none"> a) Procedural documentation within Legal Services Case Management System. b) Evidence stored in secure Cloud space in consultation with ICT Services c) Artifacts to be stored in secure cabinet in vault at London Road. d) Document Retention & Destruction Policy updated to include RIPA documentation. 	<ul style="list-style-type: none"> ▪ Yes. <p>Document Retention Policy is also being updated in terms of destruction of CCTV evidence and this and will be published during October 2022.</p>
<ul style="list-style-type: none"> ▪ Member awareness 	<ul style="list-style-type: none"> ▪ Annual update. Training to be provided to members by RIPA Co-Ordinator at next routine training day and thereafter as part of the new member induction process. 	<ul style="list-style-type: none"> ▪ Yes; awaiting date.
<ul style="list-style-type: none"> ▪ CCTV 	<ul style="list-style-type: none"> ▪ All CCTV to include non-covert sources is currently in the process of being logged and If the Council does purchase equipment 	<ul style="list-style-type: none"> ▪ In progress with an estimated date for completion by the year end.

	<p>suitable for covert surveillance, then the equipment will be detailed on a sperate suitable schedule and usage logged in accordance with RIPA principles.</p>	
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11. Investigations carried out pursuant to RIPA 2000 occur only if the offence being investigated will carry a custodial sentence of six months and upwards on a first conviction. Such offences are either triable on indictment only or, if the offence is triable either way the magistrates will almost certainly decline jurisdiction. UDC does not generally investigate such offences for the reasons given earlier in this report and the training given has been directed towards ensuring these techniques are not used inappropriately.
12. UDC has recorded nil authorisations for the past six years and it is believed these powers have never been used by the Council. Local authorities generally do not choose to exercise these powers because of the resource implications and investigate of offences overtly whenever possible and in accordance with transparent practice.

CCTV

13. The Council's Closed-Circuit Television (CCTV) Code of Practice dates back to April 2019. Currently cameras are maintained in the sheltered housing complexes maintained by the Council and a number of buildings owned and operated by us. The number of the latter has been augmented by the addition of new buildings at Little Canfield and Walpole Farm, Stansted. All of these installations are overt and have been installed for the safety and security of those living and/or working in the buildings or their immediate environs and appropriate signage is visible and in place.
14. A recent review of the entirety of the Council's CCTV provision was undertaken by the Community Safety Officer. Following this, it was concluded that since the provision of these cameras is incidental to the Council's role as a property owner that overall responsibility for the oversight of this equipment should rest with the Assistant Director: Commercial & Change Management as being responsible for the maintenance, repair and improvement of the Council's non HRA assets in consultation with the Assistant Director: Housing, Health and Communities and the Assistant Director: Corporate Services as SIRO. Should the Council purchase CCTV equipment for relevant purposes then RIPA principles and governance will be implemented accordingly.

Risk Analysis

- 15.

Risk	Likelihood	Impact	Mitigating actions
1. An investigation might be undertaken without complying with the requirements of the Act and Codes of Practice made thereunder.	1. Staff undertake relevant activities without first considering overt alternatives or a full understanding of what steps must be taken prior to so doing.	4. Breach of the subject's Art 8 rights leading to a) any evidence thereby being rendered inadmissible and b) liability to them in damages under the Act.	Adopting these policies and procedures and implementing the required training packages without delay.

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.

Agenda Item 7

Committee: Governance, Audit and Performance

Date: Thursday,

Title: Proposed amendments to the
Uttlesford District Council Constitution

29 September 2022

Report Author: Peter Reilly

Locum Lawyer

PReilly@uttlesford.gov.uk

Summary

1. At the instigation of the Monitoring Officer, an exercise has been conducted to:
 - (a) review the Council's Constitution in order to ensure its fitness for purpose; and
 - (b) consider more generally whether existing governance procedures in the Constitution are in conformity with best practice.
2. As a result of the exercise, several sections of the Constitution (as specified by the Monitoring Officer) were examined and the following were identified as being in need amendment and/or updating:
 - The provisions in the Council Procedure Rules relating to abridgment of time for calling extraordinary meetings.
 - The Officer Employment Rules (relating to Statutory Officer Disciplinary and Dismissal Procedures).
 - Councillor role descriptions.
 - The functions and terms of reference of the Governance, Audit and Performance Committee, and the Standards Committee.
 - The provisions in The Council Procedure Rules relating to motions.
3. The amendments proposed are set out in the appendices to this report as tracked changes to the relevant sections of the Constitution.

Recommendations

4. That the Committee recommends to Council that the proposed amendments and additions to the Constitution set out in the appendices (Appendices A-E) to this report be approved and adopted.

Financial Implications

5. There are no financial implications deriving from this report.

Background Papers

6. None.

Impact

7.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	Notice of amendments will allow for advance consideration of any legal implications.
Sustainability	N/A
Ward-specific impacts	None
Workforce/Workplace	None

Situation

8. Reviews of the Constitution are conducted periodically in order to ensure that it is fit for purpose and that it reflects best practice.
9. The rationale for proposed changes set out in the appendices to this report can be summarised as follows:
 - There is currently no provision in the Council Procedure Rules which permits the abridgment of the five-day notice period for calling extraordinary Council meetings. The proposed amendments to rule 5 of the Council Procedure Rules and to rules 5 and 6 of the Access to Information Rules will permit the calling of an extraordinary meeting with less than five days' notice, thus enabling the Council to deal with genuinely urgent business in a timely fashion. There is also a proposed amendment to rule 3 of the Council Procedure Rules, enabling the Chief Executive to call an extraordinary meeting.
 - Amendments to rule 8 of the Officer Employment Rules are needed to incorporate additional provisions relating to the disciplinary and dismissal procedures applicable to the Chief Executive, the Monitoring Officer and the Chief Finance Officer. The amendments expressly permit any disciplinary and dismissal procedures relating to these officers to be conducted in accordance with the Council's Disciplinary Policy, which provides for additional procedural steps (over and above those set out in rule 8) to be followed.

- In accordance with best practice, it is proposed that a new section headed “Principal Councillor Role Descriptions” (comprising detailed descriptions of the roles and responsibilities of the Leader/Deputy Leader, and the Chairs/Vice-Chairs of the Council, the Governance, Audit and Performance Committee, the Standards Committee, the Scrutiny Committee, and the Regulatory Committees) be added to Part 3 of the Constitution (this will also necessitate consequential amendments article 2.3 at Part 2). The role descriptions will provide clarity and transparency in respect of the roles to which they relate. The Committee will note that, in the case of the Chair and Vice-Chair of the Council, it has a choice of two role descriptions, with the second option having no requirement for impartiality.

- The terms of reference of the Standards Committee and the Governance, Audit and Performance Committee (set out in Part 3 of the Constitution) have been revised and updated so as better to reflect their roles and functions and in the case of the latter Committee, to add a responsibility for information governance to its remit (with a consequential amendment to article 8 at Part 2).

- With regard to the proposed revised terms of reference of the Governance, Audit and Performance Committee, it should be noted that:
 - i) paragraphs 1, 2, 4, 5, 6, 8, 9, 21, 22, 27, 28, 32 and 33 are derived from the Chartered Institute of Public Finance and Accountancy (CIPFA) guidance template; and
 - ii) paragraph 31 is in the alternative: either
 - a) the original text is retained, subject to the proposed deletion of sub-paragraph n), o), r), t) and u) (these relate to recommendatory functions which are now exercised by other appointed committees or are matters on which officers will typically report directly to Council with proposals/recommendations or, in the case of proper officer roles and the scheme of delegation, are addressed in in a further report to this Committee today);
 - or:
 - b) the Committee's remit can be restricted to making recommendations on specific matters at the express request of the Council.

As to paragraph 31, it is suggested that the latter alternative is to be preferred, given the expanded role of the Committee and the need to ensure that its workload is manageable. Moreover, it is understood that the Committee has seldom, if ever, proactively exercised the function of making recommendations on any of the functions listed in paragraph 31 (all of which are in any event Council functions and ultimately matters for decision by the Council).

- The procedure governing the debating of motions (in rules 10 to 12 of the Council Procedure Rules) has been streamlined with a view to facilitating effective and productive debate.

Risk Analysis

10. The proposed amendments to the Constitution create little risk to the Council.

Risk	Likelihood	Impact	Mitigating actions
1	1	1	1

- 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.

Note for information: Proposed amendments to the Constitution can be found in Appendices 1 to 5 below. Black text denotes no proposed changes (but has been included here for context); coloured text denotes additional wording and text that has been struck through denotes deletion.

Appendix A

Proposed amendments to the Section 2, Part 4 of the Constitution: Council Procedure Rules (Rules 3 & 5) and the Access to Information Rules (Rules 5 & 6) to permit the abridgment of time for calling extraordinary meetings

PART 4 – RULES OF PROCEDURE

RULE 3 EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings.

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

- 3.1.1 the Council by resolution;
- 3.1.2 the Chair of the Council;
- 3.1.3 the Monitoring Officer;
- 3.1.4 the ~~Chief Finance Officer~~Section 151 Officer; and

3.1.5 any five members of the Council if they have signed a requisition presented to the Chair of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

~~3.1.5~~3.1.6 The Chief Executive may direct the proper officer to call Council meetings in addition to ordinary meetings.

3.2 Business

The summons to the extraordinary meeting shall set out the business to be considered. No business other than that set out in the summons shall be considered at that meeting.

RULE 4 TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

RULE 5 NOTICE OF AND SUMMONS TO MEETINGS

5.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Chief Executive will send a summons signed by him or her by post or by e-mail to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

5.2 Meetings convened at short notice

Meetings of the Council may only be convened at less than five clear working days' notice where by reason of special circumstances, which shall be specified in the summons, the meeting is required to be called at that time as a matter of urgency.

PART 4 – ACCESS TO INFORMATION RULES

RULE 5 NOTICES OF MEETING

[Unless Rule 5.2 of the Council Procedure Rules applies](#), the Council will give at least five clear working days' notice of any meeting by posting details of the meeting at the Council Offices, London Road, Saffron Walden, Essex CB11 4ER ("the designated office") or publishing on the council website.

RULE 6 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

[Unless Rule 5.2 of the Council Procedure Rules applies](#), the Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons [has been sent out, the Chief Executive shall make each such report available to the public as soon as the report is completed and sent to councillors. In the event of Rule 5.2 being applied, the agenda and reports shall be published as soon as possible.](#)

Proposed amendments to the Section 2, Part 4 of the Constitution: Officer Employment Rules (Rule 8.1)

8. Disciplinary procedure for relevant officers

8.1 The provisions of this rule are applicable to the dismissal of, and the taking of any disciplinary action against, (a) the Council's head of paid service, (b) its chief finance officer and (c) its monitoring officer (defined for the purposes of these provisions in rule 8.2(b) below). The provisions of this rule should be read in conjunction with the relevant provisions of the Council's Disciplinary Policy, in which the additional procedural steps that will be followed are set out.

8.2 In the following paragraphs

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

8.3 A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.

8.4 The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing

at least two such persons to the Panel.

8.5 In paragraph 8.4 “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

8.6 Subject to paragraph 8.7, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 8.4 in accordance with the following priority order-

(a) a relevant independent person who has been appointed by the authority and who is a local government elector;

(b) any other relevant independent person who has been appointed by the authority;

(c) a relevant independent person who has been appointed by another authority or authorities.

8.7 An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 8.6 but may do so.

8.8 The authority must appoint any Panel at least 20 working days before the relevant meeting.

~~8.8.9~~ Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular—

- any advice, views or recommendations of the Panel;
- the conclusions of any investigation into the proposed dismissal; and
- any representations from the relevant officer.

8.10 Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

Proposed addition to Section 2, Parts 2 and 3 of the Constitution: Principal Councillor Role Descriptions (Part 3, chapter 6) and consequential amendment to Roles and Responsibilities of Councillors (Part 2, article 2.3)

6. PRINCIPAL COUNCILLOR ROLE DESCRIPTIONS

LEADER/DEPUTY LEADER

1. Accountable to

- The public
- The Cabinet
- Full Council

2. Role and Responsibilities

- Be the leading political figures in the Council and the principal political spokespersons for the Executive
- Provide effective political leadership in the co-ordination of Council policies, strategies and service delivery
- Provide leadership in relation to the Council and its citizens, stakeholders and partners in the overall delivery of Council policies, strategies and services
- Appoint the Cabinet [responsibility of Leader only]
- Appoint the Deputy Leader [responsibility of Leader only]
- Designate appropriate portfolios [responsibility of Leader only]
- Appoint Cabinet Members to portfolios having regard to their abilities and expertise [responsibility of Leader only]
- Have a thorough understanding of the Constitution and the decision-making processes within the Council
- Ensure the effective operation of the Cabinet by overseeing the Council's forward plan
- Ensure that meetings of the Cabinet are conducted in accordance with the Executive Procedure Rules and the Constitution generally
- In conjunction with other Cabinet members, ensure the development of an effective budget and policy framework, together with the delivery of high-quality services
- Represent the Council in the community and in discussions with regional, national and international organisations concerning matters of interest to the Council and its communities
- Ensure that sufficient support and training opportunities are available to councillors in order to help them to be effective in their roles
- Liaise with the Chief Executive on the management of the Council and delivery of Council services
- Help to create an organisational culture which can foster creative thinking
- Develop and maintain effective relationships with officers, councillors, partners and other public sector bodies, local businesses and voluntary and community groups and the general public in the Council's area

The Deputy Leader will assist the Leader of the Council in discharging the above duties and responsibilities and in the absence of the Leader, the Deputy Leader

will assume responsibility. These duties and responsibilities should be read in conjunction with the provisions of Article 7 of the Constitution.

CHAIR/VICE-CHAIR OF THE COUNCIL

1. Accountable to

- The public
- Full Council

2. Role and Responsibilities

(a) Acting as the Council's Ceremonial and Civic Head

- To be impartial and uphold the democratic values of the Council
- Represent the Council at civic and ceremonial functions

(b) Chairing Council Meetings

- Preside over meetings of the Council so as to facilitate the efficient conduct of its business
- Ensure the Council conducts its meetings in accordance with the Council Procedure Rules and the Constitution generally

(c) Upholding and promoting the Council's Constitution

- Ensure that the Constitution is adhered to, and (when necessary) rule on the interpretation of the Constitution

(d) Internal Governance, Ethical Standards and Relationships

- Promote and support good governance within the Council
- Promote and support open and transparent government
- Promote and support respectful and effective relationships with officers of the Council
- Ensure adherence to the highest standards of behaviour in public office

The Vice-Chair will assume responsibility for the above duties and responsibilities in the absence of the Chair. These duties and responsibilities should be read in conjunction with the provisions of Article 5 of the Constitution.

or

CHAIR/VICE-CHAIR OF THE COUNCIL

2. Accountable to

- The public
- Full Council

2. Role and Responsibilities

(a) Acting as the Council's Ceremonial and Civic Head

- To uphold the democratic values of the Council

- Represent the Council at civic and ceremonial functions

(b) Chairing Council Meetings

- Preside over meetings of the Council so as to facilitate the efficient conduct of its business
- Ensure the Council conducts its meetings in accordance with the Council Procedure Rules and the Constitution generally

(c) Upholding and promoting the Council's Constitution

- Ensure that the Constitution is adhered to, and (when necessary) rule on the interpretation of the Constitution

(d) Internal Governance, Ethical Standards and Relationships

- Promote and support good governance within the Council
- Promote and support open and transparent government
- Promote and support respectful and effective relationships with officers of the Council
- Ensure adherence to the highest standards of behaviour in public office

The Vice-Chair will assume responsibility for the above duties and responsibilities in the absence of the Chair. These duties and responsibilities should be read in conjunction with the provisions of Article 5 of the Constitution.

CHAIR/VICE-CHAIR OF THE GOVERNANCE, AUDIT AND PERFORMANCE COMMITTEE

1. Accountable to

- The public
- Full Council
- The Governance, Audit and Performance Committee
- The Council's Auditors

2. Role and Responsibilities

(a) Provide Leadership and Direction

- Promote and support good governance by the Council
- Demonstrate independence, integrity and impartiality in decision-making in accordance with legal, financial, constitutional and policy requirements
- Provide effective management of Committee meetings in accordance relevant codes of practice, rules of procedure and the Constitution generally
- Ensure thoroughness and objectivity, taking into account professional advice provided in connection with the conduct of meetings and the audit process
- Uphold and promote ethical governance and high standards in public office

(b) To lead the Governance, Audit and Performance Committee in the performance of its functions

(c) Manage Work Programme

- Develop a forward work programme designed to deliver the remit of the Committee in accordance with relevant statutory requirements
- Monitor progress against the work programme/audit recommendations

(d) Governance, Ethical Standards and Relationships

- Understand the financial risks associated with corporate governance, being satisfied that the Council's assurance statements, including the Annual Governance Statement, reflect the risk environment and any remedial action required
- Develop the standing and integrity of the Committee
- Understand the respective roles of councillors, officers and external parties operating within the Committee's areas of responsibility

The Vice-Chair will assume responsibility for the above duties and responsibilities in the absence of the Chair. These duties and responsibilities should be read in conjunction with the provisions of Article 8 of the Constitution.

CHAIR/VICE-CHAIR OF THE SCRUTINY COMMITTEE

1. Accountable to

- The public
- Full Council
- The Scrutiny Committee

2. Role and Responsibilities

(a) Provide Leadership and Direction

- Provide effective management of the Committee and scrutiny activities
- Have a good working knowledge of the practices, procedures and functions which fall within the Committee's terms of reference
- Promote the role of scrutiny within and outside the Council, liaising both internally within the Council and externally with the Council's partners, other public sector bodies and community organisations as appropriate
- Develop a balanced work programme which includes Cabinet pre-decision scrutiny, policy development and review, investigative scrutiny and performance monitoring
- Demonstrate an objective and evidence-based approach to scrutiny
- Evaluate the impact and added value of scrutiny activity and identify areas for improvement

(b) Manage Work Programme

- Develop a work programme which takes account of factors such as the work of the Cabinet and other committees, strategic priorities and risks and relevant community issues
- Monitor and report to the Council on progress with the work programme
- Liaise with officers, councillors, external partners/public sector bodies and community representatives to resource and deliver the work programme

(c) Holding the Cabinet and Individual Cabinet Members to Account

- Oversee the arrangements for consideration of any challenge to the validity of Cabinet decisions through the call-in process

(d) Effective Meeting Management

- Ensure that the necessary preparation is done for meetings
- Manage the progress of business at meetings, ensuring that meeting objectives are met and that meetings are conducted in accordance with the Overview and Scrutiny Procedure Rules and the Constitution generally
- Ensure that all those participating in meetings have an opportunity to make appropriate contributions

(e) Community Involvement

- •———Act as a focus for liaison between the Council, community and external bodies in relation to the scrutiny function
- •———Build understanding of the scrutiny function within the community
- •———Identify relevant community-based issues for scrutiny
- •———Promote the full involvement of external stakeholders in scrutiny activity

(f) Development of Committee Members

- •———Encourage active participation by all Committee members in both the Committee and any Task and -Finish Groups
- •———Assess individual and collective performance within the Committee and facilitate appropriate development

3. Governance, Ethical Standards and Relationships

- Develop the standing and integrity of the Committee and its role in the Council's decision-making processes
- Understand the respective roles of councillors, officers and external parties operating within the Committee's areas of responsibility
- Support and promote good governance

The Vice-Chair will assume responsibility for the above duties and responsibilities in the absence of the Chair. These duties and responsibilities should be read in conjunction with the provisions of Article 6 of the Constitution.

CHAIR/VICE-CHAIR OF THE STANDARDS COMMITTEE

1. Accountable to

- The public
- Full Council
- The Standards Committee

3. Role and Responsibilities

Provide Leadership and Direction

- Provide effective management of Committee meetings in accordance relevant codes of practice, rules of procedure and the Constitution generally
- Act in accordance with relevant technical and legal requirements to oversee the functions of the Committee fairly and correctly and to facilitate clear decision-making
- Ensure thoroughness and objectivity, taking into account professional advice provided in connection with the interpretation and operation of the Councillors' Code of Conduct
- Demonstrate independence, integrity and impartiality in decision-making in accordance with legal, constitutional and policy requirements
- Lead the Committee in its role in:
 - (i) Promoting and maintaining high standards of conduct by councillors
 - (ii) Assisting councillors to observe the Councillors' Code of Conduct
 - (iii) Advising the Council on the adoption or revision of the Councillors' Code of Conduct
 - (iv) Monitoring the operation of the Councillors' Code of Conduct
 - (v) Providing advice (or training where appropriate) to councillors on matters relating to the Councillors' Code of Conduct
 - (vi) Dealing with complaints, investigation reports and any report received from the Monitoring Officer on any matter referred to that officer which is within the Committee's remit and relevant to its functions and responsibilities
 - (vii) The exercise of the Committee's functions in relation to parish councils and their councillors

4. Governance, Ethical Standards and Relationships

- Develop the standing and integrity of the Committee
- Understand the respective roles of councillors, officers and external parties operating within the Committee's areas of responsibility
- Support and promote good governance

The Vice-Chair will assume responsibility for the above duties and responsibilities in the absence of the Chair. These duties and responsibilities should be read in conjunction with the provisions of Article 9 of the Constitution.

CHAIR/VICE-CHAIR OF THE PLANNING COMMITTEE AND LICENSING & ENVIRONMENTAL HEALTH COMMITTEE

1. Accountable to

- The public
- Full Council
- –The Planning Committee and the Licensing and Environmental Health Committees

2. Role and Responsibilities

(a) Provide Leadership and Direction

- Provide effective management of meetings to facilitate participation and clear decision-making
- Have a clear understanding and appreciation that these regulatory committees are quasi-judicial bodies which operate within a statutory framework
- Ensure that committee meetings of the Committee are conducted in accordance with the relevant protocols, codes of practice and rules of procedure set out in Part 5 of the Constitution
- Ensure consistency in the quality and efficacy of decision making
- Ensure that applicants and other interested parties are clear on the procedures being followed and are satisfied as to the transparency of the regulatory process
- Demonstrate and foster integrity and impartiality in decision making in accordance with legal, constitutional and policy requirements
- Delegate actions to sub-committees as appropriate

(b) Promoting the Quasi-Judicial Role of the Planning Committee and the Licensing and Environmental Health Regulatory Committee

- Act as a representative for the Committee, facilitating an understanding of the role of the Committee and its quasi-judicial function
- Act in strict accordance with relevant technical, legal and procedural requirements
- Ensure that proper account is taken of professional advice provided in connection with the conduct of meetings generally and with regard to individual matters/applications under consideration by the Committee

(c) Effective Meeting Management

- Ensure that meetings are conducted in accordance with all relevant protocols, codes of practice and procedures as set out in Part 5 of the Constitution
- Ensure that all those participating in meetings have an opportunity to make an appropriate contribution (where applicable)
- Seek to ensure that applicants feel that they have been dealt with fairly and fully (in particular when an application has been refused) and that they are clear on the outcome of their application (and in the case of a refusal, the reasons)

3. Governance, Ethical Standards and Relationships

- Safeguard the integrity of the Committee's decision-making processes
- Understand the respective roles of councillors, officers and external parties operating within the Committee's areas of responsibility
- Promote and support good governance

The Vice-Chair will assume responsibility for the above duties and responsibilities in the absence of the Chair. These duties and responsibilities should be read in conjunction with the provisions of Article 8 of the Constitution.

2.3 Roles and functions of all councillors

Descriptions of the principal councillor roles are set out in Part 3 of this Constitution. The following is a general summary applicable to all councillors.

2.3.1 Subject to the provisions of this Constitution, all councillors will:

2.3.12.3.2 collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions, subject to those matters reserved to the executive;

2.3.22.3.3 contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision-making;

2.3.32.3.4 represent their communities and bring their views into the Council's decision-making and scrutiny processes, ie become the advocate of and for their communities;

2.3.42.3.5 deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;

2.3.52.3.6 balance different interests identified within their ward and represent the ward as a whole;

2.3.62.3.7 be involved in decision-making;

2.3.72.3.8 be available to represent the Council on other bodies; and

2.3.82.3.9 maintain the highest standards of conduct and ethics as set out in the Code of Conduct in Part 5 of this Constitution and in other relevant documents.

Proposed revisions to Section 2, Parts 2 and 3 of the Constitution: Terms of reference and delegation to the Standards Committee and the Governance, Audit and Performance Committee (Part 3, Chapter 4) and consequential amendment to the Regulatory Committees table in article 8 (Part 2, article 8)

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 tow 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.~~

1. To promote and maintain high standards of conduct within the Council and to make recommendations to the Council on the improvement of standards.
2. To advise the Council on the adoption of, or revisions to, its codes of conduct.
3. To monitor and advise the Council on the operation of its codes of conduct in the light of best practice and changes in the law.
4. To assist members and co-opted members of the Council to observe the Councillors' Code of Conduct.
5. To ensure that every member of the Council has access to training in all aspects of the Councillors' Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected of them under the Code.
6. To discharge the functions relating to standards of conduct in accordance with any relevant provision of, or regulations made under, the Localism Act 2011.
7. To consider petitions (when necessary) under the Council's petitions scheme.

8. To receive reports on investigations carried out into complaints of alleged breaches of the Councillors' Code of Conduct or of equivalent codes of conduct adopted by parish/town councils (carried out by investigators appointed by the Monitoring Officer). Thereafter the Monitoring Officer shall appoint a sub-committee to:
 - (i) determine (in consultation with at least one independent person) such complaints; and
 - (ii) decide on (or in the case of parish/town council members, make recommendations on) what action should be taken in the event that a complaint is upheld.

GOVERNANCE, AUDIT AND PERFORMANCE COMMITTEE

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

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

- management and corporate governance in the Council.
14. To monitor council policies on whistleblowing and the anti-fraud and corruption strategy and the Council's complaints process;
 15. To oversee the production of the authority's Annual Governance Statement and to agree its adoption;
 16. To oversee the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
 17. To monitor the Council's compliance with its own and other published standards and controls.
 18. To review and approve the annual statement of accounts for publication. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
 19. To consider the external auditor's report to those charged with governance issues arising from the audit of the accounts.
 20. 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. Carry out and give effect to the outcome of statutory and interim reviews of polling districts and polling places.
 22. 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~~

1 To consider the Council's arrangements to secure value for money and to review assurances and assessments on the effectiveness of those arrangements.

2 To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.

3 To monitor the performance and progress of the Council against improvement plans, to oversee the Council's internal audit and risk functions (to include approval of the internal audit plan and any material changes thereto), to receive and approve external audit reports, to scrutinise 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.

4 To make enquiries with a view to ensuring that there are no inappropriate scope or resource limitations on the internal audit function.

5 To make enquiries with a view to ensuring that there are no impairments on the independence or objectivity of the Internal Audit Services Manager arising from additional roles or responsibilities unconnected with the internal audit function.

6 To consider and review the Internal Audit Services Manager's annual report on the level of conformity with the public sector internal audit standards and opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and internal controls, together with the summary of the work supporting the opinion.

7 To consider summaries of specific internal audit reports as requested.

8 To consider reports from the Internal Audit Services Manager on the performance of the internal audit function during the year (to include updates on the work of internal audit, quality assurance, and instances where the internal audit function has not conformed to required public sector internal audit standards), with a view to determining whether any matters arising from such reports are significant enough to be included in the Annual Governance Statement.

9 To provide free and unfettered access to the Committee for the Audit Services Manager, to include the opportunity for a private meeting with the Committee.

10 To consider reports from internal audit on agreed recommendations not implemented within a reasonable timescale, particularly where a level of risk has been accepted which is considered to have been unacceptable to the Council.

11 To consider the external auditor's annual letter, relevant reports, and reports to those charged with governance.

12 To consider specific reports as agreed with the external auditor.

13 To comment on the scope and depth of external audit work and to ensure it provides value for money.

14 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.

15 To commission work from internal and external audit.

16 To maintain an overview of the Council's procurement procedures and financial regulations and to monitor compliance therewith.

17 To review any issue referred to it by the Chief Executive or a Director, or any Council body.

18 To monitor the effective development and operation of risk management and corporate governance in the Council.

19 To monitor the Council's policies on information governance, whistleblowing, anti-fraud and corruption, anti-money laundering, and the Council's complaints process.

20 To consider the Information Governance Report received annually from the Accountable Officer with a view to seeking to ensure that there is a continuous improvement in respect of all matters relating to information governance throughout the Council.

21 To review the Annual Governance Statement prior to its approval and adoption, and to consider whether it properly reflects the risk environment and any supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.

22 To review the effectiveness of internal audit in supporting the production of the Annual Governance Statement.

23 To review the Council's arrangements for corporate governance against current good governance and ethical governance advice, and agreeing any necessary actions to ensure compliance with best practice.

24 To monitor the Council's compliance with its own and other published standards and controls.

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.

26 To consider the external auditor's report to those charged with governance issues arising from the audit of the accounts.

27 To support the independence of the external auditor.

28 To advise and make recommendations on the effectiveness the external auditor's and internal audit's relationships with other inspection agencies and relevant bodies.

29 To 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.

30 To carry out and give effect to the outcome of statutory and interim reviews of polling districts and polling places.

31 At the request of the Council and as appropriate, to make recommendations on any matter relating to the exercise of any function which by virtue of Section 2 of Part 3 of this Constitution is solely the responsibility of Full Council.

or

To make recommendations to 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 to 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

32 To make regular reports to the Council on the Committee's performance and effectiveness in relation to its terms of reference.

33 To publish an annual report on the work of the Committee.

Article 8 – Governance, Audit and Performance, Planning, Licensing and Environmental Health Committees

The Council will appoint the committees set out in the left hand column of the table below to discharge the functions described in the right hand column of that table.

Planning Committee	The Council's regulatory functions under the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004, the Highways Act 1980 and related legislation.
Licensing & Environmental Health Committee	The functions of the Council in the control of services, persons, vehicles and premises requiring to be licensed or registered.
Governance, Audit and Performance Committee	The Council's functions in respect of internal governance (including information governance) , its Constitution, elections and related matters, internal and external audit, the Council's accounts, monitoring performance of Council services. The Committee makes decisions in respect of some functions and advises the Council in respect of others.

Appendix E

Proposed revisions to Section 2, Part 4 of the Constitution: Amendments to the procedure governing the debating of motions (Part 4, Rules 10 to 12):

RULE 10 MOTIONS ON NOTICE

10.1 Notice

Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least one member, must be delivered to the Chief Executive not later than six clear working days before the date of the meeting.

10.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move the motion at a later meeting or withdraw it.

10.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the [Uttlesford](#) district. Subject to Rule 13, a motion in substantially similar terms must not have been proposed within the previous six months.

10.4 Scurrilous, defamatory or improper motion

If in the opinion of the Chief Executive a proposed motion is scurrilous, defamatory improper or irrelevant, the notice of the motion shall be rejected.

RULE 11 MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

11.1 to appoint a Chair of the meeting at which the motion is moved [where the Chair or Vice-Chair cannot fulfill that role for the meeting](#);

11.2 to appoint a Chair or Vice-Chair of the Council or any of its committees or a Leader of the Council in the event of a casual vacancy arising (including a vacancy arising as a result of a vote of no confidence under Article 7.4 of the Constitution)

- 11.3 in relation to the accuracy of the minutes;
- 11.4 to change the order of business in the agenda;
- 11.5 to refer ~~something a matter~~ to another appropriate body or individual;
- 11.6 to appoint a committee or member if this arises arising from an item on the summons for the meeting;
- 11.7 to receive reports or to adopt recommendations of committees or officers and any resolutions following from them;
- 11.8 to withdraw a motion;
- 11.9 to amend a motion;
- 11.10 to proceed to the next business;
- 11.11 that the question be now put;
- 11.12 to adjourn a debate;
- 11.13 to adjourn a meeting;
- 11.14 that the meeting continue beyond two hours in duration;
- 11.15 to suspend a particular Council Procedure Rule;
- 11.16 to exclude the public and press in accordance with the Access to Information Rules;
- 11.17 to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4;
- 11.18 to give the consent of the Council where its consent is required by this Constitution.

RULE 12 RULES OF DEBATE

12.1 Total time allowed for discussion of motions

At any meeting, a maximum of two hour(s) shall be allocated for the discussion of all motions. The maximum time permitted for consideration of any single motion shall not exceed one hour.

12.2 Moving a motion

Every motion must be formally moved and its purpose explained.

12.3 No speeches until motion seconded

When a motion has been formally moved and explained, no speeches may be made ~~after the mover has moved a proposal and explained the purpose of it~~ until the motion has been formally seconded.

12.4 Right to require motion in writing

Unless notice of the motion has already been given in accordance with Rule 10, the Chair may require it to be written down and handed to him/her before it is discussed.

12.5 Secunder's speech

When seconding a motion or amendment, the seconder may speak to the motion immediately or ~~a member~~ may reserve their right to speak until later in the debate.

12.6 Content and length of speeches

Speeches must be directed to the question-motion under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Chair.

12.7 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

12.7.1 to speak once on an amendment moved by another member;

12.7.2 to move a further amendment if the motion has been amended since he/she last spoke;

12.7.3 if his/her first speech was on an amendment moved by another member, to speak on the main issue if the amendment on which he/she spoke was not carried;

12.7.4 in exercise of a right of reply at the end of the debate;

12.7.5 on a point of order;

12.7.6 by way of a brief personal explanation; and

12.7.7 [to move a closure motion \(as a simple motion and without a speech\)](#)

12.8 Amendments to motions and recommendations

12.8.1 An amendment to a motion or recommendation must be relevant to the motion and will either be:

- (i) to refer the matter to another appropriate body or individual for consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words as long as the effect of [\(ii\) to \(iv\) the amendment](#) is not to negate the motion or recommendation.

12.8.2 [Any proposed amendment to a motion in accordance with \(ii\), \(iii\) or \(iv\) above may be accepted by the mover of the motion and their seconder without the need for a vote and before any debate on the amendment takes place. In those circumstances, the amended motion will proceed to debate in the normal way.](#)

12.8.3 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

12.8.4 If an amendment is not carried, other amendments to the original motion may be moved.

12.8.5 If an amendment is carried, the motion as amended takes the place of the original motion and becomes the substantive motion to which any further amendments are moved.

12.8.6 After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, ~~or if there are none, put it to the vote and if there are no further amendments, the debate will continue on the motion as amended.~~

12.8.7 Subject to the exceptions in Rule 12.8.6, amendments to motions or recommendations shall only be considered if they have been delivered in writing to the Democratic Services Manager or to a Democratic Services Officer by 10 am on the day which is [no later than](#) two working days preceding the meeting [at which the motion is to be considered](#). Amendments submitted shall then be circulated to all members of the Council.

12.8.8 _____ The exceptions to Rule 12.8.7 are [as follows](#):

~~1. The Chair shall have discretion to permit amendments from members when satisfied that the need for the amendment could not have been anticipated before the deadline. The Chair should also be satisfied that advance notice of such amendments was given as soon as reasonably practical, and not left to the day of the meeting unless this was unavoidable.~~

~~2. Further amendments are permitted that directly respond to amendments submitted in accordance with these rules. Notice of such further amendments should be given as soon as reasonably practical.~~

~~3. The Chair may permit amendments if satisfied that they are necessary to improve the wording or to correct factual inaccuracies and do not make substantive changes to motions or recommendations, or to amendments of which notice has been given in accordance with rule 12.6.6. The Chair shall give reasons for permitting such amendments to the meeting.~~

~~4. The Leader of the Council may amend a Cabinet recommendation in the light of discussion.~~

(a) Technical amendments, which may be moved to correct factual errors.

(b) At the discretion of the Chair, any amendment where the need for the amendment could not have been reasonably anticipated before the deadline for the submission of amendments, and provided that advance notice of any such amendment was given as soon as reasonably practicable.

12.9 Alteration of motion

12.9.1 A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

12.9.2 A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

12.9.3 Only alterations which could be made as an amendment may be made.

12.10 **Withdrawal of motion**

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

12.11 **Right of reply**

12.11.1 The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

12.11.2 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

12.11.3 The mover of the amendment has no right of reply to the debate on his or her amendment.

12.12 **Procedural Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (i) to withdraw a motion;
- (ii) to amend a motion;
- (iii) to proceed to the next business;
- (iv) that the question be now put;
- (v) to adjourn a debate;
- (vi) to adjourn a meeting;
- (vii) that the meeting continue beyond two hours in duration
- (viii) to exclude the public and press in accordance with the Access to Information Rules; and
- (ix) to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4.

12.13 Closure motions

12.13.1 A member may move, without comment, the following [procedural motions](#) at the end of a speech of another member:

- (i) to proceed to the next business;
- (ii) that the question be now put;
- (iii) to adjourn a debate; or
- (iv) to adjourn a meeting.

12.13.2 If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

12.13.3 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

12.14 Point of order

A member may raise a point of order at any time. [Unless there are exceptional circumstances, the Chair will take the point only at the end of the speech then being made by another member.](#) ~~The Chair will hear them immediately.~~

A point of order may only relate to an alleged breach of these Council Rules of Procedure or [of the law](#). The member [raising the point of order](#) must ~~indicate~~ [specify](#) the Rule or law and the way in which he/she considers it has been ~~broken~~ [contravened](#). The ruling of the Chair on the matter will be final.

12.15 Personal explanation

A member may make a [brief](#) personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

12.16 Speaking at meetings when not a member of the committee

A member of the Council may attend a meeting of a committee of the Council of which he or she is not a member and may speak on any matter dealt with at that meeting subject to having advised the Chair of the member's intention in that regard before the meeting begins. ~~provided that~~ [This provision does not extend shall not apply to permit](#) members [wishing](#) to speak at hearings before the Licensing Committee [hearing when it is considering](#) applications for licences or certificates or applications for variations or reviews of licences or certificates unless the member or members concerned shall have first made relevant representations as interested parties within the meaning of the Licensing Act 2003.

Agenda Item 8

Committee: Governance, Audit and Performance Committee

Date: Thursday,
29 September

Title: Report regarding proposed changes in the scheme of delegations to officers

Report Author: Elizabeth Smith, Solicitor.
esmith@uttlesford.gov.uk

Summary

1. This report is submitted to advise Members of proposed changes in the Council's scheme of delegation of functions to officers, regardless of whether the persons concerned hold a statutory office.

Recommendations

2. That Members recommend the revised scheme of delegation (Appendix A) for adoption by Full Council

Financial Implications

3. The risk and cost of potential legal challenge if action is taken under improperly delegated authority and loss is occasioned thereby.

Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection.
 - a. Existing scheme of delegations
 - b. Corporate Management Team Review March 2022 with appendices.
 - c. Draft new scheme of delegations

Impact

Communication/Consultation	None.
Community Safety	None
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	Specific statutory roles are being brought in to the formal scheme of delegations in the interests of both openness and

	transparency
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

5. The Council's formal scheme of delegations was last reviewed in May 2019 and since then a) a number of statutory provisions have required the appointment of an individual charged with the oversight of functions thereunder b) there have been significant changes in the membership of the Council's Corporate Management Team and c) some Assistant Director roles that in reality have been in existence for some years are given formal Constitutional recognition.

6. The new scheme contains a preamble setting out the statutory authority under which delegations are made and specifically providing for the exercise of specific powers in the event of the absence of the person with whom the delegation normally rests. It also specifically provides for the recording of delegated decisions.

7. Following the retirement of the Council's Director of Public Services in November 2021 the Chief Executive carried out a review of the functioning of the Council's Corporate Management Team (Background papers item C). It was decided to delete this role and to upgrade the former role of Assistant Director: Planning to a full directorship; the other Assistant Directors formerly reporting to the Director of Public Services will now report directly to the Chief Executive. Members are referred to the organisational chart forming part of document C.

8. A number of statutory responsibilities have been specifically included within the list of delegations. A non-exhaustive list of these includes the roles of Electoral Registration Officer and Returning Officer under the Representation of the People Acts, the Senior Information Management Officer, the Money Laundering Officer and the Senior Responsible Officer under the Public Interest Disclosure Act.

9. Since the transport of children became a fully regulated activity under the Safeguarding of Vulnerable Groups Act 2006 in July 2020, given the numbers of Home to School Transport operators licensed by the Council it has also been decided to appoint a Local Authority Designated Officer under the Children Act 2004. This responsibility will be undertaken by the Safeguarding Officer who reports to Communities Manager within the Housing, Health and Communities Directorate.

10. Responsibilities under the Regulation of Investigatory Powers Act 2000 are the subject of a separate report.

11. A number of other functions have also been moved. Most significantly to date the responsibility for the Human Resources function has moved from the Assistant Director: Corporate Services to the Assistant Director: Business and Change

Management and the Council’s very modest role in the HGV licensing process, ie a right to object to an application for an operator’s licence, has been moved from Planning to Licensing. A further Assistant Director role has been created reporting to the S151 Officer and the some of the functions within Corporate Services area have been reallocated among those reporting to the S151 Officer.

12. It is recognised that there may be further changes in the Corporate Management Team and that in turn these may lead to amendments in the delegation scheme; however, this report sets out the position as it stands at the date hereof and the scheme will be kept under regular review.

13. Members are asked to consider the changes to the Council’s Scheme of Delegation (as contained in Part 3 of the Constitution - Responsibility for Functions) as set out in Appendix A to this report. Please note that black text denotes no proposed changes; coloured text denotes additional wording and text that has been struck through denotes deletion.

Risk Analysis

14.

Risk	Likelihood	Impact	Mitigating actions
2. Action may be undertaken without proper authority leaving the Council open to challenge.	2 – Action being perceived as necessary and undertaken without first checking authority in place	3 – Incorrect procedure in place leading to judicial quashing of decisions and the requirement to retake them: S84 Criminal Justice and Courts Act 2015 should not be relied upon.	Adopting and publicising the new delegations.

- 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.

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PART 3 - RESPONSIBILITY FOR FUNCTIONS

Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 some functions must be undertaken by the Council, some involve the Council and the executive (functions which may not be the sole responsibility of the executive) and some which may be the function of the Council or the executive as the Council may determine (local choice functions). The executive has sole responsibility for all functions other than those not to be the sole responsibility of the executive by virtue of legislation and those reserved to the council by legislation or (in relation to local choice functions) by the Council itself. Where a function requires the involvement of the Council, save for in a limited number of cases where legislation requires the function to be performed by the Full Council, the function may be delegated to a committee of the Council or an officer.

1. Responsibility for local choice functions

Function	Decision-making body	Membership
The determination of an appeal against any decision made by or on behalf of the authority	The Council	
Any function relating to contaminated land	The executive	
The discharge of any function relating to the control of pollution or the management of air quality	The executive	
The service of an abatement notice in respect of a statutory nuisance	The executive	
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 [power to require consent to the operation of loud speakers in the street] should apply in the authority's area	The Licensing and Environmental Health Committee	Members of the Committee as appointed by Council
The inspection of the authority's area to detect any statutory nuisance	The executive	
The investigation of any complaint as to the existence of a statutory nuisance	The executive	
The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	The executive	
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	The executive	
The appointment of any individual (a) to any office other than an office in which he is employed by the authority; (b) to any body other than - (i) the authority;	The executive	

(ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities	The executive	
Functions under sections 106, 110, 111 and 113 of the 2007 Act relating to local area agreements	The executive	

2. Responsibility for Council functions

Committee - Planning Committee

Membership - 10 members of the authority or such other number as is agreed by the Council

Functions-

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

Committee - Licensing and Environmental Health Committee

Membership - 10 members of the authority or such other number as is agreed by the Council

Functions - Functions relating to licensing and registration in respect of the following matters:-

1. animal boarding establishments, dangerous wild animals, dog breeding, performing animals, pet shops, riding establishments and zoos
2. game and game dealers
3. house to house and street collections
4. hackney carriages, private hire vehicles, drivers and operators under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976
5. pleasure boats under Public Health Acts Amendment Act 1907
6. movable dwellings and camp sites under Public Health Act 1936
7. caravan sites under Caravan Sites and Control of Development Act 1960
8. scrap yards under the Scrap Metal Dealers Act 1964
9. tables, chairs and other items on pedestrian areas of highways under the Highways Act 1980
10. sex establishments under the Local Government (Miscellaneous Provisions) Act 1982
11. street trading under the Local Government (Miscellaneous Provisions) Act 1982
12. acupuncture, tattooing, ear-piercing and electrolysis under the Local Government (Miscellaneous Provisions) Act 1982
13. food premises under the Food Safety Act 1990
14. operation of loudspeakers under the Noise and Statutory Nuisance Act 1993
15. licensable activities under the Licensing Act 2003
16. houses in multiple occupation under the Housing Act 2004
17. the Gambling Act 2005 to include the power to set fees in accordance with regulations made there under
18. 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
19. Functions relating to smoke free premises
20. Power to designate a public place for the purposes of police powers relating to alcohol consumption
21. Power to make or revoke an alcohol disorder zone

Full Council

Functions-

1. Duty to appoint an electoral registration officer
2. Power to assign officers in relation to the requisitions of the registration officer
3. Duty to appoint a Returning Officer for local government elections
4. Duty to provide assistance at Parliamentary and other nationally funded elections and referendums
5. Power to pay expenses properly incurred by electoral registration officers
6. Power to make temporary appointments to parish councils
7. Power to submit proposals to the Secretary of State for a pilot scheme for local elections
8. Duty to consult on a change of scheme for elections
9. Power to alter the years of ordinary elections of parish councillors
10. Functions relating to the change of name of an electoral area
11. Power to change the name of the district
12. Power to confer the title of Honorary Aldermen or to grant the freedom of the district
13. Power to petition for a charter to confer borough status
14. Power to make, amend, revoke, re-enact or enforce byelaws
15. Power to promote or oppose local or personal bills
16. Functions relating to local government pensions etc
17. Power to make standing orders including standing orders as to contracts
18. Power to appoint staff and to determine the terms and conditions upon which they hold office
19. Duty to make arrangements for the proper administration of financial affairs under s.151 Local Government Act 1972
20. Power to appoint "proper officers"
21. Duties with regard to the appointment of a Head of Paid Service, Section 151 and Monitoring Officer
22. 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
23. Power to make payments or provide benefits in cases of maladministration
24. Duty to adopt a code of conduct for members under the Localism Act 2011.

25. Power to dissolve small parish councils
26. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups
27. The division of the constituency into polling districts
28. Power to divide electoral divisions into polling districts at local government elections
29. Powers in respect of holding elections
30. Power to fill vacancies on parish councils in the event of insufficient nominations
31. Declaration of vacancy in office in certain cases
32. Giving notice of casual vacancies in office
33. Duties relating to publicity under the Local Government and Public Involvement in Health Act 2007
34. Duties relating to notice to the Electoral Commission
35. ~~35~~ Power to change the name of a parish
36. All powers and duties exercisable in connection with community governance reviews and petitions

Committee - Standards Committee

Membership - Up to 3 members of the authority from each political group and 3 independent persons, as non voting members.

Functions -

1. To promote and maintain high standards of conduct within the Council.
2. To advise the Council on the adoption or revision of its Code of Conduct.
3. To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, and changes in the law.
4. To give assistance to members and co-opted members of the authority.
5. To ensure that all members of the Council have access to training in all aspects of the members' Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected from local councillors under the Code.
6. Functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Localism Act 2011.
7. Considering petitions when necessary under the Council's petitions scheme.

3 Functions which are not the sole responsibility of the executive

- a. The functions set out below are to be performed by the executive subject to the powers of the Council set out thereafter.
- l Preparation of a plan under the Children and Young People's Plan (England) Regulations 2005
 - l Preparation of development plan documents under s.15 Planning and Compulsory Purchase Act 2004
 - l Preparation of the licensing authority policy statement under the Gambling Act 2005
 - l Alterations to the development plan under s.54 Town and Country Planning Act 1990 under transitional arrangements
 - l The formulation or preparation of a plan or strategy for the control of the council's borrowing, investments or capital expenditure or for determining the council's minimum revenue provision
 - l In the above cases the following powers are reserved to the council:-
 - l to instruct the executive to reconsider any draft plan or strategy submitted
 - l to amend any draft plan or strategy
 - l to approve for the purposes of public consultation draft proposals for the preparation of alterations to or the replacement of a development plan document
 - l to approve any plan or strategy (whether or not in draft form) for submission to the Secretary of State or any Minister of the Crown for approval where such submission is required
 - l to approve a development plan document for the purpose of its submission to the Secretary of State for independent examination under s.20 Planning and Compulsory Purchase Act 2004
 - l to adopt (with or without modification) any of the above mentioned plans or strategies
- b. Amending, modifying, revising, varying, withdrawing or revoking any plan or strategy referred to above shall be the responsibility of the executive only to the extent that it is required to give effect to the requirements of the Secretary of State or any Minister of the Crown in respect of a plan or strategy submitted for approval or is recommended by the person carrying out an independent examination of a development plan document or is authorised by the Council when approving or adopting the plan or strategy.
- c. The functions set out in the left hand column of the table on the next page which but for this provision might be the responsibility of the executive shall not be the responsibility of the executive in the circumstances referred to in the right hand column of the table.

<p>1. Adoption of a plan or strategy (whether statutory or non-statutory) other than one of those referred to in the foregoing provisions of this paragraph</p>	<p>The Council has determined that the decision should be reserved to it</p>
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<p>2. The determination of any matter in the discharge of a function</p> <p>which:-</p> <p>2.1 is the responsibility of the executive; and</p> <p>2.2 is concerned with the Council's budget, borrowing or capital expenditure</p>	<p>The person or body by whom the determination is to be made is minded to determine the matter contrary to or not wholly in accordance with the Council's budget or the Council's plan or strategy for the time being approved and adopted in relation to the Council's borrowing or capital expenditure and the decision maker is not authorised by the executive arrangements, financial regulations, standing orders or other rules and procedures to make a determination in those terms.</p>
<p>3. The determination of any matter in the discharge of a function:</p> <p>3.1 which is the responsibility of the executive; and</p> <p>3.2 in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the Council</p>	<p>The person or body by whom the determination is to be made is minded to determine the matter contrary to the approved or adopted plan or strategy</p>

d. Paragraph 3 in the table above does not prevent the discharge of a function by the executive where the circumstances which render a decision necessary may reasonably be regarded as being urgent and the person or body making the decision has obtained from the Chairman of the Scrutiny Committee (or if there is none or he is unable to act from the Chairman of the Council or in his absence the Vice-Chairman of the Council) a written statement that the determination needs to be made as a matter of urgency.

e. The functions set out in the left hand column of the table on the next page are the function of the executive subject to the limitations set out in the right hand column.

<p>Making an application under:-</p> <p>s.32 or s.43 Housing Act 1985</p>	<p>Council authorisation to make an application is required</p>
<p>Making calculations (whether original or substitute) under ss. 32 - 37, 43 - 49, 52I & J, 52T & U Local Government Finance Act 1992</p> <p style="text-align: center;">Page 98</p>	<p>Only the preparation of estimates of amounts to be used for the purposes of the calculation and estimates of the calculations for submission to the Council for consideration, the reconsideration of those estimates and amounts in accordance with the Council's requirements and the submission of revised estimates and amounts for the Council's consideration are functions of the executive.</p>

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

12. To review any issue referred to it by the Chief Executive or a Director, or any Council body.
13. To monitor the effective development and operation of risk management and corporate governance in the Council.
14. To monitor council policies on whistleblowing and the anti-fraud and corruption strategy and the Council's complaints process;
15. To oversee the production of the authority's Annual Governance Statement and to agree its adoption;
16. To oversee the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
17. To monitor the Council's compliance with its own and other published standards and controls.
18. To review and approve the annual statement of accounts for publication. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
19. To consider the external auditor's report to those charged with governance issues arising from the audit of the accounts.
20. 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. Carry out and give effect to the outcome of statutory and interim reviews of polling districts and polling places.
22. 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) ~~w)~~ Power to make payments or provide benefits in cases of maladministration
- x) ~~x)~~ Duty to adopt a code of conduct for members under the Localism Act 2011
- ~~x)y)~~ Powers in respect of holding elections
- z) ~~z)~~ Power to fill vacancies on parish councils in the event of insufficient nominations-nominations
- y)aa) ~~aa)~~ Declaration of vacancy in office in certain cases
- bb) ~~bb)~~ Giving notice of casual vacancies in office
- cc) ~~ee)~~ Duties relating to publicity under the Local Government and Public Involvement ~~_____~~ in Health Act 2007
In Health Act 2007
- dd) ~~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.
- 4.12. 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

1. To certify the annual calculation of the Council Taxbase
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 in line 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
- 4.10. [The submission of objections to the Traffic Commissioners or other licensing authority for applications for Goods Vehicle Operators Licences.](#)
- 2.11. 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
- 3.12. 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. -GDPO](#));
 - 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).

Responsibility for executive functions

Under the Local Government Act 2000 the Leader may discharge all functions of the executive or may arrange for them to be discharged by the executive, a committee of the executive, a member of the executive or by an officer. Such delegation does not preclude the Leader exercising the function personally. In accordance with the Act and Article 7 of the constitution the Leader approved the scheme of delegation set out in the following sections. Thereafter this section will be updated as soon as is reasonably practicable after any alterations to those arrangements are made.

SCHEME OF DELEGATION OF EXECUTIVE FUNCTIONS GENERAL DELEGATION TO THE CABINET, MEMBERS OF THE EXECUTIVE (PORTFOLIO HOLDERS), 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)

DELEGATION TO THE CABINET

All executive functions of the Council

DELEGATION TO PORTFOLIO HOLDERS

Scrap Metal Dealers Act 2013

To designate the Executive Member for Communities and Partnerships overall responsibility for the Council's function under the Scrap Metal Dealers Act 2013

The mechanism for dealing with applications under the Act is as follows: the Assistant Director - Housing and Health and Communities to deal with all non-contentious matters; contested matters to be dealt with by the Executive Member for Communities and Partnerships.

North Essex Parking Partnership

To designate the Executive Member for Economic Development or other Council representative on the North Essex Parking Partnership On Street Joint Committee and the Off Street Joint Committee with authority to vote on matters such as the NEPP budget and on street TROs, such decisions having the effect of committing the Council.

Local Plan - Duty to Co-operate and Planning Policy

To designate the Executive member for [Planning S-Environmental Services](#) or other Council representative at duty to cooperate meetings in respect of the preparation of the Council's local plan with other relevant plan making authorities to determine the Council's position on local plan issues.

Determination of the Council's position on any matter relating to:

1. the business on an agenda of the Cooperation for Sustainable Development Member Board;
2. duty to cooperate matters relating to development plans of other local planning authorities not represented on the Coop Board, [especially immediately neighbouring districts particularly Braintree and South Cambridgeshire](#)
- 2.
3. consultations on planning policy issues

Executive member for Economic Development

Determination of the Council's position on any matter relating to the proposed Saffron Walden Business Improvement District.

Executive member for Environmental Services

Exercise of the Council's discretion to set Fixed Penalty Notice fines up to legal limits.

DELEGATION TO WARD MEMBERS

Members' New Homes Bonus Scheme

Pursuant to s.236 Local Government and Public Involvement in Health Act 2007 each ward member shall have power to expend up to £3000 in any financial year in relation to any function of the Council which is an executive function insofar as the function is exercisable in relation to the ward for which the member is elected. In relation to members of the executive this power relates only to the exercise of such functions which have not been delegated to them by the Leader.

Prior to exercising any function in accordance with this delegation ward members shall consult with the Chief Finance Officer to ensure that such expenditure is legal.

Where a ward member discharges any function in accordance with this delegation he or she shall ensure that a written record of the decision or action taken is made and that such a record is provided to the Council within one month of the date of the decision or action.

The Leader has delegated power to the Section 151 Officer, in consultation with the Monitoring Officer to perform any executive function at the request of any member where:

- i) The performance of the function will be in a ward or partly in a ward not represented by the member or members making the request
- ii) The performance of the function will be of some benefit directly or indirectly to persons living in or carrying out business in the ward or wards which those members represent.
- iii) The total costs of the performance of the functions does not exceed the total amount of the unexpected budget allocated to those members for the performance of the executive functions within their wards and
- iv) The members concerned agree to forgo from their budget allocation such sums as are necessary to meet the cost of the performance of the function.

DELEGATION TO OFFICERS

ALL CHIEF OFFICERS & DEPUTY CHIEF OFFICERS

1. In consultation with the Leader of the Council or relevant Portfolio Holder, or if they are not available with any other member of the Cabinet, to take any action which would normally require Cabinet approval but which requires an urgent decision subject to the action being within budget and in line with Council policy. Any such decisions are to be reported to the next meeting of the Cabinet with a full explanation of the reasons for the decision.
2. To purchase goods, materials and services and to give orders for work to be performed insofar as there is provision for such expenditure within the budget and the purchase or order complies with the Council's Procedure Rules and Financial Regulations.
3. To determine the staff structure required for the effective operation of their areas of responsibility and to employ such staff insofar as there is provision for such expenditure in the budget and appointment is in accordance with the Council's Procedure Rules.
4. The day to day management of the services within their purview within budget.

5. The day to day management of all employees within their service units
6. All matters concerning the employment, discipline and dismissal of all staff below the level of Chief Officer subject to any right of appeal, any statutory provisions and any matter reserved to elected members.
7. The approval and implementation of training programmes and the approval of attendance by employees at courses and seminars within budget.
8. Road Closure Orders under Section 21 of the Town and Police Clauses Act 1847.

THE CHIEF EXECUTIVE

1. The development of the Council's corporate policies.
2. Development of the Council's corporate and service related strategies.
3. Service Planning and the Corporate Plan.
4. The Council's functions under the Crime and Disorder Act.
5. Quality control and client management of fitness and leisure and sports centres.
6. Community development and engagement.
7. National Lottery and grant matters.
8. All functions delegated to Chief Officers and Deputy Chief Officers under this scheme of delegation.
9. The following functions under the Anti-Social Behaviour Crime and Policing Act 2014:-
Power to issue closure notices under s.76 and to extend the validity of a closure notice for up to 48 hours under s.77(4).
10. To hold the statutory roles of Electoral Registration Officer and Returning Officer under Ss8(2)(a) and S28 (2) Representation of the People Act 1983
11. To declare that there is a vacancy in the membership of the Council in the circumstances prescribed by S86 Local Government Act 1972.
12. To act as the Council's Senior Responsible Officer (SRO) under the Regulation of Investigatory Powers Act 2000.

9.

DIRECTOR OF FINANCE AND CORPORATE SERVICES (\$151 OFFICER AND CHIEF FINANCE OFFICER)

1. To make arrangements for exchequer services including payroll, expenses reimbursement, banking, supplier payments and debt recovery.
2. To authorise changes to the signatories on the Council's bank mandate.
3. To authorise exceptions to the Contract Procedure Rules where there are sound business reasons to do so in consultation with relevant Portfolio Holders or the Cabinet or Leader.
4. To certify grant claims, audited returns and statistical information for submission to government departments.
5. To make funds available and authorise payments in the event of an emergency situation.
6. To authorise the write-off of bad debts in accordance with Financial Regulations.
7. To authorise the disposal of surplus vehicles, plant and equipment in accordance with Financial Regulations.
8. The completion of grant claims for housing and council tax benefit and discretionary housing payments.
9. Applications to central government for funding specific projects.
10. Functions as appropriate delegated to the Assistant Directors of:
 - a. Corporate Services;
 - a.b. Finance;
 - c. Commercial and Digital Change Management
 - d. under this scheme of delegation.

ASSISTANT DIRECTOR - GOVERNANCE AND LEGAL

1. —To authorise the institution, defence, participation in, withdrawal or compromise of any claims or legal proceedings, civil or criminal including the making of appeals.
2. —To give necessary legal authorisation to officers of the Council to appear before any courts or tribunals.
2. _____
3. To act as lead officer for the Council's Performance and Audit Committee.
- _____
- 4.4. To issue any statutory notices and certificates.

DIRECTOR OF PUBLIC SERVICES

1. All functions delegated to the Assistant Director of Housing and Environment and Planning and Building Control under this scheme of delegation.

- ~~2. In relation to street scene services the day to day management of contracts and services including the preparation and submission of tenders.~~
- ~~3. Contract monitoring, quality control and client management of the grounds and maintenance service.~~
- ~~4. To issue any statutory notices and certificates.~~

ASSISTANT DIRECTOR - CORPORATE SERVICES

1. To act as lead officer for the Council's Scrutiny Committee.
- ~~4.2. Oversight of the corporate and service delivery planning functions~~
- ~~2.3. Provision of customer service centre and community information centres.~~
- ~~3. The administration of human resources.~~
 4. Public relations and consultation.
5. Management and maintenance of the Council's website and intranet.
6. Senior Information Management Officer. Statutorily responsible for the functions of the Data Protection Officer under S69 Data Protection Act 2018.
- ~~5.~~
- ~~6.7. To act as lead officer for the Council's Performance and Audit Committee~~To act as lead officer for the Museum Management Working Group and to have oversight of the management of Saffron Walden Museum to include responsibility for CCTV installations upon the Museum buildings in consultation with the Assistant Director: Commercial and Change Management.
- ~~7.8. To issue any statutory notices and certificates.~~

ASSISTANT DIRECTOR - FINANCE

- ~~1. To issue any statutory notices and certificates.~~
- ~~2. The issue of possession proceedings in respect of council owned properties not forming part of the housing stock.~~
- ~~3. Completion of grant claims for housing and council tax benefit and discretionary housing payments.~~
- ~~4. The administration of sundry debtors.~~
- ~~5. To authorise budget virements in accordance with the virements rules contained within the Financial Regulations.~~
- ~~6. To make borrowing and investment decisions in accordance with the Council's Treasury Management Strategy.~~
- ~~7. To determine the most appropriate methods for procurement of goods and services consistent with the Procurement Strategy approved by the Cabinet.~~
8. Collection and control of cash.

- ~~9. To submit insurance claims to the Council's insurers.~~
- ~~10. To represent the Council at court proceedings in relation to the recovery of monies owed to the Council.~~
- ~~11. To prove debts on behalf of the Council in bankruptcy and liquidation proceedings.~~
- ~~12. The administration of council tax and Business Rates.~~
- ~~13. The administration of housing and council tax benefits.~~
- ~~14. The administration of Local Council Tax Support scheme (LCTS).~~
- ~~15. The determination of applications for Exceptional Circumstances.~~
- ~~16. Hardship Relief under the LCTS.~~
1. To determine the budget setting process and timetable.
2. To determine the budget monitoring process and timetable.
3. To respond to consultations of a technical nature relating to local government finance and audit matters.
4. To issue any statutory notices and certificates.
5. The issue of possession proceedings in respect of council owned properties not forming part of the housing stock.
6. Completion of grant claims for housing and council tax benefit and discretionary housing payments.
7. The administration of sundry debtors.
8. To authorise budget virements in accordance with the virements rules contained within the Financial Regulations.
9. To make borrowing and investment decisions in accordance with the Council's Treasury Management Strategy.
10. Collection and control of cash.
11. To agree renewal terms on the Council's insurance policies within budget.
12. To submit insurance claims to the Council's insurers.
13. To represent the Council at court proceedings in relation to the recovery of monies owed to the Council.
14. To prove debts on behalf of the Council in bankruptcy and liquidation proceedings.
15. Money Laundering Officer under the Money Laundering Regulations 2017.

16. Deputy S151 Officer.

ASSISTANT DIRECTOR – ICT AND FACILITIES COMMERCIAL AND CHANGE MANAGEMENT

1. To issue any statutory notices and certificates.
 2. Contract management, monitoring and quality control of ICT facilities.
 3. Performance and risk management including oversight of the PFI contracts for the provision of leisure services.
 4. Development of service related ICT strategies.
 - 4.5. Responsibility for printed materials and the mailroom.
 - 2.6. Monitoring and quality control of contracts relating to council offices and public conveniences.
 - 3.7. Responsibility for the siting, maintenance and upkeep of safety CCTV cameras in the Council's sheltered housing complexes and other public buildings including the placing of appropriate signage.
 - 4.8. The maintenance, repair and improvement of all non-HRA council assets.
 - 5.9. Management of all council commercial and other assets in accordance with the Asset Management Plan.
 10. The preparation, implementation and monitoring of a non-HRA stock condition plan.
 11. Business process re-engineering.
 12. Benchmarking.
- 6.

ASSISTANT DIRECTOR - HOUSING & HEALTH & COMMUNITIES

1. The provision, allocation and management of the Council's housing stock.
2. The administration of Council house sales.
3. The administration of the Council's statutory and other duties in respect of housing the homeless and dealing with landlord harassment.
4. The maintenance repair and improvement of the Council's housing accommodation.
5. The preparation, implementation and monitoring of housing programmes.
6. The provision of a welfare service for applicants for and tenants of housing accommodation including:-
- 6.1 Liaison with social services

- 6.2 operation of a sheltered housing service and
- 6.3 encouragement of the use of Lifeline
- 7. Liaison with the Homes and Communities Agency, Housing Associations, the private sector, local councils, agencies and societies to assess housing needs and to provide new homes and to rehabilitate substandard, derelict and unused properties.
- 8. Power to release restrictive covenants on former council houses sold under the right-to-buy legislation.
- 9. Authority to authorise ex gratia payments including rent free weeks (up to a maximum of £500) to tenants to assist them with the costs of disturbance.
- 10. Payment of authorised removal expenses to tenants transferring to smaller accommodation.
- 11. Approval of estimated service charges in respect of former Council flats and maisonettes.
- 12. Dealing with the exchange of tenancies between the Council's tenants and those of other Local Authorities and Housing Associations.
- 13. Making nominations to Housing Associations.
- 14. Dealing with succession of tenancies to members of the family who are legally qualified to succeed.
- 15. The approval of sub letting of part of tenanted property.
- 16. The allocation of ~~garages and~~ and the issue of Notices to Quit relating to garages.
- 17. Grant of wayleaves across the Council's housing land.
- 18. The Council's functions under the Shops Act 1950.
- 19. The provision, maintenance and funding of day centres for the elderly and people who are disabled.
- 20. The issue of proceedings for demotion of council tenancies, possession of Council owned properties forming part of the housing stock, forfeiture of leases and injunctions.
- 21. Animal welfare and licensing, the control of stray dogs and dog control orders.
- 22. The burial of people where no (proper) arrangements have been made.
- 23. Food safety and control including food storage, handling, preparation, transport and exposure for sale.
- 24. Functions under the Shops Act 1950.
- 25. Health and safety at work to the extent that the functions are discharged by the Council in its capacity as an employer under Part 1 Health and Safety at Work ~~etc~~ Act 1974.
- 26. Liaison with the appropriate health authorities.
- 27. The promotion of public health, education, and home safety.

28. The control and prevention of infectious and notifiable diseases and food poisoning.
- ~~29.~~ The control and eradication of rodents, insects and other pests with public health significance or nuisance potential.
- ~~30.~~ Disability issues appropriate to the facilities and activities within the purview of the Council.
- ~~30-31.~~ The prevention or remedy of a statutory nuisance or other pollution matters of concern, the regulation of industrial processes and the implementation of the contaminated land regime under Part IIA Environmental Protection Act 1990.
- ~~31-32.~~ The maintenance of a Port Health operation and border inspection post at Stansted Airport.
- ~~32-33.~~ The administration of grant schemes for the improvement, adaptation or conversion of private sector housing and the disuse or demolition of unfit premises.
- ~~33-34.~~ The licensing of houses of multiple occupancy.
- ~~34-35.~~ To issue any statutory notices and certificates.
- ~~35-36.~~ The following functions under the Anti- Social Behaviour Crime and Policing Act 2014:-
- Power to issue community protection notices under s.43 2.
 - Power to authorise remedial work under s.47 or pursuant to a remedial order made under s.49 3
- ~~36-37.~~ Power to issue fixed penalty notices under ~~ss.~~52 and 68.
- ~~36-38.~~ To deal with the non-contentious applications under the Scrap Metal Dealers Act 2013.
- ~~37~~ 39. The following functions under the Anti-Social Behaviour Crime and Policing Act 2014:-
- Power to issue community protection notices under s.43(2)
 - Power to authorise remedial work under s.47 or pursuant to a remedial order made under s.49(3)
 - Power to issue fixed penalty notices under s.52 and 68
40. Lead Officer for the Housing Board.
- ~~41.~~ Responsible for the appointment and oversight of the Council's Local Authority Designated Officer (LADO) under S11 Children Act 2004.
- ~~42.~~

ASSISTANT DIRECTOR - PLANNING & BUILDING CONTROL

1. Deal with dangerous trees under the Local Government (Miscellaneous Provisions) Act 1976 and to recharge the costs to owners.
2. Determine applications and issue notices under the Building Act 1984, the Building Regulations as amended and allied matters under the Public Health Acts, Clean Air Act 1956 and the Essex Act 1987, and any other relevant legislation.

3. Deal with the operation of the Building (Local Authority Charges) Regulations 1998 and any amendments thereto, along with the Council's scheme for the recovery of charges for Building Regulations purposes.
4. Issue requisitions for Information.
5. Institute legal proceedings for:-
 - a. failure to comply with any statutory notices
 - b. failure to comply with an Enforcement Notice or Stop Notice
 - c. unauthorised display of advertisements
 - d. breaches of the Building Act and Regulations
6. The institution of committal proceedings for breach of an injunction.
- 6.7. Functions associated with the preparation and monitoring of the Locally Determined Highways Programme.
- 7.8. The issue of such statutory notices as may be required in connection with the exercise of the functions delegated to the Council by the Highways Authority.
- 8.9. Minor editorial changes to planning policy documents.
- 9.10. Street names and house numbers.
- 10.11. The promotion of energy efficiency and carbon reduction measures.
- 1 ~~Disability issues appropriate to the facilities and activities within the purview of the Council.~~
12. Determine applications made to the Council pursuant to sections 1 and 3 of schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

ASSISTANT DIRECTOR: ENVIRONMENTAL SERVICES

1. Responsibility for the provision of the Council's waste and recycling services to include oversight of any CCTV equipment installed in the Council's liveried vehicle fleet in consultation with the Assistant Director: Commercial and Change Management.
2. Management of the Council's street cleansing service.
3. Management of the Grounds Maintenance Service.
4. Management of the Highway Rangers service.
5. Responsibility for the Council's vehicle maintenance and testing services.
6. Lead Officer for the Climate Change Working Group.

ASSISTANT DIRECTOR – BUSINESS AND CHANGE MANAGEMENT

1. Proper administration of the Council's Revenues and Benefits Service.

2. Monitoring and quality control of contracts relating to Human Resource advice and support.

3. The administration of Human Resources.:-

4. Responsibility for the oversight of the Council's Procurement function.

5. Responsibility for the Council's Change Management programme.:-

6. Project Management.

7. Economic Development.

8. Parking in conjunction with the North Essex Parking Partnership and other participating bodies.:-

2.

APPENDIX: STATUTORY**1. Statutory Officers**

Legislation requires local authorities to appoint certain officers with statutory responsibilities. These appointments and the officer to whom the council has allocated responsibility are listed below.

<u>Title/Description (and statutory derivation)</u>	<u>Officer appointed</u>
<u>Head of Paid Service</u> <u>(Section 4 – Local Government & Housing Act 1989)</u>	<u>Chief Executive</u>
<u>Monitoring Officer</u> <u>(Section 5 – Local Government & Housing Act 1989)</u>	<u>AD: Legal & Governance</u>
<u>Officer responsible for financial administration</u> <u>(Section 151 – Local Government Act 1972)</u>	<u>Director of Corporate Services</u>
<u>Electoral Registration Officer and Returning Officer</u> <u>(Sections 8, 28 and 35 – Representation of the People Act 1983)</u>	<u>Chief Executive</u>
<u>Scrutiny Officer</u> <u>Head of Overview and Scrutiny (Section 31 – Local Democracy, Economic Development and Construction Act 2009)</u>	<u>AD: Corporate Services</u>

2. Proper officer functions

The following officers are appointed proper officers and will carry out functions in relation to the statutory provisions specified. This list is not necessarily exhaustive and any omission shall not affect the validity of any action or decision taken by the proper officer.

STATUTE AND FUNCTION	PROPER OFFICER
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REPRESENTATION OF THE PEOPLE ACT 1983

<u>Section 8 – The Electoral Registration Officer for the purpose of the registration of electors</u>	Chief Executive; deputies Directors of Finance and of Planning, Monitoring Officer, Electoral Services Manager
<u>Section 28 – The Acting Returning Officer at an election of a Member of Parliament</u>	Chief Executive; deputies as for S8 above.
<u>Section 35 – The Returning Officer at an election of District and County councillors</u>	Chief Executive; deputies as for S8 above.

LOCAL GOVERNMENT ACT 1972

<u>Section 83(1) – The officer to whom a person elected to the office of councillor shall deliver a declaration of acceptance of office on a form prescribed by rules made under Section 42 of the Act</u>	Monitoring Officer
<u>Section 83(3)(b) – The officer before whom a declaration of acceptance of office of chair of council or deputy chair of council may be made</u>	Chief Executive
<u>Section 84 – The officer to whom written notice of resignation of elected office shall be delivered</u>	Monitoring Officer
<u>Section 86 – To declare any vacancy in any office under this section</u>	Chief Executive
<u>Section 88(2) – The officer by whom a meeting of the council for the election of the vacant office of chairperson of the council may be convened</u>	Chief Executive
<u>Section 89(1)(b) – The officer to whom notice in writing of a casual vacancy occurring in the office of councillor may be given by two local government electors for the District</u>	Chief Executive
<u>Section 96 – The officer to whom general notices and recording of disclosures of interests under Section 94 should be given</u>	Monitoring Officer
<u>Section 99 and Schedule 12 – To give notice and send summonses in respect of any council meeting</u>	Chief Executive
<u>Section 100A(6) – To give public notice of any meeting to which the public are entitled to attend, provide copies of agenda and facilities for the press</u>	Chief Executive
<u>Section 100B(2) – The officer to exclude from committees, sub-committees, council or cabinet meeting agendas any information to be dealt with in a meeting from which the public are likely to be excluded</u>	Monitoring Officer
<u>Section 100B(7)(c) – The officer to supply to any newspaper copies of documents supplied to members of committees, sub-committees, council or cabinet meetings in connection with an item for consideration</u>	Monitoring Officer
<u>Section 100C(2) – The officer to prepare a written summary of proceedings of committees, sub-committees, council or the cabinet from which the public were excluded</u>	Democratic Services Manager

STATUTE AND FUNCTION	PROPER OFFICER
Section 100D(1)(a) – The officer to prepare a list of background papers for reports considered by committees, sub-committees, council or the cabinet	Monitoring Officer
Section 100D(5) – The officer to determine which documents constitute background papers and Section 100H – ability to charge for the provision of such documents	Monitoring Officer
Section 100F(2) – The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection	Monitoring Officer

LOCAL GOVERNMENT ACT 1972

Section 100G – To maintain a register of the names and addresses of members and membership of committees, lists of delegations and the like	Democratic Services Manager
Section 115 – The officer to whom money properly due from officers shall be paid	Director of Corporate Services
Section 146 – The officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies	Director of Corporate Services
Section 151 – The officer to be responsible for the proper administration of the authority’s financial affairs (and to issue a report to members if there is or is likely to be unlawful expenditure or an unbalanced budget)	Director of Corporate Services
Section 223 – Authorising officers to attend court and appear on behalf of the council under Local Government Act 1972 and the County Courts Act 1984	AD: Legal & Governance
Section 225(1) – The officer to receive and retain statutory documents on behalf of the authority	Monitoring Officer
Section 229(5) – The officer to certify photographic copies of documents	Litigation Solicitor
Section 233 – The officer to receive documents required to be served on the authority	AD: Legal & Governance/
Section 234(1) and (2) – The officer to authenticate documents on behalf of the authority	AD: Legal & Governance, Directors and CEO.
Section 238 – The officer to certify printed copies of bylaws	Monitoring Officer
Schedule 12 [paragraphs 4(2)(b) & 4(3)] – The officer responsible for the receipt of notices regarding address to which summons to meetings is to be sent	Democratic Services Manager
Schedule 14 [paragraph 25(7)] – The officer responsible for the certification of true copies of resolutions	Monitoring Officer

STATUTE AND FUNCTION	PROPER OFFICER
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LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Section 41 – The officer to certify copies of any resolution, order, report or minutes of proceedings of the authority as evidence in any legal proceedings	Monitoring Officer
Section 16 – Notices requiring details of interest in land	Any officer of the council

LOCAL GOVERNMENT AND HOUSING ACT 1989

Section 2 – The officer to hold on deposit the list of politically restricted posts and Section 2 – provision of certificates as to whether a post is politically restricted	Monitoring Officer
Sections 15-17 (and regulations made thereunder) – The officer to receive notices relating to the membership of political groups	Monitoring Officer

LOCAL GOVERNMENT ACT 2000

The officer responsible for ensuring a proper record is made of cabinet decisions and that the document comprising the authority's forward plan is published in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Democratic Services Manager
To establish and maintain the members' register of interest (Section 81 LGA 2000) and ensure it is available for public inspection	Democratic Services Manager and Monitoring Officer
To ensure that copies of the constitution are available for inspection	Democratic Services Manager
To make payments of relevant allowances in accordance with the council's members allowances scheme	Democratic Services Manager
To defray expenses of any members making official and courtesy visits, receptions and entertainment of distinguished persons visiting the Borough	Chief Executive and Democratic Services Manager

LAND CHARGES ACT 1975

Section 19 – The officer to act as Local Registrar as defined in Section 3 of the Land Charges Act 1975	Monitoring Officer
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STATUTE AND FUNCTION	PROPER OFFICER
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LOCAL GOVERNMENT ACT 2003

Section 25 – Requirement to report to council annually on the robustness of estimates and the adequacy of the proposed financial reserves	Director of Corporate Services
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CIVIL EVIDENCE ACT 1995

To certify council records for the purposes of admitting the document in evidence in civil proceedings	Monitoring Officer
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CRIMINAL JUSTICE AND POLICE ACT 2001

Delegated power to authorise officers to enter premises and seize items where the council has a power of seizure under this Act and to perform other related duties (return and security of seized items)	The Chief Executive
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LOCAL GOVERNMENT FINANCE ACT 1988

Section 114 – The officer to be responsible for the proper administration of the authority’s financial affairs (and to issue a report to members if there is or is likely to be unlawful expenditure or an unbalanced budget)	Director of Corporate Services
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STATUTE AND FUNCTION	PROPER OFFICER
Section 116 – Notification to the council’s auditor of any meeting to be held under Section 115 of the 1988 Act (meeting to consider any report of the Chief Finance Officer under Section 114)	Director of Corporate Services
Section 139A – Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required	Director of Corporate Services

LOCAL GOVERNMENT (CONTRACTS) ACT 1997

Certification of relevant powers to enter into contracts	The Chief Executive, & Director of Corporate Services and posts designated in accordance with article 10.01(b) as chief officers
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OTHER MISCELLANEOUS PROPER OFFICER FUNCTIONS

Any other miscellaneous proper or statutory officer functions not otherwise delegated by the authority	Chief Executive or his/her nominee
Responsibility for the proper exercise of the Council’s function as Port Health Authority for Stansted Airport.	AD: Housing Health and Communities or his/her nominee
Local Authority Designated Officer (Safeguarding) under the Children Act 2004	Assistant Director: Housing Health and Communities or his/her nominee

Agenda Item 9

Committee: Governance, Audit and Performance Committee

Date:

29 September 2022

Title: Local Government Ombudsman Report 2021/22

Report Author: Peter Holt, Chief Executive

pholt@uttlesford.gov.uk

Tel: 01799 510400

Summary

1. The annual review letter has been received from the Local Government Ombudsman summarising the complaints relating to the Council's services dealt with by the Ombudsman's office for the year ended 31 March 2022.
2. This report also details the complaints and compliments received by the Council in the same period.

Recommendations

3. To note the contents of the Ombudsman's annual review letter and the position with regards to complaints and compliments for the year ended 31 March 2022.

Financial Implications

4. The Council was found at fault in relation to two complaints and required to apologise and pay compensation. The total amount of compensation for both complaints totalled £400.00. A summary of the complaints and the Ombudsman's findings are included in paragraph 10.

Background Papers

5. The papers referred to by the author in the preparation of this report are mentioned in the body of the report and are already published.

Impact

- 6.

Communication/Consultation	Review reports are published on the Council's and the Ombudsman's websites
Community Safety	N/A
Equalities	N/A

Health and Safety	N/A
Human Rights/Legal Implications	Residents and users of the Council's services are able to complain to the Ombudsman about the handling of complaints where the complainant is dissatisfied with the service or response received, within time limits
Sustainability	N/A
Ward-specific impacts	All wards
Workforce/Workplace	N/A

Situation

7. The Council's annual review letter has been received from the Local Government & Social Care Ombudsman and is attached at Appendix A. It lists 19 complaints received and these were made up as follows:

Benefits & Tax	3
Corporate & Other Services	5
Environmental Services & Public Protection & Regulation	2
Housing	1
Planning & Development	8
Total	19

8. The decisions in respect of the complaints are summarised below:

Upheld	2	Details provided in paragraph 10 of this report
Not upheld	2	1 no maladministration found 1 no worthwhile outcome to be achieved by investigating
Closed after initial enquiries	9	2 complaints there was no alleged maladministration or service failure 3 complaints had the right to refer to other entities 2 complaints were not deemed to have a worthwhile outcome achievable by an investigation

		1 complaint about the council's handling of its finances was deemed to affect most of the people in the council's area and not an individual 1 complaint was out of the jurisdiction of the Ombudsman
Referred back for local resolution	4	3 complaints were prematurely submitted 1 complaint had previously been considered
Advice given	2	Complaints were deemed to be about third parties
Total	19	

9. Thirteen of the 19 complaints detailed above had exhausted the Council's complaints procedure before referral to the Ombudsman.
10. As previously mentioned, there were two cases where the Council was found at fault and was required to apologise and pay compensation, the full decisions are available on the Ombudsman's website although summarised below:
- a. Mr C complained about the way in which the Council handled his temporary event notice (TEN) and the advice provided about his party during a period of Covid-19 restrictions. He complained that the Council failed to provide the correct information and advice about the party and misled Mr C about whether he could hold the party. Mr C said that the Council's actions meant the party plans were changed at the last minute which cause him financial loss and significant distress.

The Ombudsman found fault with the Council for the way the TEN application was handled and the way the Council communicated about the party. Mr C took the approval of the TEN as confirmation that his party could go ahead. The Investigator concluded, that having read the emails and listened to the calls, that he could understand why Mr C felt his party could go ahead from both a licensing and Covid-19 compliance perspective. The Council should have told Mr C the party was likely to be unlawful under Covid-19 restrictions as soon as it became aware and missed opportunities to provide Mr C with clear and timely advice when he made the TEN application.

The investigator noted that the party was arranged for a time when Covid-19 restrictions were in place which were subject to review and change at any point, there could have been a last-minute change for other Covid-19 related reasons.

The Council advised, later than it should have, that the party could not go ahead as planned. The investigator noted the difficult situation Mr C

was in when faced with having to change or cancel his party, although made clear it was his decision to go ahead with the party,

The investigator concluded that the injustice was not the cost of the party and the time Mr C spent organising it, as the party was not cancelled. It just did not happen in the way Mr C wanted or had planned. The investigator said they were left with the uncertainty of what may have happened if the Council had recognised the issues and communicated them to Mr C earlier. The investigator determined that the Council caused Mr C distress because of the way it communicated with him about the party and agreed an action for the Council to apologise to Mr C and pay £250 in recognition of the distress it caused him.

- b. Mr B complained about the way the Council decided a planning application for development near his property. In particular that the Council had failed to properly consider the impact of the development on his amenity and failed to follow the Council's planning guidance.

Mr B said the Council failed to reconsult him, other neighbours and the highways team on significant amendments to the plan, failed to ensure the development complies with the Essex Design Guide in terms of separation distances, failed to correctly assess the affected window (and loss of amenity) in Mr B's property and failed to ensure the Planning Committee considered the application. Mr B said the approved development affected his privacy and caused him significant distress.

In response to the investigator's enquiries the Council acknowledged it would have been better to have notified neighbours of the revised scheme. Although the Council considered it made a sound decision, it agrees the case officer's justification in the delegate report is confused and compounded by the incorrect reference to an absence of first floor windows in Mr B's property. The Council explained there were delays in responding to Mr B's complaint due to staff leaving. The Council also suggested it should issue an apology and make a time and trouble payment.

The investigator agreed with the Council's view that while its decision not to reconsult neighbours on the amended plans was justifiable, it would have been better to have done so. Whilst this may have caused Mr B some frustration, he and other residents found the amended plans and submitted their objections which were considered by the Council. The investigator considers the injustice caused by this fault was minimal.

The investigator agreed the case officer's report misrepresented the windows in Mr B's property and incorrectly considered the alleged absence of first floor windows mitigated the overlooking. This was deemed a fault by the investigator. It caused Mr B frustration and distress as he did not understand why the decision had been made in

contravention of the Essex Design Guide. In conclusion the investigator did not consider the outcome would have been different had the Council described Mr B's property correctly. While the Council was aware this was less than 15 metres, the additional changes to the windows themselves further reduced the impact to an acceptable level, because overlooking from those windows was physically very difficult and less likely due to the internal layout changes. These mitigations are allowed for in the Essex Design Guide.

The investigator agreed that the Council took too long to respond to Mr B's complaint. He welcomed the Council's offer to make a time and trouble payment to Mr B to recognise the injustice he was caused by the incorrect description of his property. The Council had to formally apologise, and Mr B was awarded a payment of £150.

11. In both these cases the letters of apology were sent from the Chief Executive. Payment in respect of the complaint at 10a was declined by the complainant, although the Ombudsman concluded the Council had completed the remedy to the best of its ability. In the case of the complaint detailed in paragraph 10b, the time and trouble payment was accepted.
12. In the previous annual review letter for the period 2020/21 there were 4 complaints received. One was closed because the complainant had the use and availability of appeal rights and therefore fell outside the jurisdiction of the Ombudsman. One complaint was undecided at the time and now appears in this report at paragraph 10b. One complaint was not investigated because it was unlikely that a further investigation to that which the Council had already carried out would lead to a different outcome. The final complaint was in relation to a disabled facilities grant which was subject of a report to Council due to the financial consequences.
13. The Housing Ombudsman does not issue annual letters, having checked with the service, they report two complaints for the 2021/22 period that have been investigated by the Housing Ombudsman. The first relates to the Council's handling of a complaint regarding a boundary hedge maintenance dispute where the Council was found at fault and the tenant awarded a total of £250.00 for poor communication and complaint handling. The second complaint relates to a leaseholder boundary dispute which is ongoing.
14. Attached at Appendix B is a summary of complaints received by the Council during the 2021/22 period to enable a contrast to be drawn between the number of overall complaints referred for internal investigation and the number then referred onwards for investigation by the Ombudsman.
15. These complaints are reviewed quarterly by the Council's Corporate Management Team in order to share any lessons learnt. In general these are small in number, the main reason for complaints would appear to relate to either a delayed response or a lack of communication from officers.
16. It is acknowledged that the number recorded as 'complaints' does not represent the genuine level of complaints received by the Council. Issues of dissatisfaction raised directly with services are often apologised for and

resolved without being formally recorded. Therefore, it is reasonable to assume the recorded complaints reflect 'stage 2' complaints where the matter has been escalated to a senior service manager.

17. Similarly, the level of recorded compliments will be an under representation of the numerous occasions residents and customers recognise the excellent work of our staff.

Risk Analysis

18.

Risk	Likelihood	Impact	Mitigating actions
1 – full investigation of complaints referred to the Ombudsman is always undertaken	2 – in cases where fault has been found it might be necessary to provide a remedy to satisfy the complainant and in some cases changes to internal procedures followed by service areas	2 – where a change of process is required to meet a recommendation from the Ombudsman it may have some impact on service provision	As recommended by the Ombudsman – sometimes a review of internal practices may be required if significant failings in service provision are identified

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

20 July 2022

By email

Mr Holt
Chief Executive
Uttlesford District Council

Dear Mr Holt

Annual Review letter 2022

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2022. The information offers valuable insight about your organisation's approach to complaints. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

Complaint statistics

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

Complaints upheld - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

Compliance with recommendations - We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

Satisfactory remedy provided by the authority - In these cases, the organisation upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 27 July 2022. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

Supporting complaint and service improvement

I know your organisation, like ours, will have been through a period of adaptation as the restrictions imposed by the pandemic lifted. While some pre-pandemic practices returned, many new ways of working are here to stay. It is my continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic. Through the lens of this recent upheaval and adjustment, I urge you to consider how your organisation prioritises complaints, particularly in terms of capacity and visibility. Properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members are capable of providing valuable insight about an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery.

I want to support your organisation to harness the value of complaints and we continue to develop our programme of support. Significantly, we are working in partnership with the Housing Ombudsman Service to develop a joint complaint handling code. We are aiming to consolidate our approaches and therefore simplify guidance to enable organisations to provide an effective, quality response to each and every complaint. We will keep you informed as this work develops, and expect that, once launched, we will assess your compliance with the code during our investigations and report your performance via this letter.

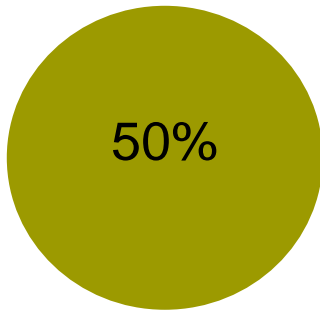
An already established tool we have for supporting improvements in local complaint handling is our successful training programme. We adapted our courses during the Covid-19 pandemic to an online format and successfully delivered 122 online workshops during the year, reaching more than 1,600 people. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



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

Complaints upheld



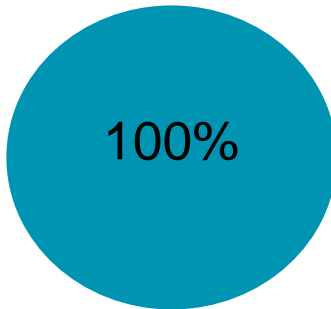
50% of complaints we investigated were upheld.

This compares to an average of **51%** in similar organisations.

2
upheld decisions

Statistics are based on a total of **4** investigations for the period between 1 April 2021 to 31 March 2022

Compliance with Ombudsman recommendations



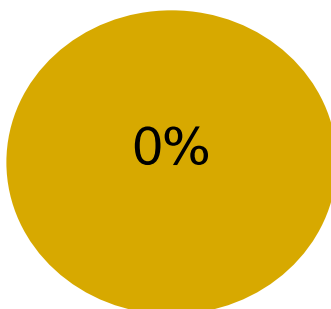
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **100%** in similar organisations.

Statistics are based on a total of **1** compliance outcome for the period between 1 April 2021 to 31 March 2022

- Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedy provided by the organisation



In **0%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **20%** in similar organisations.

0
satisfactory remedy decisions

Statistics are based on a total of **2** upheld decisions for the period between 1 April 2021 to 31 March 2022

Reference	Authority	Category	Decided	Decision	Decison Reason	Remedy
20013051	Uttlesford District Council	Planning & Development	11/10/21	Not Upheld	No worthwhile outcome achievable by further investigation	
20013660	Uttlesford District Council	Planning & Development	27/05/21	Closed after initial enquiries	Other reason not to investigate	
21000160	Uttlesford District Council	Benefits & Tax	26/10/21	Not Upheld	no mal	
21000835	Uttlesford District Council	Planning & Development	15/06/21	Closed after initial enquiries	Not warranted by alleged mal/service failure	
21004490	Uttlesford District Council	Benefits & Tax	11/08/21	Closed after initial enquiries	26(6)(a) tribunal Other	
21004533	Uttlesford District Council	Corporate & Other Services	27/08/21	Closed after initial enquiries	26(6)(c) Court remedy	
21004991	Uttlesford District Council	Corporate & Other Services	26/07/21	Closed after initial enquiries	Sch 5.4 personnel	
21005292	Uttlesford District Council	Benefits & Tax	29/09/21	Closed after initial enquiries	No worthwhile outcome achievable by investigation	
21008290	Uttlesford District Council	Environmental Services & Public Protection &	03/02/22	Upheld	mal & inj	Apology,Financial redress: Avoidable distress/time and trouble
21008847	Uttlesford District Council	Corporate & Other Services	28/10/21	Closed after initial enquiries	Not warranted by alleged mal/service failure	
21009493	Uttlesford District Council	Planning & Development	29/09/21	Referred back for local resolution	Premature Decision - advice given	
21011176	Uttlesford District Council	Planning & Development	30/03/22	Upheld	mal & inj	Apology,Financial redress: Avoidable distress/time and trouble
21012349	Uttlesford District Council	Housing	04/01/22	Closed after initial enquiries	Sch 5.5A/5.5B Social housing landlord	
21012392	Uttlesford District Council	Environmental Services & Public Protection &	18/11/21	Referred back for local resolution	Premature Decision - advice given	
21012756	Uttlesford District Council	Planning & Development	06/01/22	Advice given	Body not in jurisdiction	
21015803	Uttlesford District Council	Corporate & Other Services	22/02/22	Advice given	Previously considered and decided	
21017608	Uttlesford District Council	Corporate & Other Services	02/03/22	Closed after initial enquiries	Sec 26(7) - all or most	
21017622	Uttlesford District Council	Planning & Development	07/03/22	Referred back for local resolution	Premature Decision - advice given	
21018276	Uttlesford District Council	Planning & Development	15/03/22	Referred back for local resolution	Premature Decision - advice given	

Appendix B

2021/22 COMPLAINTS	Q1 Total Complaints	Number upheld/part upheld	Q2 Total Complaints	Number upheld/part upheld	Q3 Total Complaints	Number upheld/part upheld	Q4 Total Complaints	Number upheld/part upheld
Benefits	1	1	1	1	0	0	0	0
Council Tax & Recovery	10	4	10	4	9	4	6	2
Electoral Services	1	0	0	0	0	0	0	0
Environmental Health	9	3	1	0	5	1	5	3
Housing	6	0	8	2	5	1	5	1
Legal	0	0	2	1	0	0	1	0
Planning	11	3	17	7	12	7	11	4
Environmental Services	2	0	4	1	1	1	2	1
	40	11	43	16	32	14	30	11

Summary of upheld/part upheld complaints

Q1 – 11 complaints

7 - administrative errors, for example, letters sent to wrong addresss, misunderstanding customers instruction, responses not clear

4 - delays in responding, for example, lack of communication and delay caused by departure of officer, delays in dealing with correspondence

Q2 – 16 complaints

11 - delays in responding, for example, late responses and customers had to chase responses to correspondence

5 - dissatisfaction with service, for example, lateness of refusal for mutual exchange due to eligibility, delays in pre-app appointments, dissatisfaction with pre-app service

Q3 – 14 complaints

4 - administrative errors, for example, errors updating addresses, not notifying of an appeal despite submitting a rep letter

7 - delays in responding, for example, late responses and customers had to chase responses to correspondence

3 - dissatisfaction with service, for example, 4 month wait for Council Tax bill after being advised of occupancy

Q4 – 11 complaints

4 - administrative errors, for example, writing to deceased resident when previously notified

4 - delays in responding, for example, late responses and customers had to chase responses to correspondence

3 - dissatisfaction with service, for example, in providing replacement bins

2021/22 COMPLIMENTS	Q1	Q2	Q3	Q4
Economic Development	2			1
Electoral Services		1	2	1
Environmental Health	1			
Environmental Services		2	1	1
Housing			4	
Planning		2	1	1
Uttlesford Norse			5	
	3	5	13	4

Agenda Item 10

Committee:	Governance, Audit & Performance Committee	Date:	Thursday 29 th September 2022
Title:	Quarter 1 2021/22 Performance Indicator Report		
Report Author:	Paula Evans, Customer Services & Performance Manager pevans@uttlesford.gov.uk 01799 510636	Key Decision:	No

Summary

1. This report presents the Quarter 1 2022/23 outturn and data analysis for all Key Performance Indicators (KPIs) and Performance Indicators (PIs) monitored and reported across the authority.
2. Overall the report identifies a drop in performance levels when analysing both short (Q1 22/23 vs Q4 21/22) and long (Q1 22/23 vs 21/22) term trends. Although the majority of indicators have attained a green status it is evident that performance of these indicators is declining.
3. The Performance Team actively work with the Corporate Management Team to identify how and why indicator performance has been impacted. Where necessary performance improvement plans are identified and progressed with relevant service managers.

Recommendations

4. None

Financial Implications

5. There are no financial implications associated with 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 - None

Impact




- 7.

Communication/Consultation	None
Community Safety	None
Equalities	None beyond service improvement on the equalities performance indicator

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




Situation

8. Appendix A presents the data for Quarter 1 2022/232 (1st April 2022 to 31st June 2022) for each individual Key Performance Indicator (KPI) and Performance Indicator (PI) collected and reported by the authority during this quarter.
9. Data for the majority of PIs is collected and reported on a quarterly basis; no data is available for PIs monitored on an annual or half-yearly basis during this time period. All outturn data is highlighted and shown in bold.
10. Performance is monitored against all targets agreed by the Corporate Management Team and members of the Governance, Audit and Performance Committee as part of the authority's formal performance monitoring process.
11. For comparison purposes, the report contains data for Quarter 1 2022/23 and the previous four quarters. Presenting these consecutive quarters of data enables both short and long term comparisons to be made, as represented in the trend arrows included for each PI.
12. All data and performance notes have been reviewed by the Corporate Management Team and members of the Informal Cabinet Briefing group.
13. When reviewing performance for Quarter 1 2022/23, it can be noted that the majority of indicators are meeting target and are at a 'green' status:

Status	Quarter 1 2022/23	
	20	64%
	3	10%
	8	26%
Total	31*	100%

** 31 of the 33 tabled indicators have a reported outturn status*

14. When analysing indicator achievement in Quarter 1 2022/23 in comparison to Quarter 4 2021/22, it can be seen that performance in the short-term has dropped slightly across both 'green' and 'red' statuses but remained constant for those with an 'amber' statuses for comparable indicators.

Status	Quarter 4 2021/22		Quarter 1 2022/23	
	19	70%	17	63%
	3	11%	3	11%
	5	19%	7	26%
Total	27*	100%	27*	100%

** 27 of the 33 tabled indicators can be compared with regard to short term performance levels*

15. There are three KPIs that have not met their target for Quarter 1 but are within the 10% threshold and have an 'amber' status:

- KPI 01 Percentage of invoices paid within 30 days of receipt by UDC
- KPI 07 The level of achievement attained under the Equality Framework for Local Government
- KPI 17 Local Council Tax Support Collection Rate

16. There are three KPIs that have exceeded the 10% performance threshold for Quarter 1 and have a 'red' status:

- KPI 06 (b) Time taken to process Housing Benefit/Council Tax Benefit change events (days)
- KPI 08 (a) Average re-let time in days (all re-lets including time spent in works)
- KPI 20 Average days lost per FTE through sickness absence

17. Insurance PIs

Following a review of the three insurance related performance indicators with senior Finance Officers, the following should be noted:

- PI 60 Reflects a straight count of claims made for the quarter/year (depending on reporting period)
- PI 63 (formerly PI 62) Reflects a straight count of claims closed for the quarter/year (depending on reporting period)
- PI 64 (formerly PI 61) Reflects a snapshot of total claims ever made vs total claims ever settled at a given point in time (end of reporting period i.e. end Q1, Q2 etc. or year-end). As a result of the change in the way the indicator is calculated, a revised target of 80% has been introduced.

18. If members have any questions regarding the data, or would like to see a more detailed analysis on a particular indicator, then please do not hesitate to contact the report author.

Risk Analysis

19.

Risk	Likelihood	Impact	Mitigating actions
If performance indicators do not meet quarterly/annual areas then areas such as customer satisfaction and statutory adherence to government led requirements could be affected leading to a loss in reputation for the Council.	2 – The majority of performance measures perform on or above target. Where necessary, accompanying notes to individual performance indicators detail improvement plans.	3 – The majority of service areas in the Council are customer-facing.	Performance is monitored by CMT, and the Governance, Audit & Performance Committee on a quarterly basis. The inclusion of five quarters of data helps to identify trends. Where necessary, the Performance Team provides trend analysis to support CMT and Service Managers in improving performance.

1 = Little or no risk or impact

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

3 = Significant risk or impact – action required








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

Appendix A: Quarter 1 2022/23 PI Data








Appendix B: PI 46 & 47 snapshot data as @ 16.08.22

APPENDIX A


Directorate: CHIEF EXECUTIVE

Communities								
PI Code & Short Name	Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Short Term Trend	Long Term Trend	Performance Note
Page 107 PI 07 The level of achievement attained under the Equality Framework for Local Government (max)	Outturn	Developing (1)	Developing (1)	Developing (1)	Achieving (2)	Achieving (2)		
	Status							
	Target	Achieving (2)	Achieving (2)	Achieving (2)	Achieving (2)	Excellent (3)		
Q1 2022/23 UDC EFLG self-assessment is 'Achieving' <ul style="list-style-type: none"> The continuation of work with commissioned external EDI expert to assist the lead EDI Officer in the development of a series of awareness raising events for internal and external participation The delivery of further awareness raising sessions in 2022/2023 with conversations around LGBTQ+ and Pregnancy in progress, engaging with specialised agencies, and inviting members of the community to share lived experiences The action plan continues to be reviewed as a living document and shared with Equalities Cabinet lead, along with regular reports for Cabinet on EDI activity and the outcomes from the Community Listening awareness sessions Regular promotion on the UDC social media platforms of key commemorative dates Develop in-house/online training for EQHIA completion – business case drafted for the allocation of corporate funding for delivery Develop staff networks with the support of senior management, including the introduction of menopause mentors with the opportunity to achieve recognised online certified attainment - business case drafted for the allocation of corporate funding Develop a Corporate Equality Standards Working Group with support of senior management and members – championed by Assistant Director 								

Democratic & Electoral Services

PI Code & Short Name		Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Short Term Trend	Long Term Trend	Performance Note
PI 21 Percentage of minutes from meetings made available to the public within 10 working days (max)	Outturn	72%	80%	78%	93%	97%			<u>Q1 2022/23</u> Numerator: 29 Denominator: 30 Performance for this PI has moved into a green status for various reasons; there is no longer a need to carry-out a number of Covid-related duties such as pre-arranged seating plans and staggered arrival times and the team is now settled and well versed in their responsibilities with a new recruit who joined in December already up to speed with all responsibilities by the end of Q1.
	Status								
	Target	95%	95%	95%	95%	95%			
















Environmental Health (Commercial)

PI Code & Short Name		Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Short Term Trend	Long Term Trend	Performance Note
Page 141 PI 41 Percentage of routine food hygiene premises inspections completed within the quarter (max)	Outturn	Data not recorded	Data not recorded	Data not recorded	Data not recorded	60%			<u>Q1 2022/23</u> This quarter has seen the reintroduction to the service of formal figure-based PI targets for the first time since the lockdowns. PI Targets are based on inspection of food premises that routinely generate a target date based on the risk score given at its previous inspection. The Q1 target was set at a 90% achievement level but has fallen considerably short achieving 60%. The reasons for this are multi fold: <ul style="list-style-type: none"> • Businesses have not yet returned to normal trading hours. • Officers are still transitioning back from a targeted work programme based on risk priority to one again based on both proactive inspection work and reactive work • Officers are still addressing the backlog of the lower risk premises (D-E) that forms part of the Food Standard Agency recovery plan (FSA) • Vacancies in the Service were only filled in the last month of the quarter, limiting officer time available to inspect some premises allocated to them. This underperformance within the PI targets is not considered to be a long-term issue and as the “due” inspections list begin to repopulate to pre pandemic numbers and greater stability in inspecting officer resource achieved.
	Status	N/A	N/A	N/A	N/A		N/A	N/A	
	Target	98%	98%	98%	98%	90%			

Housing Strategy & Operations									
PI Code & Short Name		Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Short Term Trend	Long Term Trend	Performance Note
KPI 08 (a) Average re-let time in days (all re-lets including time spent in works) (min)	Outturn	40	46.9	46	49	56	↓	↓	<u>Q1 2022/23</u> Numerator: 1,877 (days void) Denominator: 33 (lets) 43 of the 56 days were spent with repairs, the rest with the lettings process.
	Status								
	Target	42	42	42	42	42			
PI 16 Number of households living in temporary accommodation (min)	Outturn	24	21	19	34	25	↑	↓	<u>Q1 2022/23</u> Snapshot as @ 30 June 2022: Count: 25 Bed and Breakfast: 12 Uttlesford District Council: 13 Move-on accommodation from TA remains in short supply due to the lack of vacancies coming through in either council stock and in particularly in Housing Association new build numbers. This means people are spending longer in TA and consequently the numbers in bed and breakfast is higher than we would like. Local private sector rents are fewer and far between and also mainly unaffordable to our client base.
	Status								
	Target	18	18	18	18	18			

Legal Services									
PI Code & Short Name		Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Short Term Trend	Long Term Trend	Performance Note
PI 06 Percentage of standard searches carried out in 10 working days (max)	Outturn	100%	99.73%	99.74%	100%	100%	-	-	<u>Q1 2022/23</u> Numerator: 414 Denominator: 414
	Status								
	Target	100%	100%	100%	100%	100%			

Environmental Services

PI Code & Short Name		Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Short Term Trend	Long Term Trend	Performance Note
KPI 14 Percentage of household waste sent for reuse, recycling and composting (LAA) (max)#	Outturn	51.93%	53.98%	50.00%	50.00%	52.48%	↑	↑	<u>Q1 2022/23</u> Numerator: 4,486.92 (recycling and composted) Denominator: 8,550.37 (total domestic waste arising) Please note: This outturn is currently an estimate. Final figure to be confirmed asap.
	Status								
	Target	52.00%	52.00%	52.00%	52.00%	52.00%			
KPI 15 (b) Percentage of collections of waste and recyclables successfully made on first visit (max)	Outturn	99.99%	99.99%	99.99%	99.99%	99.99%	-	-	<u>Q1 2022/23</u> Numerator: 1,021,043 (no. of successful collections) Denominator: 1,021,176 (total no. of scheduled collections) 133 bins (general & recyclable waste) were reported as missed from 1st April to 30th June
	Status								
	Target	99.97%	99.97%	99.97%	99.97%	99.97%			
PI 48 Attainment of 'Green' for Operator Compliance Risk Score (Yes or No)	Outturn	YES	YES	YES	YES	YES	-	-	<u>Q1 2022/23</u> The Transport Office is now available again to formally record and monitor performance of this indicator. Processes for monitoring maintenance records and driver records are in place to ensure compliance with operator license undertakings.
	Status								
	Target	YES	YES	YES	YES	YES			

Directorate: CORPORATE SERVICES

Benefits									
PI Code & Short Name		Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Short Term Trend	Long Term Trend	Performance Note
KPI 04 Accuracy of processing - HB/CTB claims (max)	Outturn	98.77%	99.38%	98.69%	99.41%	99.40%	↓	↑	<u>Q1 2022/23</u> Numerator: 165 Denominator: 166 135 New claims and 31 Change of circumstances checked in quarter 1 of 2022/23, and 1 financial error has been identified, giving an accuracy rate of 99.40%. Target of 98% continues to be achieved due to proactive checking arrangements which identify any potential training issues quickly and allows prompt and appropriate training to be undertaken.
	Status								
	Target	98.00%	98.00%	98.00%	98.00%	98.00%			
KPI 06 (a) Time taken to process Housing Benefit/Council Tax Benefit new claims (days) (min)	Outturn	14.5	15.9	14.5	12.8	16.6	↓	↓	<u>Q1 2022/23</u> Numerator: 3,836 Denominator: 231 50 new claims to Housing Benefit (HB) were processed taking a total of 695 days. 181 new claims to Local Council Tax Support (LCTS) were processed taking 3,141 days. This is a combined total of 231 new claims taking 3,836 days; an average of 16.61 days
	Status								
	Target	19.0	19.0	19.0	19.0	19.0			
KPI 06 (b) Time taken to process Housing Benefit/Council Tax Benefit change events (days) (min)	Outturn	7.9	10.2	6.4	5.1	12.2	↓	↓	<u>Q1 2022/23</u> Numerator: 55,776 Denominator: 4,574 1,279 changes in circumstance to Housing Benefit (HB) were processed taking a total of 3,295 days. 3,295 changes in circumstance to Local Council Tax Support (LCTS) were processed taking 48,643 days. This is a combined total of 4,574 changes taking 55,776 days; an average of 12.19 days. The overall increase in time taken is directly attributed to staff shortages (to which we have now recruited) and a continual high volume of Universal Credit (UC) Change of Circumstance notifications in respect of LCTS claims. It is predicted that the volume of UC notifications will reduce in Q2 meaning the KPI target of 7 days should be achievable by next reporting period.
	Status								
	Target	7.0	7.0	7.0	7.0	7.0			

Customer Services

PI Code & Short Name		Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Short Term Trend	Long Term Trend	Performance Note
PI 44 Percentage of customer enquiries resolved at first point of contact by CSC Advisors: enquiries are all calls through main 510510 IVR menu and emails to uconnect, garden waste and waste aware inboxes (max)	Outturn	84%	83%	82%	82%	87%	↑	↑	<u>Q1 2022/23</u> Numerator: 25,797 Denominator: 29,622 The target for this PI has been exceeded this quarter which demonstrates how well the CSC team are developing; their confidence and knowledge base has grown to allow them to deal with multiple communication channels at first point of contact. The figures below highlight how effectively the CSC have handled calls at FPC for the top 3 busiest departments for this quarter: Total Council tax calls = 5,977 FCR calls 5,649 (95%) Total Waste calls = 3,575 FCR calls 3,512 (98%) Total Housing Management/Home options calls = 2,058 FCR calls 1,629 (79%) The performance of this PI will be maintained with ongoing development of all CSC staff and continued training with back offices, particularly those with a lower FCR, in order to keep CSA's up to date with all current council information.
	Status	✓	✓	✓	✓	✓			
	Target	82%	82%	82%	82%	83%			

Finance

PI Code & Short Name		Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Short Term Trend	Long Term Trend	Performance Note
KPI 01 Percentage of invoices paid within 30 days of receipt by UDC (max)	Outturn	99.70%	99.70%	100.00%	100.00%	97.30%	↓	↓	<u>Q1 2022/23</u> Numerator: 1,384 Denominator: 1,422 1,384 invoices had no issues but 38 needed more intervention after they were entered onto the system. Further investigation on the 38 invoices show it was a mixture of invoices being billed before the goods were received and handover gaps from staff members leaving and new staff taking on the roles needing some training.
	Status	✓	✓	✓	✓	⚠			
	Target	98.00%	98.00%	98.00%	98.00%	98.00%			

PI Code & Short Name		Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Short Term Trend	Long Term Trend	Performance Note
PI 60 Number of Insurance Claims made for the period (min)	Outturn	3	7	13	8	15	↓	↓	Q1 2022/23 There have been 15 insurance claims during Q1 of 22/23. The incident dates of seven of the claims were prior to 1 April 2022, but these were not logged until after 1 April 2022. There have been eight claims registered for the period 1 April – 30 June 2022. The delay in setting up claims is being reviewed to ensure all claims are registered in a timely manner.
	Status								
	Target	9	9	9	9	8			
PI 63 Number of Insurance Claims closed for the period (max)	Outturn					9	N/A	N/A	Q1 2022/23 9 claims were closed in Q1 22/23 against total claims made (not just claims made in quarter 1). The closed claims are for 4 motor claims, 4 public liability and one property claim.
	Status	N/A	N/A	N/A	N/A				
	Target					2			
PI 64 Percentage of Insurance Claims settled against the number of Insurance Claims made (max)	Outturn					85%	N/A	N/A	Q1 2022/23 This represents the total number of claims closed/resolved against the total number of claims made. At the time of writing this report there are 37 open claims being assessed by the Insurance company.
	Status	N/A	N/A	N/A	N/A				
	Target					80%			

Human Resources									
PI Code & Short Name		Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Short Term Trend	Long Term Trend	Performance Note
KPI 20 Average days lost per FTE through sickness absence (min)	Outturn	8.10	10.22	9.94	9.49	10.48	↓	↓	Q1 2022/23 Numerator: 2,917 (Total no. FTE days sickness absence in rolling year) Denominator: 278.33 (Average FTE during rolling year) There has been an increase in the average sickness absence per employee over the last quarter. Both short and long term absences have increased and targeted work is being undertaken to reduce absences and support employees. Our headcount numbers have reduced by 5% which will have an impact on these figures.
	Status								
	Target	8.70	8.50	8.90	8.30	9.30			

PI Code & Short Name		Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Short Term Trend	Long Term Trend	Performance Note
KPI 21 Average number of days lost per FTE through short-term sickness absence (min)	Outturn	0.76	1.46	5.30	1.51	1.70	↓	↓	<u>Q1 2022/23</u> Numerator: 473.63 (Total no. FTE absence days for short-term sickness in rolling quarter) Denominator: 278.33 (Average FTE during rolling quarter) There has been a small increase in short term absences which have mainly been due to minor ailments such as colds/upset stomachs and COVID related illnesses.
	Status								
	Target	0.95	0.95	0.95	0.95	4.60			
KPI 22 Average number of days lost per FTE through long-term sickness absence (min)	Outturn	1.285	1.27	4.63	0.27	0.77	↓	↑	<u>Q1 2022/23</u> Numerator: 215.14 (Total no. FTE absence days for long-term sickness in rolling quarter) Denominator: 278.33 (Average FTE during rolling quarter) There has been a small increase in long term absences which have mainly been due to operations, mental health conditions and muscular/back pain. We are proactively dealing with long term sickness cases to reduce sickness absence and support our employees.
	Status								
	Target	1.05	1.05	1.05	1.05	4.80			

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PI Code & Short Name		Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Short Term Trend	Long Term Trend	Performance Note
PI 20 Percentage of IT help Desk calls resolved within target (max)	Outturn	95.10%	95.10%	96.70%	96.50%	96.30%	↓	↑	<u>Q1 2022/23</u> Outturn data is sourced from the in-built analytics and reporting modules within the FreshService helpdesk system. Quarterly outturn data will include resolutions from historical tickets raised before the start of the quarter. The ICT Team are currently meeting SLA and are now fully staffed.
	Status								
	Target	96.00%	96.00%	96.00%	96.00%	96.00%			

Museum									
PI Code & Short Name		Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Short Term Trend	Long Term Trend	Performance Note
PI 49 Users of the Museum Service (max)#	Outturn	759	2,610	2,102	3,156	2,284	↓	↑	Q1 2022/23 User figures are about 15% below the target originally set in the hope that recovery of visitor figures post-pandemic would be quicker, though learning and outreach activities continue to make a strong contribution. While the hot weather and opportunities for travel continue, indoor venues may continue to experience lower visit numbers. It is expected that August figures will improve with a new exhibition and outdoor event, plus outdoor holiday activities on the Castle site. Cumulative: 2,284
	Status								
	Target	500	1,500	2,000	2,000	2,700			







Revenues									
PI Code & Short Name		Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Short Term Trend	Long Term Trend	Performance Note
KPI 03 Percentage of Non-domestic Rates Collected (max) *	Outturn	27.44%	52.18%	78.96%	96.62%	32.38%	↑	↑	Q1 2022/23 Numerator: £15,105,647.9 Denominator: £46,646,709.43 Collection slightly above target. CARF reliefs amounting to £2.2million have been applied which will have contributed.
	Status								
	Target	29.60%	58.40%	86.20%	95.00%	29.60%			
KPI 05 Percentage of Council Tax collected (max) *	Outturn	29.35%	57.08%	84.075%	98.70%	29.76%	↓	↑	Q1 2022/23 Numerator: £22,670,093.10 Denominator: £76,180,154.36 Target met despite the issues with the economy and energy crisis.
	Status								
	Target	29.60%	58.40%	86.20%	98.00%	29.60%			

PI Code & Short Name		Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Short Term Trend	Long Term Trend	Performance Note
KPI 16 Rent collected as percentage of rent owed (including arrears b/f) (max) *	Outturn	93.57%	96.08%	97.26%	97.67%	92.76%	↑	↓	<u>Q1 2022/23</u> Numerator: £4,196,961.88 Denominator: £4,524,707.91 Cumulative: Numerator: £4,196,961.88 Denominator: £4,524,707.91 (92.76%) This PI has exceeded the target due to focusing on rent collection. However the figure is down on the same quarter last year as the current cost of living rises are impacting collection.
	Status	✓	✓	✓	✓	✓			
	Target	89.00%	94.00%	95.00%	97.00%	89.00%			
KPI 17 Local Council Tax Support Collection Rate (max) *	Outturn	24.33%	46.38%	65.69%	82.43%	24.16%	↑	↓	<u>Q1 2022/23</u> Numerator: £222,710.58 (Net Receipts) Denominator: £921,882.61 (Total Net Liability) Target 25%, Collection Rate 24.16% The reduced collection rate is due to the ongoing cost of living crisis.
	Status	⚠	⚠	⚠	⚠	⚠			
	Target	25.00%	50.00%	69.00%	89.00%	25.00%			
KPI 03 Percentage of sundry debt income overdue (debts over 90 days old not subject to a payment agreement) (min)	Outturn	2.1%	2.3%	3.3%	4.7%	11.3%	↓	↓	<u>Q1 2022/23</u> Numerator: £134,608.01 (Debt over 90 Days old) Denominator: £1,191,705.82 (Total Outstanding Debt) The balance for invoices outstanding for over 90 days has increased. Close monitoring of these accounts is being undertaken to ensure the debt is recovered as soon as possible.
	Status	✓	✓	✓	⚠	⚠			
	Target	4.0%	4.0%	4.0%	4.0%	4.0%			
PI 51 Current Rent Arrears as a percentage of the annual rent debit (excluding HB adjustment) (min)	Outturn	2.48%	2.71%	2.75%	2.48%	2.64%	↓	↓	<u>Q1 2022/23</u> Numerator: £46,925.24 Denominator: £4,134,494.24 YTD: Numerator: £437,138.91 Denominator: £16,537,976.96 Cumulative = 2.64% This PI is currently exceeding target due to continued focus on rent collection within the Housing Income team. However the figure is down on the same quarter last year as the current cost of living rises are impacting collection.
	Status	✓	✓	✓	✓	✓			
	Target	3.00%	3.00%	3.00%	3.00%	2.90%			

Directorate: PLANNING

Planning: Support & Advice									
PI Code & Short Name		Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Short Term Trend	Long Term Trend	Performance Note
PI 32 Percentage of Major Planning Applications validated within 5 working days (max)	Outturn	99.42%	98.72%	99.58%	99.50%	99.00%			<u>Q1 2022/23</u> Numerator: 820 Denominator: 828 The team continue to work hard to maintain service levels for the validation of applications. All major and non-major applications are validated within the 5 working days, in this instance there were 9 'everything else' applications which went slightly over. Working from home for a majority of the team hasn't impacted on the speed of validation.
	Status								
	Target	95.00%	95.00%	95.00%	95.00%	95.00%			

Planning: Development Management									
PI Code & Short Name		Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Short Term Trend	Long Term Trend	Performance Note
PI 46 Quality of Decisions: Percentage of Appeals Upheld for Major Planning Applications as a Proportion of Major Application Decisions Made (min) #	Outturn	<i>Data for this indicator is monitored by the Planning Committee on a regular basis. A snapshot of the latest performance levels is included as an appendices to this report.</i>							<u>Q1 2022/23</u> Performance currently within target. However, some key majors following inquiries emerging from appeals in Q2. We will aim to keep this figure below 10%, however noting a historic pipeline may affect the figure, and noting that for the purposes of de-designation our 2 year rolling average will remain above 10% into 2023 at best.
	Status								
	Target								

PI Code & Short Name		Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Q1 2022/23	Short Term Trend	Long Term Trend	Performance Note	
PI 47 Quality of Decisions: Percentage of Appeals Upheld for Non-Major Planning Applications as a Proportion of Non-Major Application Decisions Made (min) #	Outturn	<i>Data for this indicator is monitored by the Planning Committee on a regular basis. A snapshot of the latest performance levels is included as an appendices to this report.</i>								<u>Q1 2022/23</u> Performance is within target, and well below designation trigger of 10%. However, there is a need to analyse trends specifically around heritage.
	Status									
	Target									
PI 70 Processing of Planning Applications: Major Applications (within 16 weeks [16 weeks with EIA] or including any agreed extension of time) (max)	Outturn	100.00%	50.00%	87.50%	87.50%	83.33%	↑	↓	<u>Q1 2022/23</u> Majors on target. Although should be aiming for 100! Better use of EOTs within major management is breeding better case management. Hold up on processing of S106s (mainly through ECC).	
	Status									
	Target	60.00%	60.00%	60.00%	60.00%	80.00%				
PI 71 Processing of Planning Applications: Non-Major (8 weeks or including any extension time) (max)	Outturn	N/A				85.49%	N/A	N/A	<u>Q1 2022/23</u> Newly introduced indicator for 2022/23 collection	
	Status									
	Target					80.00%				

APPENDIX B

PI 46 & 47 Snapshot as at 16.08.22

Criteria:
Quality

District matter Majors	Non-majors
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Quarter 01
Quarter 02
Quarter 03
Quarter 04
Quarter 05
Quarter 06
Quarter 07
Quarter 08

	All Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending	Result	Non-Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending	Result
Apr - Jun 2020	11	2	1	1	0	0	0.00%	275	74	22	11	9	2	3.27%
July - Sept 2020	8	2	2	0	2	0	25.00%	303	75	34	26	8	0	2.64%
Oct - Dec 2020	4	3	2	1	1	0	25.00%	341	105	30	18	11	1	3.23%
Jan - Mar 2021	11	5	4	2	2	0	18.18%	321	84	17	11	4	2	1.25%
Apr - Jun 2021	5	4	2	1	0	1	0.00%	414	115	26	12	11	3	2.66%
Jul - Sept 2021	5	2	1	0	1	0	20.00%	386	95	35	6	10	19	2.59%
Oct - Dec 2021	16	9	5	1		4	0.00%	285	60	16	3	2	11	0.70%
Jan - Mar 2022	8	4	2			2	0.00%	188	43	13	1		12	0.00%
total	68	31	19	6	6	7	8.82%	2513	651	193	88	55	50	2.19%

Minimum level
required

10.00%

10.00%

By virtue of paragraph(s) 1, 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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